

WASTE QUESTIONNAIRE

Waste Framework Directive

Legal basis

Council Directive 75/442/EEC of 15 July 1975 on waste (OJ L 194 25.07.1975 p. 39)

EUR-Lex hyperlink [html](#)

A. Which parts of the provisions of the Directive have been transposed?

Main legislation with respect to the Waste Framework Directive are:

- The Law No.2872 on Environment (Official Gazette: 11 August 1983, no 18132) as amended by the Law No.5491 (Official Gazette: 13 May 2006, no 26167)
- The Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102),
- By-laws in the field of waste.

Provisions of the Waste Framework Directive that are transposed:

- Article 1 (definitions of producer, management and disposal),
- Article 2 (non covered wastes),
- Article 3 (general principles),
- Article 4 (general principles),
- Article 6 (identifying the competent authority/ies),
- Article 7 (establishing waste management plans),
- Article 8 (recovery and disposal responsibilities of producer),
- Article 9 (permitting system for disposal facilities),
- Article 10 (permitting system for recovery facilities),
- Article 12 (establishing a registration system),
- Article 13 (establishing an inspection and enforcement mechanism),
- Article 14 (keeping appropriate records),
- Article 15 (establishing full cost recovery mechanism in accordance with the polluter pays principle,
- Annex I (waste categories)
- Annex II (disposal and recovery operations)

B. When is transposition foreseen for the remaining measures?

Under the Waste Management (TR03-EN-01) component of “Support To Turkey In The Field Of Air Quality, Waste Management And Chemicals Project” financed under 2003 EU Pre-Accession Financial Assistance, technical studies are carried out to establish the necessary capacity within the Ministry of Environment and Forestry to transpose and implement 6 EU Directives namely; (94/62/EC) Packaging and Packaging Waste Directive, (75/442/EEC) Waste Framework Directive, (91/689/EC) Hazardous Waste Directive, (2000/76/EC) Incineration Directive, (99/31/EC) Landfill Directive and (93/259/EC) Shipment of Waste Directive.

In this respect, technical studies regarding the preparation of a draft By-law on Waste Framework are in progress.

C. What have been achieved as regards:

- **Identifying the competent authority/ies (Art. 6)**

According to Articles 2 and 9 of the Law No. 4856, the Ministry of Environment and Forestry is the competent authority responsible for determining principles, strategies, plans and programmes on waste management.

Responsibilities on implementation of municipal waste management legislation are given

- to metropolitan municipalities according to Article 7(i) of the Law No.5216 on Metropolitan Municipality (Official Gazette: 23 July 2004, no 25531),
 - to municipalities according to Article 14(a) of the Law No.5393 on Municipality (Official Gazette: 13 July 2005, no 25874),
 - to metropolitan municipalities and municipalities according to Article 11 of the Law No.2872 on Environment,
 - to Special Provincial Administrations for settlements outside of municipal borders according to Article 6(b) of the Law No.5302 on Special Provincial Administration (Official Gazette: 04 March 2005, no 25745).
- **Defining ‘waste’ (Art. 1 and Annex I)**

There are waste definitions in the Law on Environment No. 2872 and By-laws on waste. The By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755) addresses waste categories in Annex I of Waste Framework Directive.

- **Establishing waste management plans (Art. 7)**

The By-law on Hazardous Waste Control and Law on Environment No.2872 address establishment of waste management plans.

According to Article 6 of the By-law on Hazardous Waste Control, the Ministry of Environment and Forestry is authorized to prepare national hazardous waste management plans. According to Article 11 of the Law on Environment No.2872, the Ministry of Environment and Forestry determines rules and principles for preparation of waste management plans.

Municipalities are responsible for preparation of waste management plans according to

- Articles 9 and 32 of the By-law on Medical Waste Control (Official Gazette: 22 July 2005, no 25883),
- Articles 8 and 28 of the By-law on Packaging and Packaging Waste Control (Official Gazette: 30 July 2004, no 25538)
- Article 8 of the By-law on Excavation Soil, Construction and Demolition Waste Control (Official Gazette: 18 March 2004, no 25406),

Furthermore, according to Article 7 of the Law on Metropolitan Municipality, preparations of solid waste management plans are under the responsibility of metropolitan municipalities.

Technical studies are in progress under the Twinning Project on Waste Management.

- **Establishing an integrated and adequate network of disposal installations (Art. 5)**

Technical studies related to establishing a network system are in progress by using the outputs of the “Institutional Building & Access to Environmental Information” Project, (TR/0203.03/003) financed under 2002 EU Pre-Accession Financial Assistance.

- **Establishing full cost recovery mechanism in accordance with the polluter pays principle (Art. 15)**

The Law on Environment No.2872, and By-laws on Waste address this issue.

According to Article 3 of Law on Environment No.2872, polluters are responsible for paying the cost of limitation, prevention and elimination of pollution.

Waste producers are obliged to pay the expenditures of management of their waste according to,

- Articles 5 and 9 of the By-law on Hazardous Waste Control,
 - Articles 5, 9, 10 and 12 of the By-law on Waste Oil Control, (Official Gazette: 21 January 2004, no 25353),
 - Articles 5, 9, 10 and 17 of the By-law on Packaging and Packaging Waste Control,
 - Article 5 of the By-law on Control of Used Batteries and Accumulators (Official Gazette: 31 August 2004, no 25569),
 - Articles 8 and 23 of the By-law on Medical Waste Control,
 - Articles 5, 9 and 17 of the By-law on Excavation Soil, Construction and Demolition Waste Control,
 - Articles 5 and 11 of the By-law on Waste Vegetable Oil Control (Official Gazette: 19 April 2005, no 25791).
- **Establishing a permitting system for establishments/undertakings carrying out disposal or recovery operations (Arts. 9 & 10)**

The Law No.4856 on Establishment and Duties of the Ministry of Environment and Forestry, the Law on Environment No.2872, and other by-laws on waste addresses establishing a permitting system for establishments/undertakings carrying out disposal or recovery operations.

A permitting system has been built up for establishments/undertakings carrying out disposal or recovery operations.

According to Article 9 of Law No.4856, the Ministry of Environment and Forestry is responsible for issuing licence to disposal facilities, monitoring and cancelling of licences if necessary. In addition to this, any natural and legal persons who want to construct and operate waste disposal and waste recovery plants shall be obliged to get a pre-licence and licence from the Ministry of Environment and Forestry.

