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| TUESDAY, December 31, 2024 | **Official Gazette** | Number : 32769 **(4. Duplicate)** |
| **NOTIFICATION** |
| From the Department of Commerce:**COMMUNIQUÉ ON IMPORT INSPECTION OF METAL SCRAPS****UNDER CONTROL FOR ENVIRONMENTAL PROTECTION****(Product Safety and Inspection No. 2025/23)****Purpose****ARTICLE 1-** (1) The purpose of this Communiqué is to regulate the procedures and principles regarding the metal scraps listed in Annex-1 to enter the customs territory of Turkey, including free zones, and to determine the metal scraps that are prohibited from entering the customs territory of Turkey.**Scope****ARTICLE 2**- (1) This Communiqué covers the procedures and principles regarding the metal scraps listed in Annex-1 and the metal scraps prohibited to be imported in the list in Annex-2, which will enter the customs territory of Turkey, including free zones.**Underlying****ARTICLE 3-** (1) This Communiqué has been prepared on the basis of Article 1 of the Presidential Decree No. 455 on the Presidential Organization, the Decision on the Technical Regulations Regime put into effect by the Presidential Decree dated 14/9/2022 and numbered 6038, and the Regulation on Technical Regulations in Foreign Trade published in the Official Gazette dated 16/8/2023 and numbered 32281.**Procedures and principles regarding imports****ARTICLE 4-** (1) Metal scraps in the list in Annex-1, provided that they have obtained a Metal Scrap Importer Certificate from the Ministry of Environment, Urbanization and Climate Change; Industrialists who process metal scrap by melting or pre-treat metal scrap to increase its quality and density by breaking it down and reducing its dimensions, and who have a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change for these purposes. They can.(2) As a result of the evaluation to be made by the Nuclear Regulatory Authority, it should be determined that the importers specified in the first paragraph have the Radiation Control and Detection System (RKTS), a portable measuring device suitable and calibrated for radiation measurement, and other relevant equipment and personnel trained in radiation protection. The deficiencies to be seen as a result of the evaluation made by the Nuclear Regulatory Authority regarding the radiation measurement systems in the company's facilities are reported to the Ministry of Environment, Urbanization and Climate Change.(3) Pursuant to this Communiqué, the Metal Scrap Importer Certificate issued by the Ministry of Environment, Urbanization and Climate Change is valid for two years from the date of issue. The list of industrialists who have received the Metal Scrap Importer Certificate is announced on the website of the Ministry of Environment, Urbanization and Climate Change.(4) Metal scraps listed in Annex-2 are prohibited from entering the customs territory of Turkey, including free zones. However, in accordance with the relevant provisions of the Basel Convention on the Control of Transboundary Transport and Disposal of Hazardous Wastes, which was approved by the Law No. 3957 dated 28/12/1993, the Permission Letter to be obtained from the Ministry of Environment, Urbanization and Climate Change for the transit of the metal scraps in Annex-2 through the customs territory of our country is submitted to the relevant border entry customs administration.**Importer's responsibility****ARTICLE 5-** (1) Imported metal scraps must be in solid form that does not disperse, should not be mixed with dangerous substances and wastes prohibited for import, and should not be contaminated.(2) Imported metal scraps cannot contain artillery, mortars, rocket shells or other explosive military ammunition.(3) The importer is responsible for complying with the provisions specified in this Communiqué, making accurate declarations and taking the necessary measures.**Metal scraps generated in the free zone****ARTICLE 6-** (1) In the event that there is no suitable facility in the free zone for the import of metal scraps in the lists in Annex-1 and Annex-2, which arises as a result of the activities in the free zones, pre-treatment of the scrap, recovery and/or disposal of the scrap, or if the metal scrap manufacturer does not deliver the scrap to these facilities, upon the request of the company that produces the metal scrap or pre-treats the metal scrap in the free zone or makes recovery and the like, The Waste Commission established in accordance with Article 37 of the Free Zones Implementation Regulation published in the Official Gazette dated 10/3/1993 and numbered 21520;a) Industrial facilities that process metal scrap by melting or pre-treat metal scrap and have one of the documents or letters (Temporary Activity Certificate, Environmental Permit and License Certificate or By-Product/Alternative Raw Material Approval Letter) issued by the Ministry of Environment, Urbanization and Climate Change in accordance with the relevant regulations for these purposes, or,b) Companies that purchase metal scrap with a Non-Hazardous Waste Collection-Separation Permit, provided that it is given to industrial facilities that have received a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change for this purpose, or to industrial facilities that have obtained a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change,and that it is certified to the Commission. It is not obligatory to obtain a Metal Scrap Importer Certificate for metal scrap exit from free zones.