

THE LAW ON PREVENTION and CONTROL OF HAZARDS OF TOBACCO PRODUCTS⁽¹⁾

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*Objective***Article 1- (Amended: Article 2 of Law No. 5727 , 3/1/2008)**

The objective of this Law is to take measures and make the necessary arrangements to protect individuals and future generations from the hazards of tobacco products and from any advertising, promotion or sponsorship promoting the use of tobacco products and ensure that everybody enjoys clean air.

*Prohibition of Tobacco Products⁽²⁾***Article 2- (Amended: Article 3 of Law No.5727 , 3/1/2008)**

(1) Places where use of tobacco products is prohibited;

- a) Indoor areas of public workplaces ;
- b) Indoor areas of buildings that are privately owned by legal entities and used for educational, health, production, commerce, socializing, culture, sports and entertainment, including hallways, with room for more than one person (except private households) ;
- c) (Amended: 24/5/2013-6487/ 26th art.) In intercity, railway, sea and air mass transportation vehicles, the driver's seat of private vehicles and taxis ;
- ç) The indoor and outdoor areas accepted as part of the premises of: preschool educational institutions, primary and secondary schools, including private establishments preparing students for various examinations and cultural and social service buildings ;
- d) Restaurants owned by legal entities and entertainment establishments such as cafes, cafeterias and bars.

(2) However ;

Areas could be designated for consuming tobacco products in:

- a) Care facilities for the elderly, psychiatric hospitals and prisons;
- b) Decks of ships carrying passengers on international routes or between cities.

Minors under 19 years of age shall not be permitted to enter these designated areas.

(3) Special rooms can be designated for hotel guests that consume tobacco products at businesses that provide hotel services;

(1) While the name of this Law was "The Law on Preventing the Harmful Effects of Tobacco Products" it was changed as of 19/5/2008 as per article 1 of the Law number 5727 dated 31/1/2008 and incorporated in the text.

(2) While the title of this article was "Places where the smoking of tobacco and tobacco products" it was changed as of 19/5/2008 as per article 3 of the Law number 5727 dated 31/1/2008 and incorporated in the text.

(4) Use of tobacco products is prohibited in outdoor places and spectator areas where cultural , artistic , sports and entertainment activities are held. However, designated areas for consuming tobacco products can be created in such places.

(5) The indoor designated areas for consuming tobacco products according to this Law shall be insulated to prevent the passage of smoke or odor and shall be equipped with a ventilation system.

(6) For the purposes of this law, “tobacco products” means products that are entirely or partly made of the tobacco leaf as raw material manufactured to be used for smoking, sucking, chewing or inhaling through the nose. **(Added sentence: 24/5/2013-648/26 art.)** Any kind of hookah and cigarette that does not contain tobacco but imitates a tobacco product is considered a tobacco product.

Other Protective Measures

Article 3 - (Amendment: Article 4 of Law No.5727,3/1/2008)

(1) Any form of advertising or promotion of tobacco products by using the product’s or producer’s company’s name, logo or trademark is strictly prohibited. Campaigns promoting or encouraging the use of tobacco products are banned. Companies that produce or market tobacco products may not contribute in any manner, to any event or activity by using their names, logos, trademarks.

(2) The names and logos of companies operating in the tobacco industry or the trademarks or logos of tobacco products, or any symbols that would remind people of the company or the tobacco products may not be used on clothes, accessories and jewelry.

(3) The vehicles that belong to a tobacco company shall not bear any kind of sign that would remind people of the brand.

(4) Tobacco companies are strictly prohibited from distributing their tobacco products to distributors or consumers free of charge or as incentives, gifts, samples or supportive aid.

(5) No matter what the purpose may be all forms of announcements or advertisement of tobacco products in the media using the product name, logo or trademark are strictly prohibited.

(6) Tobacco products may not be displayed on television programs, films, television series, music videos, advertisements and commercial films and their images may not be used.

(7) Tobacco products may not be sold in health, education, training, culture and sports facilities.

(8) Tobacco products and hookah or similar contraptions that contain or don’t contain tobacco shall not be sold or offered for use of minors under 19 years of age.⁽²⁾

(9) Minors under 19 shall not be employed in tobacco companies or tobacco marketing or sales activities.

(10) Tobacco products shall not be sold individually, in open packets or in smaller packets.

(11) Tobacco products (...) ⁽³⁾ shall not be sold in automatic machines or in electronic settings such as telephone, internet, and television and shall not be shipped by cargo with the aim of selling the products.
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(12) Cigarette ends, cigarette packs, cigarette holders, cigarette wrappers and other waste materials shall not be littered around.