Technical basis related to issuing pre-licence/licence exists in;

- Articles 10, 27, 28 and 29 of the By-law on Hazardous Waste Control,
 - Articles 10, 11, 36, 37 and 38 of the By-law on Excavation Soil, Construction and Demolition Waste Control,
 - Articles 36, 37 and 38 of the By-law on Packaging and Packaging Waste Control,
 - Articles 11, 24, 25 and 26 of the By-law on Waste Oil Control,
 - Articles 9, 45, 49, 50 and 51 of the By-law on Medical Waste Control,
 - Articles 14, 21, 22 and 23 of the By-law on Used Batteries and Accumulators Control and
 - Article 11, 21 and 22 of the By-law on Waste Vegetable Oil Control.
- **Establishing a registration system for relevant establishments/undertakings (Art. 12)**

By-laws on waste and the Law on Environment No.2872, address this issue. A registration system for establishments/undertakings, which are not subject to authorization, has been built up.

Any person or establishment carrying out waste collection and transportation excluding municipal waste is obliged to get licence from the Ministry of Environment and Forestry. Technical basis of transportation licences is determined by the By-laws on waste.

Technical details related to taking transportation licence exist in;

- Articles 11, 12 and 13 of the By-law on Hazardous Waste Control,
- Articles 16,17 and 18 of the By-law on Waste Oil Control,
- Articles 9 and 29 of the By-law on Medical Waste Control,
- Article 17 of the By-law on Used Batteries and Accumulators Control,
- Article 24 of the By-law on Excavation Soil, Construction and Demolition Waste Control and
- Articles 13 and 14 of the By-law on Waste Vegetable Oil Control.

Establishments or undertakings carrying out collection and transportation of waste not subject to licensing procedure are registered by the Ministry of Environment and Forestry according to Article 11 of the Law on Environment No.2872.

Technical studies are in progress under the Twinning Project on Waste Management.

- **Establishing an effective inspection and enforcement mechanism (Art. 13)**

Principles of establishing an effective inspection and enforcement mechanism exist in:

- The Law on Establishment and Duties of the Ministry of Environment and Forestry No.4856,
- The Law on Environment No.2872, and
- Other By-laws on waste.

The Ministry of Environment and Forestry is responsible for control and inspection of establishments or undertakings which carry out disposal and recovery of waste according to Article 9 of the Law No.4856 and Article 12 of the Law No.2872. According to by-laws on waste, the Ministry of Environment and Forestry has also inspection and enforcement rights for disposal and recovery facilities.

All waste disposal and recovery establishments are inspected by the Ministry of Environment and Forestry according to

- Article 6 of the By-law on Hazardous Waste Control,
- Articles 6 and 41 of the By-law on Packaging and Packaging Waste Control,
- Article 46 of the By-law on Solid Waste Control (Official Gazette: 14 March 1991, no 20814)
- Articles 6 and 53 of the By-law on Medical Waste Control,
- Articles 6 and 45 of the By-law on Excavation Soil, Construction and Demolition Waste Control and
- Article 6 of the By-law on Waste Vegetable Oil Control.

In addition rules and principles of an integrated environmental inspection were determined by the By-law on Environmental Inspection (Official Gazette: 30 January 2003, no 25009).

- **Requiring establishments/undertakings to keep appropriate records (Art. 14)**

By-laws on waste address this issue.

Any person, establishments and undertakings which carry out disposal and recovery of waste are obliged to keep appropriate records containing quantity, origin, nature, destination, mode of transport and treatment methods. These establishments have to send all documents to the Ministry of Environment and Forestry periodically and submit to the Ministry of Environment and Forestry for investigation on request.

Technical basis related to keeping appropriate records exists in:

- Articles 10, 12 and 28 of the By-law on Hazardous Waste Control,
- Articles 9, 11 and 25 of the By-law on Waste Oil Control,
- Articles 10, 11, 23, 32 and 40 of the By-law on Excavation Soil, Construction and Demolition Waste Control,
- Articles 16, 23, 24 and 37 of the By-law on Packaging and Packaging Waste Control,
- Articles 8, 9, 30, 42, 45, 46, 48 and 50 of the By-law on Medical Waste Control and
- Articles 12, 14, 16 and 22 of the By-law on Control of Used Batteries and Accumulators.

- **Establishing reporting and data recording systems (Art. 16)**

The Law No.4856 addresses this issue. The Ministry of Environment and Forestry is authorized to collect environmental data and evaluate according to Article 9 (t), and to prepare environmental inventory and environment status report according to Article 10 (b) of the Law.

Technical studies related to establishing a network system are carried out by using the outputs of the “Institutional Building & Access to Environmental Information” Project.

Mining Waste Directive

Legal basis

European Parliament and Council Directive 2006/21/EC on the management of waste from the extractive industries (not yet published in OJ) Eur-Lex reference not yet available

Does relevant legislation exist at national level?

The By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755) and the By-law on Permission of Mining Activities (Official Gazette: 21 June 2005, no 25852) address issues regarding mining waste.

Article 48 of the By-law on Hazardous Waste Control states that the Ministry of the Environment and Forestry will determine the principles of collection, transportation, treatment and disposal of mining waste.

Article 91 of the By-law on Permission of Mining Activities states that mining waste is covered under the specially treated waste. This article states that the By-law regarding the management of mining waste will be prepared in collaboration between the Ministry of Environment and Forestry and the Ministry of Energy and Natural Resources.

Are any procedural / technical requirements of the directive already applied?

Technical studies need to be initiated following the publication of the Directive on Mining Waste.

Are there any requirements in place for preventing/minimising major accidents related to mining waste?

Technical studies need to be initiated following the publication of the Directive on Mining Waste.

Hazardous Waste

Legal basis

Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (OJ L 377 31.12.1991 p. 20) EUR-Lex hyperlink [html](#)

By-Law on The Hazardous Waste Control (BLHWC) (OJ 25755; 14.03.2005)

A. Which parts of the provisions of the Directive have been transposed?

All the requirements and provisions of the Directive related to hazardous waste management have been transposed into National Legislation by the By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755).

B. When is transposition foreseen for the remaining measures?

No remaining measures to be transposed.

C. What have been achieved as regards?

- **Identifying the competent authority/ies**

The Ministry of Environment and Forestry is the competent authority responsible for implementation of the By-law. Pursuant to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority on waste management.

Pursuant to Articles 7, 8, 9 and 10 of the By-Law, the Provincial Directorates of Ministry of Environment and Forestry, Municipalities, waste producers and disposers are responsible for implementation of the By-law.

- **Establishing a list of hazardous waste (Art. 1.4 and Decision 94/904/EC or Decision 2000/532/EC)**

The full list of hazardous waste and the concentration limits laid down in 2000/532/EC was transposed to the By-law as Annexes VI and VII, including mirror entries. The list has the same EWC codes and the classification system is based upon an aggregation of waste from the source as sectoral basis.