(2) In accordance with the decision of the Waste Commission, information on metal scraps extracted from the free zone is regularly sent to the Ministry of Environment, Urbanization and Climate Change in semi-annual reports. If no action has been taken within this period, a letter is sent.**Special considerations for metal scrap****ARTICLE 7-** (1) The border customs gates where the metal scraps listed in Annex-1 will enter the customs territory of Turkey are determined by the Ministry of Commerce. Metal scraps listed in Annex-1 can be entered into the customs territory of Turkey from the terminals that have the necessary infrastructure for radiation control of private ports or piers, which are outside the determined maritime border customs gates, for which permission is obtained from the Ministry of Commerce and the approval of the Nuclear Regulatory Authority. The provisions of the National Regulation on Radiation Monitoring and Radiation Control published in the Official Gazette dated 12/8/2022 and numbered 31921 are applied for the radiation control carried out during the entry of metal scraps into the customs territory.**Exceptional cases****ARTICLE 8-** (1) In the event that an item coming to the customs territory of Turkey within the scope of economically effective customs regimes turns into metal scrap in whole or in part as a result of any workmanship, processing, use or waiting and is subject to the Free Circulation Regime, provided that an environmental contribution is charged; Metal Scrap Importer Certificate is not required, provided that it is given to industrialists who have a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change.(2) In the event that the secondary processed products obtained from the products exported within the scope of the Outward Processing Regime Decision are included in the lists in Annex-1 and Annex-2, provided that an environmental contribution is charged; Metal Scrap Importer Certificate is not required for the import of these products, provided that they are given to industrialists who have a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change.**Control****ARTICLE 9-** (1) Whether the transactions and activities to be carried out by the importers within the scope of this Communiqué comply with this Communiqué and the environmental legislation are inspected by the Provincial Directorate of Environment, Urbanization and Climate Change, where the relevant customs administration is located.**Sanctions****ARTICLE 10-** (1) The relevant provisions of the Environmental Law No. 2872 dated 9/8/1983, the Customs Law No. 4458 dated 27/10/1999 and the foreign trade legislation are applied to importers who act contrary to the provisions of this Communiqué.(2) In the event that it is later determined by the Ministry of Environment, Urbanization and Climate Change or the Ministry of Commerce or otherwise that imports are made by companies that do not have a Metal Scrap Importer Certificate, the provision of the first paragraph shall apply.(3) In the event that it is determined during customs procedures that the import of metal scrap subject to import is prohibited, necessary actions are taken under the supervision and supervision of the Ministry of Environment, Urbanization and Climate Change in line with Turkey's rights arising from international conventions, without prejudice to any penal provisions.(4) In the event that it is determined that the goods entering free circulation within the scope of Article 8 are not given to the facilities with a Temporary Activity Certificate or Environmental Permit License Certificate, the sanctions stipulated in the environmental legislation are applied.**Precautions for implementation****ARTICLE 11-** (1) The General Directorate of Product Safety and Inspection of the Ministry of Commerce is authorized to take practical measures and make regulations on the issues included in this Communiqué.**Repealed communiqué****ARTICLE 12-** (1) The Communiqué on Import Control of Metal Scraps Kept Under Control for the Protection of the Environment (Product Safety and Inspection: 2024/23) published in the Official Gazette dated 31/12/2023 and numbered 32416 has been repealed.**Transitional provisions****PROVISIONAL ARTICLE 1-** (1) Metal Scrap Importer Certificates obtained within the scope of the Communiqué on Import Control of Metal Scraps Kept Under Control for the Protection of the Environment (Product Safety and Inspection: 2024/23), which is repealed by Article 12, are valid until they expire.**Effective****ARTICLE 13-** (1) This Communiqué enters into force on 1/1/2025.**Execution****ARTICLE 14-** (1) The provisions of this Communiqué are executed by the Minister of Commerce. |