(1) While this article heading was “Other prohibitions” it was changed effective 19/5/2008 as per article 4 of Law no. 5727 dated 3/1/2008 and incorporated in the text.

(2) After the phrase “Tobacco products” in this clause the phrase “hookah or similar contraptions that contain or don’t contain tobacco” was added as per article 9 of Law no. 6354 dated 4/7/2012.

(3) The phrase “except for places with authorized sellers” was removed from this article as per article 47 of Law no. 5917 dated 25/6/2009.

(13) Tobacco products shall not be displayed to persons less than 19 years of age to have direct access or so as to be seen outside the place of sale.

(14) Chewing gum, sweets, treats, toys, clothes, jewelry, accessories and similar products shall not be produced, distributed or sold in any way suggestive of a tobacco product or tobacco brand.

(15) **(Added: 4/7/2012-art.9)** Tobacco products producers, importers and distributors may not associate the name, emblem, logo or other name and elements that bring them to mind with companies or products that are in the goods and services sector outside of tobacco products and may not use such objects to give the impression that the tobacco product and other products are associated. The name, brand, emblem, logo or other names and elements that bring these directly to mind of companies and products that are in the products and services sector outside of the tobacco sector may not be associated with tobacco products or tobacco companies and not use such objects to give the impression that the tobacco product and other products are associated and there may be no sign or color that can be associated with tobacco products on any product. The principles and procedures concerning the enforcement of this clause are determined by the Tobacco and Alcohol Market Regulatory Authority with the input of the Ministry of Health.

Ensuring Control⁽¹⁾

Article 4 - (Amended: 3/1/2008-5727/ art.5)

(1) In places where smoking tobacco products is prohibited, indicating the legal arrangement and the penalties for violation shall be posted at easily visible points in at least 10 cm font size in indoor places and 3 cm font size in mass transportation vehicles. Moreover, health warnings describing the health hazards of tobacco use shall be posted in easily visible points in areas designated for consuming tobacco products.

(2) (Amended: 3/4/2008-5752/6 art.)

Places where selling of tobacco products is not prohibited the warning “Legal Warning: the sale of cigarettes or any other tobacco products to minors under 19 is prohibited by law and violation will be subject to criminal prosecution” shall be posted in easily visible places in large black type according to the procedures specified by Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK).

(3) **(Amendment first sentence 4/7/2012-6354 10. Art.)** Messages written in Turkish with images pointing out the harm of tobacco products will be placed in a special frame on a surface of no less than sixty five percent on each of the two widest surfaces of all packages of tobacco products produced in Turkey or imported and on water pipe bottles excluding their base. These warnings must also be written in the same way on the boxes of tobacco products that hold more than one package together. The warning message may be in the form of pictures, figures or graphics. Products that do not have warning messages may not be imported or sold.

(4) **(Amendment : 4/7/2012-6354 10. Art.)** On packets of tobacco products that are imported or manufactured in Turkey and their labels, incomplete or misleading information on the features of these products, their effect on health, their dangers or their emissions may not be given; text, names, brands, phrases, similes, pictures, signs or colors and color combinations that promote consumption or mislead the consumer cannot be used.

(5) Issues pertaining to the legal warnings such as messages, photographs, diagrams and graphs mentioned in this Law shall be arranged by a regulation. The regulation shall be issued by the Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK) after receiving the approval of the Ministry of Health.

(6) Firms operating in the tobacco sector must submit all information about their production, marketing and other activities within 15 days when requested by the Ministry of Health and the Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK).

(7) The Turkish Radio and Television Supreme Council and national, regional local private television and radio stations shall broadcast educational programs of a minimum of ninety minutes monthly explaining the hazards of tobacco products and other harmful habits.

(1) While this article title was “Warnings” it was changed with article 5 of Law 5727 dated 3/1/2008 effective 19/5/2008 and incorporated into the text.

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These programs shall be broadcast between 08:00 and 22:00 on the condition that a minimum of 30 minutes of such programs are broadcasted between 17:00 and 22:00 and copies of these programs shall be delivered regularly to the Radio and Television Supreme Council (RTÜK) every month. Programs that are broadcasted at times other than mentioned above shall not be included in the monthly 90 minutes. These broadcasts times shall be inspected by the Radio and Television Supreme Council (RTÜK). The Ministry of Health, the Ministry of National Education, Radio and Television Supreme Council (RTÜK) and the Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK) scientific institutions and non-governmental organizations shall prepare such educational program or commission institutions to prepare them. After the programs are prepared and approved by the Ministry of Health, the Radio and Television Supreme Council (RTÜK) shall ensure that the programs are broadcasted.