- **Requiring the permitting or registering of establishments/undertakings that carry out recovery/disposal operations (Art. 3)**

According to Articles 27 and 28 of the By-law, natural and legal persons, who intend to establish, operate and monitor hazardous waste recovery, final disposal and intermediate storage plants, should obtain a license (permit) from the Ministry of Environment and Forestry. License conditions are given in Annexes XIII and XIV.

- **Requiring CAs to draw up plans for hazardous waste management (Art. 6)**

In the By-law;

- Pursuant to Article 9(b), waste producers are obliged to draw up hazardous waste management plans covering projections for the next three years and get an approval from the Provincial Directorates of the Ministry of Environment and Forestry.
- Pursuant to Article 7(l), the Provincial Directorates of the Ministry of Environment and Forestry are obliged to draw up plans for their territories taking into consideration the plans of waste producers.
- Pursuant to Article 6(b) the Ministry of Environment and Forestry is responsible for drawing up regional hazardous waste management plans.

In this framework, the Ministry of Environment and Forestry has started technical studies in order to develop national and regional plans for hazardous waste management by taking into consideration of the outcomes of EU funded projects (2002 Financial Cooperation Programme: Technical Assistance for Environmental Heavy-Cost Investment Planning, Turkey (TR/0203.03/001) and 2003 Financial Cooperation Programme: Support to Turkey in the Fields of Air Quality, Chemicals and Waste Management Project Component 3: Twinning Project (TR 03-EN-01)).

- **Requiring all tipping of hazardous waste to be recorded and identified (Art. 2.1.)**

There is a requirement of record keeping in the permit conditions for all establishments or undertakings which recover or dispose of hazardous waste. According to the Article 10(r) of the By-law, all natural and legal persons who intend to establish, operate or monitor hazardous waste recovery, final disposal or intermediate storage plants should keep a record of the quantity, nature, origin, and destination, mode of transport and treatment method. There are forms used for reporting called as mass equation balance forms. They contain a record of the quantity, nature origin, destination, frequency of collection and treatment method. For recovery operations they also contain information about where the final product is sold. Copies of these documents have to be sent to the Ministry of Environment and Forestry and kept in the facility at least 5 years.

- **Establishing rules regarding mixing of wastes (Art. 2)**

Article 5(f, g and h) of the By-law regulates this issue. It is prohibited to mix hazardous waste with other waste. If the wastes have already been mixed and it is not economically and technically feasible to separate them, they are treated totally as hazardous waste according to the Article 5(h) of the By-law.

- **Requiring appropriate records to be kept and made available to the CA(Art 4)**

According to the Article 9(g) of the By-law waste producers are obliged to fill the waste declaration form annually which contains information about the previous year (produced waste amount, type, recovery/disposal (R/D)method, transportation mode, the R/ D facility, etc.) and to submit it to the Ministry of Environment and Forestry. Also pursuant to Article 9(h), in case of transportation of hazardous waste, it is compulsory to keep waste tracking forms (in Annex IX) in vehicles to realize transportation process. One copy of this form has to

be sent to Ministry of Environment and Forestry and previous waste holder by the disposer after disposal. All specifications related to the wastes are covered on these forms and have to be kept 3 years according to the Article 12 of the By-law. All hazardous waste recovery, final disposal or intermediate storage plants should keep a record called as mass equation balance forms and these records have to be submitted to the Ministry of Environment and Forestry periodically. All these documents are available to competent authorities at the facility, upon request.

- **Requiring transport of hazardous waste to be accompanied by an identification form (Art. 5)**

Where hazardous waste is transferred within the State or out of State, it is required to be accompanied by a tracking form containing the relevant details specified in the movement/tracking form of EC. The procedure is the same with the 259/93/EC requirements (Article 12 and Annexes IXA, IXB and X of the By-law). According to the By-law pursuant to Articles 11 and 12, it is compulsory to keep waste tracking forms in vehicles to realize national and international transportation process.

- **Requiring the proper packaging and labelling of hazardous waste (Art. 5)**

According to the By-law pursuant to Article 9(m) for temporary storage, pursuant to Articles 11 and 13 for transport international packing, labelling and transportation standards shall be followed.

- **Establishing an effective inspection and enforcement system (Arts. 4 & 5)**

Fundamentals and methods of environmental inspection are determined by the By-law on Environmental Inspection (Official Gazette: 30 January 2003, no 25009). There is a system of periodic inspection (annually) covering all facilities that produce or deal with hazardous waste. All waste disposal and recovery establishments are inspected by the Ministry of Environment and Forestry according to Articles 6 and 7 of the By-law. The effective inspection and enforcement system is being provided by cross-checking and examining of the waste declaration forms, tracking forms and mass equation balance forms which have to be kept at the facility by all dealers (waste producer, disposer and transporter).

- **Establishing a reporting and data recording systems (Art. 8)**

Technical studies related to establishing a network system are carried out by using the outputs of the “Institutional Building & Access to Environmental Information” Project, (TR/0203.03/003) financed under 2002 EU Pre-Accession Financial Assistance. All the documents (waste declaration forms, tracking forms and mass equation balance forms) that have to be submitted to the Ministry of Environment and Forestry were incorporated into the system. The studies are in progress in order to realize this system.

Waste Oils

Legal basis

Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils (OJ L 194 25.07.1975 p. 23) EUR-Lex hyperlink [html](#)

A. Which parts of the provisions of the Directive have been transposed?

Main legislation with respect to waste oils is the By-law on Waste Oils Control (Official Gazette: 21 January 2004, no 25353).

Articles 1, 2, 3, 4, 5.1, 5.2, 6, 7, 10, 12, 13 of the Directive (75/439) exist in the By-law on Waste Oils Control.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress under “Harmonization And Implementation of EC Directives Related to Special Waste Project” (TR/2004/IB/EN/01) financed under 2004 EU Pre-Accession Financial Assistance for implementation of the five EU Waste Directives including Waste Oils Directive (75/439/EEC).

C. What have been achieved as regards:

- **Identifying the competent authority/ies**

According to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority responsible for determining principles, strategies, plans and programmes on waste management.

Based on the Article 31 of the By-law on Waste Oils Control, the Ministry of Environment and Forestry is determined as the competent authority.

- **Establishing a system for registering collectors of WO (Art. 5)**

Articles 12 and 13 of the By-law lay down provisions on the permit application for waste motor oil quotas and application of quota on waste motor oil and liabilities. Based on the mentioned provisions, quota implementation has become obligatory for oil producers, aiming at collecting the waste oils on the basis of “Producer Responsibility Principle.”

In order to register the whole collection activities, legal and natural persons dealing with waste oil transportation, regeneration and disposal issues are licensed by the Ministry of Environment and Forestry. In this system, waste oil can be monitored through the national waste transportation forms from its generation point until its disposal. The data from the collected transportation forms are entered into the electronic media and the sum of collected waste oils amounts are reported annually.

PCB/PCT

Legal basis

Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)
(OJ L 243 24.09.1996 p. 31)

A. Which parts of the provisions of the Directive have been transposed?

Technical studies are in progress under “Harmonization And Implementation of EC Directives Related To Special Waste Project” (TR/2004/IB/EN/01) financed under 2004 EU Pre-Accession Financial Assistance, to establish the necessary system, institutional structure, the institutional capacity and the legal framework and to strengthen the regulatory cycle for implementation of the following five EU Waste Directives in Turkey. The study covers Waste Catalogue (2000/532/EC), Waste Oil (75/439/EEC), PCB/PCT (96/59/EC), Used battery and Accumulator (91/157/EEC and 98/101/EC), End of Life Vehicle (2000/53/EC) Directives.

In this respect, technical studies regarding the preparation of a draft By-law on Control of Wastes containing PCB/PCT are in progress in line with provisions of the Directive 96/59/EC.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress as explained above.

C. What have been achieved as regards:

- **Identifying competent authority/ies**

In the national legislation, according to the Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority. The By-Law on Hazardous Waste Control, (Official Gazette: 14 March 2005, no 25755) states that the Ministry of Environment and Forestry is the competent authority on disposal of PCB/PCT's.

- **Establishing programmes for the disposal/decontamination of equipment containing PCBs (Art. 3)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing and updating inventories of equipment containing PCBs (Art. 4)**

Data regarding the inventories of equipment containing PCB/PCT, had been compiled within the “Enabling Activities to Facilitate Early Action on the Implementation of Stockholm Convention on POPs in Turkey” Project (GF/TUR/03/008), which is financed by Global Environmental Facility (GEF) started in 2004.

- **Requiring holders of equipment containing PCBs to notify competent authority (Art. 4)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Ensuring equipment is labelled (Art. 4)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring PCB-disposal undertakings to maintain registers (Art. 4)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Deciding whether to develop installations for the disposal etc of PCBs and contaminated equipment (Art. 8)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Subjecting certain decontamination/disposal operations are subject to a permit system (Art. 8)**

Disposal operations for the waste containing PCB are carried out in accordance with Annex II-A of the By-Law on Hazardous Waste Control.

Regarding the decontamination operations, technical studies are in progress under Twinning Project on Special Waste Management.

- **Implementing measures for decontaminating transformers (Art. 9)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Prohibiting the separation of PCBs (Art. 5)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Prohibiting the filling of transformers (Art. 5)**

According to the Article 41 of the By-Law on Dangerous Chemicals (Official Gazette: 11 July 1993, no 21634), production and import of PCB's are prohibited as of 01.01.1996, practically prohibiting filling of transformers with PCB's.

- **Prohibiting the incineration of PCB on ships (Art. 7)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing an effective inspection and enforcement system**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing a reporting system**

Not applicable before membership.

Waste Shipment Regulation

Legal basis

Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 030 06.02.1993 p. 1)

Council Regulation (EC) No 1420/1999 of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste (OJ L 166 01.07.1999 p. 6) EUR-Lex [hyperlink](#) [html](#) [pdf](#)

A. What have been achieved as regards:

- **Designating the competent authority/ies (Arts. 36 & 37)**

Pursuant to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority on waste management. Besides, pursuant to Article 13 of the Law No.2872 on Environment, the Ministry of Environment and Forestry is the competent authority defining the requirements on shipment (transit, export and import) of hazardous waste.

The Ministry of Transport, the Undersecretariat of Foreign Trade, the Undersecretariat of Customs, and the Undersecretariat for Maritime Affairs are also responsible for implementation of this Regulation.

- **Identifying any national legislation that will require to be repealed on accession**

Chapter 8 of the By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755) is related to transboundary movements of waste. It contains provisions concerning import, export and transit of waste. Besides, the Communiqué for Standardization, which is issued and updated every year by the Undersecretariat of Foreign Trade, gives the lists of waste that is subject to import and the list of waste which undergoes import ban. The import of waste is being realized in a controlled manner.

There are technical studies regarding the preparation of a draft By-law on Shipments of Waste under the Waste Management (TR 03/IB/EN/01) component of “Support To Turkey In The Field Of Air Quality, Waste Management And Chemicals Project” financed under 2003 EU Pre-Accession Financial Assistance.

- **Establishing a system for supervision and control of waste within the national territory (Art. 13)**

Chapter 8 of the By-law on Hazardous Waste Control contains the provisions concerning transboundary movements of waste (export, import and transit). According to the By-law, the waste producers have to use the Waste Movement/Transportation Forms within the national territory during the transport of waste. This form is in compliance with the European Waste Tracking Form. Based on the Article 12 and Annexes IX-A, IX-B and X of the By-Law, the

procedure of transport of waste within the national territory is in compliance with the procedure laid down in the Council Regulation (EEC) No: 259/93.

- **Establishing a system for the supervision and control of waste shipments to, from and through the national territory (Titles IV, V and VI, Regulation EC/1420/1999 and Regulation EC/1547/1999)**

Chapter 8 of the By-law on Hazardous Waste Control and the Communiqué for Standardization are being applied for shipments of waste. There is a Notification Form in Annex X of the By-law on Hazardous Waste Control. The Notification Form in Annex-X is in compliance with the Basel Convention notification system and prior written consent is being applied for export and transit (Turkey is party to Basel Convention and it was ratified in 1994).

The Communiqué for Standardization which is issued by the Undersecretariat of Foreign Trade and updated annually is being applied for import of some kind of waste. There are two kinds of lists of waste in the Communiqué. These lists are: (1) lists of waste subject to controlled import and (2) list of waste which undergo import ban.

- **Requiring that shipments of waste are subject to financial guarantee or equivalent insurance (Art. 27)**

Pursuant to Article 13 of the Law No.2872 on Environment, natural or legal persons who intend to realize shipment of waste are obliged to have financial irresponsibility insurance in order to ensure that they will secure the environment and human life if any accident occurs.

- **Establishing a system to handle cases of illegal traffic of waste (Art. 26)**

According to the Article 47 of the By-law on Hazardous Waste Control, the exporter shall ensure to take the waste back to its country by the exporter or the producer or the exporter country, within 30 days as from the date of notification of the illegal traffic or within another period agreed upon by the relevant Parties. In case of illegal traffic, the procedures of Basel Convention on Control of Transboundary Movement of Waste are being applied.

Penalties are regulated in Article 49 of the By-law on Hazardous Waste Control.