(8) To warn children and young people about the health hazards of tobacco products and exposure to tobacco smoke, an educational curriculum shall be prepared by the Ministry of National Education incorporating the views of the related institutions and non-governmental organizations.

(9) The Ministry of Health shall conduct the necessary activities to develop programs that encourage people to quit using tobacco products and to make medicines available for the treatment of tobacco addiction.

(10) To fund the programs mentioned in Clauses 7, 8 and 9 of this article, adequate appropriation shall be allocated in the annual budgets of the Ministry of Health and Ministry of Education.

(11) The advertising and commercial expenses set forth in paragraph 7, Clause 1 of Article 41 of the Income Tax Law No.193 dated 31.12.1960 may not be written off in calculating annual income and corporate tax bases.

Penal provisions⁽¹⁾⁽²⁾

Article 5 (Amendment: 3/1/2008-5727/6th art.)

(1) **(Amendment: 4/7/2012-6354/11th art.)** Those who consume tobacco products in the areas that are specified in clauses one and four of article 2 and those who act in violation of article three clause two, will be penalized according to the provisions of article 39 of the Misdemeanor Law no. 5326 dated 30/3/2005. Individuals who act in violation of article 3 clause twelve and closed and open areas of public buildings will be given a fifty Turkish Lira fine by civil servants that are given authority by the relevant administrative supervisor; and individuals who act in violation in open and closed areas of buildings that belong to private legal individuals but that can be entered by anyone as well as the street and other areas that belong to the public will be given a fifty Turkish Lira fine by the municipal security officers. If the relevant environmental pollution is immediately remedied by the individual the administrative fine may be suspended.

(2) **(Amendment: 13/2/2011-6111/202nd art.)** Excluding clause (a) of article 2, the authorities of businesses(...) ⁽²⁾ that do not fulfill their obligations concerning the application and taking precautions specified in sub-clauses one, three, four and five shall be given an administrative fine by the local civil authority of one thousand to five thousand Turkish Lira. ⁽²⁾

(3) Those who act in violation of each of the prohibitions in article 3 clause one, three, four, five and fifteen (...) ⁽³⁾ shall be given an administrative fine of fifty thousand to two hundred fifty thousand Turkish Lira. The Tobacco, Tobacco Products and Alcoholic Beverages Regulatory Authority is authorized to issue this fine. ⁽²⁾⁽³⁾

(1) While this article title was “Action against those who do not comply with Prohibitions” it was changed as per article 6 of Law no. 5727 dated 31/1/2008 to be effective 19/5/2008.

(2) The phrase “business authorities” in clause two of this article was changed to “to the business authorities” and the phrase “first a written warning is issued by the inspecting authority. This written warning is notified to the concerned business authority. Those who do not carry out their responsibility despite this

warning” was removed and “fifteen” was added following “fifth” in clause three as per article 11 of Law 6354 dated 4/7/2012.

(3) The phrase “and eleventh” contained here was removed as per Article 6 of Law 5752 dated 3/4/2008.
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(4) In case of violation of the prohibition set forth in Clause 6 of Article 3 via visual media, local broadcasting institutions shall be fined from one thousand Turkish Lira up to five thousand Turkish Lira, regional broadcasting institutions shall be fined from five thousand Turkish Lira up to ten thousand Turkish Lira and national broadcasting institutions shall be fined from fifty thousand Turkish Lira up to one hundred thousand Turkish Lira. The Radio and Television Supreme Council (RTÜK) is authorized to decide on such fines.

(5) **(Amendment: 13/2/2011-6111/202nd art.)** Those who violate Clause 7 of Article 3 shall be penalized with an administrative fine of one thousand Turkish Lira issued by the local district official.

(6) Those who violate Clause 8 of Article 3 shall be punished according to Article 194 titled “Provision of substances dangerous for health” of the Turkish Penal Code No.5237 dated 26.06.2004.

(7) Those who violate Clause 9 of Article 3 shall be penalized with an administrative fine of one thousand Turkish Lira for each individual by the local district official.