- **Establishing a system to handle situations when shipments of waste cannot be completed (Art. 25)**

According to the Article 45(e) of the By-law on Hazardous Waste Control, in case transboundary movement of the waste is not completed according to the provisions of this By-law, the exporter country shall ensure to take them back within 90 days as from the notification of the importer country or within another period agreed upon by the relevant countries.

- **Establishing an effective monitoring system, including inspections and spot checks on shipments of waste (Art. 30)**

This issue will be taken into consideration during the technical studies for the preparation of a draft By-law on Shipment of Waste, where also the output of the Twinning Project on Waste Management (TR 03/IB/EN/01) will be taken into account.

- **Establishing an effective document database (Art. 35)**

Technical studies related to establishing a network system are carried out by using the outputs of the “Institutional Building & Access to Environmental Information” Project, (TR/0203.03/003) financed under 2002 EU Pre-Accession Financial Assistance.

Landfill Directive

Legal basis

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.07.1999 p. 1) EUR-Lex hyperlink [html](#) [pdf](#)

A. Which parts of the provisions of the Directive have been transposed?

Main legislation with respect to the Landfill of Waste are:

- The By-law on Solid Waste Control, (Official Gazette: 14 March 1991, no 20814),
- The By-law on Hazardous Waste Control, (Official Gazette: 14 March 2005, no 25755),
- The By-law on Excavated Soil, Construction and Demolition Waste Control, (Official Gazette: 18 March 2004, no 25406).

Following provisions of Landfill Directive exist in the national legislation:

- Art. 2 (a), (b), (c), (e), (h), (k), (l), (n), (o), (k), (p)
- Art. 4
- Art. 6 (c)- (i), (ii), (d)
- Annex I. General requirements for all classes of landfills:
 - Location
 - Water control and leachate management
 - Protection of soil and water.
 - Nuisances and hazards
 - Stability.
 - Barriers

B. When is transposition foreseen for the remaining measures?

Under the Waste Management (TR 03/IB/EN/01) component of “Support To Turkey In The Field Of Air Quality, Waste Management And Chemicals Project” financed under 2003 EU Pre-Accession Financial Assistance, technical studies are in progress to establish the necessary capacity within the Ministry of Environment and Forestry to transpose and implement 6 EU Directives namely; (94/62/EC) Packaging and Packaging Waste Directive, (75/442/EEC) Waste Framework Directive, (91/689/EC) Hazardous Waste Directive, (2000/76/EC) Incineration Directive, (99/31/EC) Landfill Directive and (93/259/EC) Shipment of Waste Directive.

In this respect, technical studies regarding the preparation of a draft By-law on Landfill of Waste are in progress.

C. What have been achieved as regards:

- **Designating the competent authority/ies (Art. 2(p))**

According to Articles 2 and 9 of the Law on Establishment and Duties of Ministry of Environment and Forestry No. 4856 (Official Gazette: 08 May 2006, no 25102), the Ministry of Environment and Forestry is the competent authority responsible for determining principles, strategies, plans and programmes on waste management.

And also there are provisions regarding this issue in the:

- The By-law on Solid Waste Control Articles 1, 2 and 48.
- The By-law on Hazardous Waste Control Articles 1, 2, 6(a) and 52.
- The By-law on Excavated Soil, Construction and Demolition Waste Control Articles 1, 2, 6 (a), (c), and 48.

Responsibilities on implementation of municipal waste management legislation are given

- to metropolitan municipalities according to Article 7(i) of the Law No.5216 on Metropolitan Municipality (Official Gazette: 23 July 2004, no 25531),
- to municipalities according to Article 14(a) of the Law No.5393 on Municipality (Official Gazette: 13 July 2005, no 25874),
- to metropolitan municipalities and municipalities according to Article 11 of the Law No.2872 on Environment,
- to Special Provincial Administrations for settlements outside of municipal borders according to Article 6(b) of the Law No.5302 on Special Provincial Administration (Official Gazette: 04 March 2005, no 25745).

Technical studies are in progress under Twinning Project on Waste Management (TR 03/IB/EN/01).

- **Preparing and implementing a national strategy reducing the amount of biodegradable municipal waste going to landfill (Art. 5)**

Article 8 of the By-law on Packaging and Packaging Waste Control (Official Gazette: 30 July 2004, no 25538) states that landfilling of packaging material made of paper and carton is forbidden.

Technical studies are in progress under Twinning Project on Waste Management.

- **Requiring conditioning plans for existing landfill sites (Art. 14)**

Technical studies are in progress under Twinning Project on Waste Management.

- **Classifying landfill sites (Art. 4)**

Section 5 of the By-law on Solid Waste Control, Section 7 and Annex XI-A of the By-law on Hazardous Waste Control and Section 6 of the By-law on Excavated Soil, Construction and Demolition Waste Control address classification of landfill sites.

Technical studies are in progress under Twinning Project on Waste Management

- **Establishing the content of applications for landfill permits (Art. 7)**

Articles 27, 28, Annexes XIII, XIV of the By-law on Hazardous Waste Control, and Article 36 of the By-law on Excavated Soil, Construction and Demolition Waste Control address the content of applications for landfill permits.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing permit conditions (Arts. 8, 9 & 14)**

Articles 7, 10, 27, 28, Annex XIII, XIV of the By-law on Hazardous Waste Control and Articles 8, 36, 37, 41, 45 and Annex III of the By-law on Excavated Soil, Construction and Demolition Waste Control address permit conditions.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing waste acceptance procedures (Arts. 5, 6 & 11)**

Articles 22, 32 of the By-law on Solid Waste Control; Articles 10, 12, 15, 38 and Annex XI of the By-law on Hazardous Waste Control and Articles 9, 39, 40 and Annex II of the By-law on Excavated Soil, Construction and Demolition Waste Control address waste acceptance procedures.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing a costing mechanism (Art. 10)**

Article 9 of the By-law on Hazardous Waste Control and Articles 9 and 17 of the By-law on Excavated Soil, Construction and Demolition Waste Control address financial obligations of the waste producers regarding waste disposal.

According to the Law No.2464 on Municipal Revenue (Official Gazette: 31 December 2005, no 26039), Environmental Cleaning Tax is collected by the municipalities and metropolitan municipalities for municipal waste management services from the residents and offices benefiting from municipal services.

In addition to this, Article 11 of the Law on Environment No.2872 (Official Gazette: 11 August 1983, no 18132) as amended by the Law No.5491 (Official Gazette: 13 May 2006, no 26167) has new provisions concerning the cost of landfilling of waste.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing monitoring procedures (Art.12)**

Articles 10, 28, and 38 of the By-law on Hazardous Waste Control and Article 10 of the By-law on Excavated Soil, Construction and Demolition Waste Control address monitoring procedures for hazardous, construction and demolition waste.

Technical studies are in progress under Twinning Project on Waste Management.

- **Ensuring that landfills are closed only in accordance with specified procedures and properly taken care of after closure (Art. 13)**

Article 40 of the By-law on Hazardous Waste Control, and Articles 42 and 43 of the By-law on Excavated Soil, Construction and Demolition Waste Control address landfill closing procedures and taking care of after closure.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing a database on information about landfills and a reporting mechanism (Art. 15)**

Articles 6, 7, 8, 9, 10, 28, 36, and 40 of the By-law on Hazardous Waste Control, and Articles 7, 8, 10, 11, and 40 of the By-law on Excavated Soil, Construction and Demolition Waste Control address a database on information about landfills and a reporting mechanism.

Technical studies related to establishing a network system for reporting and recording are carried out by using the outputs of the “Institutional Building & Access to Environmental Information” Project, (TR/0203.03/003) financed under 2002 EU Pre-Accession Financial Assistance. All the related documents regarding waste management that have to be submitted to the Ministry of Environment and Forestry have been incorporated into this system.

Technical studies are in progress under Twinning Project on Waste Management.

- **Establishing an effective inspection and enforcement system**

Article 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry states that the Ministry of Environment and Forestry is authorized for licensing and inspecting the landfill facilities. According to the related waste legislation the Ministry of Environment and Forestry is also authorized to inspect landfill facilities.

In addition to this, the Law No.2872 has provisions regarding inspection and enforcement.

According to Article 46 of the By-law on Solid Waste Control; Article 6 of the By-law on Hazardous Waste Control, and Articles 6 and 45 of the By-law on Excavated Soil, Construction and Demolition Waste Control, landfill facilities are inspected by the Ministry of Environment and Forestry.

The rules and principles of environmental inspection are defined in the By-law on Environmental Inspection (Official Gazette: 30 January 2003, no 25009).

Technical studies are in progress under Twinning Project on Waste Management.

Sewage Sludge

Legal basis

Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ 181 04.07.1986 p.6)

A. Which parts of the provisions of the Directive have been transposed?

The Directive (86/278/EEC) has been transposed to National Legislation by the By-law on Soil Pollution Control (Official Gazette: 31 May 2005, no 2583).

B. When is transposition foreseen for the remaining measures?

No remaining measures to be transposed.

C. What have been achieved as regards:

- **Establishing limit values heavy metals in soil and sludge (Art.4)**

Articles 6 and 9 of the By-law establish limit values of heavy metals in soil and sludge.

- **Prohibiting the use of sludge when limit values in soil are exceeded (Art.5)**

According to Article 13 (a, b) of the By-law on Soil Pollution Control, sludge usage is forbidden in case the limit values are exceeded. The use of stabilized sewage sludge in soil is prohibited when one of the heavy metals content in soil exceeds the limit values.

- **Prohibiting the use of sludge under specified agricultural conditions (Art.7)**

The restrictions and prohibitions of the use of stabilized sewage sludge in soil are laid down in the Article 13 of the By-law.

- **Establishing rules for the use of sludge (Art.6 & 8)**

Articles 10 and 13 (e, g, h and i) of the By-law lay down the rules regarding the usage of stabilized sewage sludge in soil.

Permission is required for the use of stabilized sewage sludge in soil. The permits are issued by Governorships for inspecting and monitoring the stabilized sewage sludge producers and the use of sewage sludge on lands.

- **Requiring sludge producers to regularly provide users with information. (Art.6)**

Article 11(c) of the By-law addresses the obligations of stabilized sewage sludge producers.

Stabilized sewage sludge producers are obliged to give copies of the analysis report and the usage permits of the stabilized sewage sludge to the users before the stabilized sewage sludge is supplied for use.

- **Establishing mechanisms for the analysis of soil and sludge (Art. 9)**

Obligations related to the soil and sludge analysis are laid down in the Article 7(d), Annexes II-A, II-B and IV of the By- law.

- **Requiring records to be kept and made available to the competent authority/ies (Art. 10)**

Articles 11 (a, e) and 16 (c) of the By-law address obligations related to obtaining and keeping the records.

Stabilized sewage sludge producers are obliged to regularly report the analysis results, information, documents and problems faced during the use of sludge to the Governorships every three years.

Furthermore, stabilized sewage sludge producers are obliged to keep the records and documents for ten years.

- **Establishing an effective inspection and enforcement system.**

Articles 16 and 17 of the By-law address provisions related to the inspection and enforcement.

The Ministry of Environment and Forestry and Governorships are responsible for inspection of the usage conditions of the stabilized sewage sludge and the used soil.

- **Establish reporting and data recording system (Art. 17)**

Article 18 (a, b) of the By-law addresses obligations related to reporting and data recording system.

Stabilized sewage sludge producers are obliged to regularly report the analysis, information, documents and problems faced during the use of stabilized sludge to the governors every three years. Governorships are responsible to submit these reports to the Ministry of Environment and Forestry.

Waste Electric and Electronic Equipment

Legal basis

Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ L 037 13.02.2003 p. 24) as amended
EUR-Lex hyperlink [html](#) [pdf](#)

A. Which parts of the provisions of the Directive have been transposed?

The Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (2002/95/EC) along with the Directive on the Waste Electrical and Electronic Equipment (2002/96/EC) have been studied within the framework of the “Establishment of a System for the Management of Used Portable Batteries & Accumulators and Waste Electrical and Electronic Equipment Project” (PPA03/TR/7/9) financed under the 2003 MATRA & PSO Programme of the Netherlands Government.

Technical studies regarding the preparation of a draft By-law on Electrical and Electronic Equipment in line with the Directives (2002/95/EC) and (2002/96/EC) are in progress.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress as explained above.

C. What have been achieved as regards:

- **Identifying competent authority/ies**

According to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority responsible for determining principles, strategies, plans and programmes on waste management.

- **Deciding whether to transpose any specified requirements of the Directive by means of agreements between the competent authorities and the economic agents (Art. 17.3)**

Technical studies regarding the preparation of a draft By-law on Electrical and Electronic Equipment in line with the Directives (2002/95/EC) and (2002/96/EC) are carried out in collaboration with the sector.

- **Establishing a system for the separate collection of WEEE (Art. 5)**

Technical studies are in progress.

- **Establishing a permitting system for the treatment of WEEE (Art. 6)**

Technical studies are in progress.

- **Meeting targets for collection and recovery (Arts. 5.5 and 7.2)**

Technical studies are in progress.

- **Requiring producers to provide for financing of management of WEEE from PHs (Art. 8)**

Technical studies are in progress.

- **Ensuring that a system for financing management of WEEE from users other than PH's is established (Art. 9)**

Technical studies are in progress.

- **Ensuring users of EEE are provided the information listed in art. 10?**

Technical studies are in progress.