(8) (Abrogated: Article 6 of Law No.5752 dated 03.04.2008)

(9) (Abrogated: Article 6 of Law No.5752 dated 03.04.2008)

(10) **(Amended: 13/2/2011-6111/202nd art.)** Those who produce products set forth Clause 14 of Article 3 shall be penalized with an administrative fine of twenty thousand Turkish Lira to one hundred thousand Turkish Lira by the local district authority.

(11) Those who violate any of the obligations set forth in Clauses 1 and 2 of Article 4 shall be penalized with an administrative fine of one thousand Turkish Lira by the local district authority.

(12) Manufacturing companies that fail to fulfill each of their responsibilities stated in Clause 3 and 4 of Article 4 shall be penalized by the Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK) with an administrative fine of an amount that is equal to the market value of the products supplied to the market by the company in violation of these clauses. However the fine that is issued shall be no less than two hundred fifty thousand Turkish Lira.

(13) (Abrogated: Article 6 of Law No.5752 dated 03.04.2008)

(14) Acting against obligations set forth in Clause 7 of Article 4 shall be penalized with an administrative fine of from one thousand Turkish Lira up to five thousand Turkish Lira for local broadcasting companies, from five thousand Turkish Lira up to ten thousand Turkish Lira for regional broadcasting companies and from fifty thousand Turkish Lira up to two hundred fifty thousand Turkish Lira for national broadcasting companies. For radio stations these fines shall be calculated as one tenth of the said figures. The Radio and Television Supreme Council (RTÜK) is authorized to decide on such penalties.

(15) For civil servants and the other public officers who fail to execute their duties mandated in this Law the disciplinary clauses included in the legislation that they are subject to shall be applied , reserving liability under the penal code.

(16) **(Added: 13/2/2011-6111 / 202nd art.; Change: 24/5/2013-6487/ 27th art.)** In the event that the actions that led to the fines in this article are repeated within one year the administrative fine will be increased times one, if repeated a second time the fine will be increased in doubles. Upon the third repeat the place of business will be shut down for 10 days to one month.

Administrative Fine

Article 6 – (Abrogated: Article 9 of Law No.5739, 26.02.2008)

Transfer of Ownership to the Public ⁽¹⁾

Article 7- (Amendment: 03/01/2001-5727/7th art.)

(1) The decision to transfer all objects mentioned in Clauses two, four and fourteen of Article 3 in this Law as well as the tobacco products mentioned in Clauses three and four of Article 4 of this Law, shall be made by the local district authority.

Provisions Pertaining To The Fine

Article 8 - (Abrogated: Article 8 of Law No.5727 dated 03/01/2008)

Provisional Article 1 - Before the promulgation of this Law, the tobacco and tobacco products produced in Turkey or imported shall continue to be sold for a year without the condition in clause two of article four being sought.

Provisional Article 2 – The separate location designation per clause two of Article 2, the removal of advertisement boards banned by article 3 and the work that needs to be done per clause one of article 4 shall be completed within one year as of the date that the Law is promulgated.

Provisional Article 3 (Annex :03.01.2008 and Article 9 Law No. 5727)

(1) The regulations set forth in this Law shall be issued within one month upon enforcement of this Law.

Provisional Article 4 (Annex :04.07.2012 and Article 24 Law No. 6354)

(1) The tobacco products produced in Turkey or imported shall be brought to compliance with clause three of article 4 within 1 year as of the date of this article's enforcement.

(2) The regulation set forth in clause fifteen of article three shall be issued within three months.

Execution

Article 9 - This Law shall be executed on its enforcement date.

Enforcement

Article 10 - The provisions of this Law shall be executed by the Council of Ministers.

(1) While this article's heading was "judicial fine", it was changed and incorporated into the text as per article 7 of Law no. 5727 dated 3/1/2008 to be effective 19/5/2008.

**LIST SHOWING THE EFFECTIVE DATE FOR THE LEGISLATION THAT BRINGS
ADDITIONS AND AMENDMENTS TO LAW NO. 4207**

The Amending Law	The articles of Law 4207 that are amended	Enforcement Date
5727	Law name, Articles 1, 2, 3, 4, 5, 7, 8 and Provisional Art. 1	On 19/5/2008, 4 Months after the promulgation date 19/1/2008
	Sub-clause (d) of clause one article 2	On 19/7/2009, 18 Months after the promulgation date 19/1/2008
5739	6	19/5/2008
5727	4,5	19/5/2008
5917	3	10/7/2009
6111	5	25/2/2011
6354	3,4,5, Provisional Article 4	12/7/2012
6487	2,5	11/6/2013