- **Establishing a system to ensure that, producers provide reuse and treatment information for each type of new EEE put on the market (Art. 11.1)**

Technical studies are in progress.

- **Maintaining a register of producers and collect information in accordance with Art. 12**

Technical studies are in progress.

- **Establishing an effective inspection and enforcement system (Arts. 15 and 16)**

Technical studies are in progress.

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment

Legal basis

Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 037 13.02.2003 p. 19)

A. Which parts of the provisions of the Directive have been transposed?

The Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (2002/95/EC) along with the Directive on the Waste Electrical and Electronic Equipment (2002/96/EC) have been studied within the framework of the “Establishment of a System for the Management of Used Portable Batteries & Accumulators and Waste Electrical and Electronic Equipment Project” (PPA03/TR/7/9) financed under the 2003 MATRA & PSO Programme of the Netherlands Government.

Technical studies regarding the preparation of a draft By-law on Electrical and Electronic Equipment in line with the Directives (2002/95/EC) and (2002/96/EC) are in progress.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress as explained above.

C. What have been achieved as regards:

- **Identifying competent authority/ies**

According to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority responsible for determining principles, strategies, plans and programmes on waste management.

According to the Articles 2, 6(a) and 52 of the By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755), the Ministry of Environment and Forestry is the competent authority on disposal of hazardous substances arising from electric and electronic equipments.

- **Deciding on implementation method**

Technical studies are in progress.

- **Prohibiting the placing on the market of new EEE containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB), or polybrominated diphenyl ethers (PBDE) unless the application is covered by the exemption in Art. 4 (1)**

Technical studies are in progress.

- **Establishing an enforcement system including penalties**

Technical studies are in progress.

Batteries And Accumulators

Legal basis

Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances (OJ L 078 26.03.1991 p. 38)

Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (OJ L 264 23.10.1993 p. 51)

A. Which parts of the provisions of the Directive have been transposed?

Main legislation with respect to the Used Batteries and Accumulators Control is the By-law on Control of Used Batteries and Accumulators (Official Gazette: 31 August 2004, no 25569). The By-law came into force on 01.01.2005.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress under “Harmonization And Implementation of EC Directives Related to Special Waste Project” (TR/2004/IB/EN/01) financed under 2004 EU Pre-Accession Financial Assistance for implementation of the five EU Waste Directives including Used Battery and Accumulator Directive (91/157/EEC and 98/101/EC).

C. What have been achieved as regards:

- **Identifying the competent authority/ies**

According to Articles 2 and 9 of the Law No.4856 on Establishment and Duties of the Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), and the By-Law on Used Batteries and Accumulators Control, the Ministry of Environment and Forestry is the competent authority. The Undersecretariat of Foreign Trade is competent authority for controlling import of batteries and accumulators according to the Communiqué of Foreign Trade Standardization (2006/23) which was published on 06 May 2006.

- **Deciding whether to establish a deposit system or other economic instruments (Art. 7)**

Based on the Article 25 of the By-Law, quota application is obligatory for battery producers to ensure an environmentally sound manner for collection and disposal of used batteries. According to the Article 29 of the By-Law, a deposit system has been developed for the collection of accumulators.

- **Establishing national programmes (Art. 6)**

The By-law has some provisions concerning the restriction and prohibitions of metal contents in batteries and accumulators. Moreover, according to Article 9(1) of the By-law, separation facilities for the used batteries will be built up after 01 January 2007.

- **Prohibiting the marketing of certain alkaline manganese batteries (Art. 3)**

Article 5(c) of the By-law bans the production and import of batteries and button type batteries, containing mercury oxide more than 2% of their weight.

According to the Article 5(d) of the By-law, the production and import of batteries;

- a) containing more than 0.0005% of mercury by weight,
- b) containing more than 0.025% of cadmium by weight,

are banned excluding batteries containing less than 2% of mercury oxide by weight; button type batteries containing less than 2% of mercury oxide by weight and batteries made up of button type batteries containing less than 2% of mercury oxide by weight.

- **Establishing systems for the separate collection of batteries and accumulators, for recovery/disposal (Arts. 4 & 7)**

The By-law states that used batteries and accumulators are to be collected separately, disposed and recovered under safe conditions.

According to Articles 25 and 29 of the By-law, battery and accumulator producers may establish non-profit compliance schemes for the collection of used batteries and accumulators. There are currently three non-profit compliance schemes established.

- **Ensuring that batteries and accumulators are marked (Art. 4 and Dir. 93/86/EC)**

Articles 5(a), 9(a) and 33 of the By-law address labelling and marking of batteries and accumulators. Secondary batteries are labelled and marked as described in the Turkish Standard numbered TS EN 61429. According to the Standard, batteries should be marked with the symbol of the roll-out containers crossed through, and this symbol should cover 3% of the area of the largest side of the battery up to a maximum size of 5x5 cm. Remaining batteries should be labelled and marked according to Annex-I of the By-law.

- **Ensuring that spent batteries can be readily removed from certain appliances (Art. 5)**

Technical studies are in progress in the framework of the project mentioned above.

- **Establishing penalties for non-compliance with marking requirements (Art. 6 of Dir. 93/86/EEC)**

Produced and imported batteries and accumulators should be labelled and marked as described in the Articles 5(a), 9(a) and 33 of the By-law. Control and inspection of the imported accumulators and batteries are done in the customs. According to the new foreign trade communiqué (Official Gazette: 06 May 2006 no 26160), the controls on domestic production will be carried out by the Ministry of Environment and Forestry after its entry into force on 03 July 2006.

- **Establishing mechanisms for informing consumers (Art. 8 and Art.2 of Dir. 93/86/EEC)**

Articles 9, 10 and 34 of the By-law address the responsibility of the producers. According to the Article 34 of the By-law, producers are responsible for informing the consumers.

For raising awareness and informing the consumers, documents and brochures are prepared; campaigns and TV programs are arranged by some associations.

- **Establishing an effective inspection and enforcement system**

An effective inspection system has been built up in three stages. The first one is quota and deposit implementation (Articles 25 and 29); the second one is the licensing of treatment plants (Articles 21 and 22) and the last one is internal market control and inspection to be managed together with the Undersecretariat of Foreign Trade.

Market control and inspection will be done according to national legislation that has been prepared in line with the Council Regulation (EEC) No 339/93 of 08 February 1993 on checks for conformity with the rules on product safety in case of products imported from third countries.

- **Establishing a mechanism to provide information to the Commission**

Not applicable before membership.

Titanium Dioxide

Legal basis

Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry (OJ L 054 25.02.1978 p. 19), 92/112/EEC and 82/883/EEC

There is no titanium dioxide producing industry in Turkey. Technical studies needs to be initiated.

Questions

A. Which parts of the provisions of the Directive have been transposed?

B. When is transposition foreseen for the remaining measures?

C: What have been achieved as regards:

- Establishing a competent body to carry out the monitoring operations and prior authorisations
- Establishing an effective monitoring and enforcement system

Packaging and Packaging of Waste

Legal basis

European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994 p. 10), as last amended by Directive 2004/12/EC of 11 February 2004 EUR-Lex hyperlink [html](#)

A. Which parts of the provisions of the Directive have been transposed?

Main legislation with respect to the Packaging and Packaging Waste is the By-law on Packaging and Packaging Waste Control (Official Gazette: 30 July 2004, no 25538), which entered into force on 01.01.2005.

Articles 1, 2.1, 3, 4.1, 6.1, 6.2, 6.6, 7.1, 7.2, 8.2, 8.3, 9.1, 9.2, 9.3, 11, 11.2, 12.1, 12.2, 12.4, 12.6, 13, 18, Annexes II and III of Packaging and Packaging Waste Directive exist in the By-law.

B. When is transposition foreseen for the remaining measures?

Technical studies are carried out for the preparation of a draft By-law on Waste Framework under the scope of the Waste Management (TR03-EN-01) component of Support to Turkey in the Field of Air Quality, Waste Management and Chemicals Project financed under 2003 EU Pre-Accession Financial Assistance.

C. What have been achieved as regards:

- **Including a chapter on packaging and packaging waste in the waste management plans of Directive 75/442/EEC (Art. 14)**

Technical studies are in progress in the framework of preparation of a draft By-law on Waste Framework under the Twinning Project on Waste Management.

- **Deciding whether to use economic instruments (Art. 15)**

Articles 5, 9 and 17 of the By-law address this issue. Marketers, who are placing their products on the market in packages, are obliged to ensure recycling and recovery of packaging waste resulting from the use of their products and to cover the respective costs for this.

- **Deciding measures for recovery and recycling (Art. 6)**

Article 18 of the By-law addresses the targets for recovery and recycling of packaging waste. According to Article 17 of the By-law, marketers are obliged to send the related documents to the Ministry of Environment and Forestry, showing amount of packaging waste recovered or recycled. Article 35 of the By-law states that the natural and legal persons who are collecting, separating, recovering and recycling within the scope of the By-law have to apply to the Ministry of Environment and Forestry for license.

- **Establishing systems for the return/collection of such waste and its reuse/recovery (Art. 7)**

Articles 5, 8, 10, 11, 26, 27, 28, 29, 30, 31, 32 and 33 of the By-law lay down provisions on separate collection and recovery of packaging waste.

- **Ensuring that no packaging is marketed unless it meets certain requirements (Arts. 9 & 11)**

According to the Articles 13 and 14 of the By-law, packaging producers are responsible to meet the requirements given in the Annex-I of the By-law. Packaging standard No. Tst EN 13427 was published by the Turkish Standards Institution on 13.04.2006. Technical studies are being carried out for other packaging standards No. Tst EN 13428, 13429, 13430 and 13431.

- **Ensuring that packaging is appropriately identified and marked, and that marking and identification systems do not create barriers to trade (Art. 8)**

In accordance with the Articles 9, 10, 15 and 22 of the By-law, packaging producers and marketers are obliged to mark and identify the packaging. Annexes II and III of the By-law include information on marking and identification of packaging. Marking of packaging has been postponed until 01.01.2007.

- **Establishing databases (Art. 12)**

According to the By-law, packaging producers and marketers are obliged to fill the forms existing in the Annex IV for producers and Annex V for marketers and to submit them to the Ministry of Environment and Forestry annually.

- **Establishing a mechanism to provide information for users (Art. 13)**

Articles 34 and 35 of the By-law lay down provisions on providing information to the consumers.

End-Of-Life Vehicles

Legal basis

Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269 21.10.2000 p. 34) EUR-Lex hyperlink [html](#) [pdf](#)

A. Which parts of the provisions of the Directive have been transposed?

Technical studies are in progress under “Harmonization And Implementation of EC Directives Related to Special Waste Project” (TR/2004/IB/EN/01) financed under 2004 EU Pre-Accession Financial Assistance for implementation of the five EU Waste Directives including End of Life Vehicle (2000/53/EC) Directive.

B. When is transposition foreseen for the remaining measures?

Technical studies are in progress as explained above.

C. What have been achieved as regards:

- **Identifying competent authority/ies**

According to Articles 2 and 9 of The Law No.4856 on Establishment and Duties of Ministry of Environment and Forestry (Official Gazette: 08 May 2003, no 25102), the Ministry of Environment and Forestry is the competent authority. In addition, By-law on Hazardous Waste Control (Official Gazette: 14 March 2005, no 25755) states that the Ministry of Environment is responsible on the disposal of hazardous substances arising from end of life vehicles.

- **Deciding whether to transpose any specified requirements of the Directive by means of agreements between the competent authorities and the economic agents (Art. 10.3)**

There is consultation between the Automotive Manufacturer Association and the Ministry of Environment and Forestry regarding this issue.

- **Establishing measures to promote the prevention of waste (Art. 4.1)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Prohibiting the placing on the market of materials and components that contain certain pollutants, other than in accordance with Annex II (Art. 4.2)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishment of adequate collection facilities (Art. 5.1)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing a permit system for treatment facilities (Art. 6.2)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing a deregistration system (Art. 5.3)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing a payment system (Art. 5.4)**

This issue is being discussed among the representatives of the sector and relevant institutions. Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing technical standards for treatment and storage of end-of-life vehicles (Art. 6 and Annex I)**

This issue is being discussed among the representatives of the sector and relevant institutions. Technical studies are in progress under Twinning Project on Special Waste Management.

- **Setting reuse and recovery/reuse and recycling targets and monitoring such targets (Art. 7.2)**

This issue is being discussed among the representatives of the sector and relevant institutions. Technical studies are in progress under Twinning Project on Special Waste Management.

- **Implementing measures to encourage reuse/recycling (Art. 7.1)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring producers to use component and material coding standards (Art. 8.1)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring producers to provide dismantling information (Art. 8.3)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring manufactures of components to make appropriate information available to authorised treatment facilities (Art. 8.4)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring relevant economic agents to publish specified information (Art. 9.2)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring producers to make specified information available to prospective buyers (Art. 9.2)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Requiring specified information to be included in promotional literature (Art. 9.2)**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing an effective inspection and enforcement system**

Technical studies are in progress under Twinning Project on Special Waste Management.

- **Establishing an information database (Art. 9.1)**

Technical studies are in progress under Twinning Project on Special Waste Management.