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| **NOTIFICATION** | | |
| From the Department of Commerce:  **COMMUNIQUÉ ON IMPORT INSPECTION OF SOLID FUELS**  **UNDER CONTROL FOR ENVIRONMENTAL PROTECTION**  **(Product Safety and Inspection No. 2025/7)**  **Purpose**  **ARTICLE 1-** (1) The purpose of this Communiqué; It is to regulate the procedures and principles regarding the conformity inspection in terms of environmental protection in the import of solid fuels listed in Annex-1.  **Scope**  **ARTICLE 2-** (1) This Communiqué; It covers the import transactions of solid fuels listed in Annex-1, which are subject to the Free Circulation Regime.  **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.  **Importer**  **ARTICLE 4-** (1) The import of solid fuels listed in Annex-1 can be made by companies that have a Solid Fuel Importer Registration Certificate obtained from the Ministry of Environment, Urbanization and Climate Change.  (2) In order to obtain a Registration Certificate, the importer or his representative must apply to the Ministry through the Ministry's Environmental Import and Export Permits Application, together with the Turkish Trade Registry Gazette or the Turkish Tradesmen and Craftsmen Registry Gazette (chamber registration) (approved by the relevant institutions or notary), the tax plate and the letter of undertaking (Annex-6) to be requested by the Ministry of Environment, Urbanization and Climate Change. A registry gazette and tax plate are not required from importers who have public institutions, universities and public legal entities established by special laws and do not have to register with chambers.  (3) Registration Certificates issued in 2024 are renewed by the same Ministry to be valid until the end of 2025 if the undertaking to be requested by the Ministry of Environment, Urbanization and Climate Change is given to the said Ministry. If any of the information contained in the documents that form the basis for the issuance of the Registration Certificate loses its validity or changes during the year, the renewal of the Registration Certificate requires the renewal of the Registration Certificate. In case of renewal of the Registration Certificate, the undertaking to be requested by the Ministry of Environment, Urbanization and Climate Change is given to the said Ministry again.  (4) Registration Certificates are valid for all import transactions to be carried out within the scope of this Communiqué and constitute the basis for these transactions.  **Compliance audit**  **ARTICLE 5-** (1) In order to take samples from the fuel to be subjected to the Free Circulation Regime;  a) A copy of the Solid Fuel Importer Registration Certificate,  b) Imported Solid Fuel Conformity Certificate form (two copies),  c) The original of the loading analysis document showing that each parameter of the fuel complies with the limit values determined by the Ministry of Environment, Urbanization and Climate Change and its translation approved by a sworn translation office,  ç) A copy of the exporter's invoice and its translation certified by a sworn translation office,  and the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the customs office where the fuel is unloaded is applied by the importer or his representative through the Ministry's Environmental Import and Export Permits Application.  (2) Upon the request of the importer or his representative, the fuel stored under the supervision of the customs administration and determined by the relevant customs authority is sampled by the official of the international surveillance firm under the supervision of the Sampling Commission consisting of the Provincial Directorate of Environment, Urbanization and Climate Change, the officials of the international surveillance firm and the importer or his representative, within the procedures and principles determined by the Ministry of Environment, Urbanization and Climate Change, and the Import Solid in Annex-3 Fuel Sampling Report is issued. The sample taken is analyzed in the Environmental Reference Laboratory of the Ministry of Environment, Urbanization and Climate Change or in laboratories that have received a Certificate of Competence from the Ministry of Environment, Urbanization and Climate Change. The results of the analysis are sent to the relevant Provincial Directorate of Environment, Urbanization and Climate Change by the laboratory performing the analysis.  (3) If the sample analysis result of the fuel is found appropriate by the Provincial Directorate of Environment, Urbanization and Climate Change, the Imported Solid Fuel Conformity Certificate in Annex-4 is issued and the arbitrariness is notified to the importer or his representative and the relevant customs administration. If it is not found suitable, the Letter of Nonconformity in Annex-5 is issued and the arbitrariness is conveyed to the importer or his representative. Within seven working days from the notification of the Nonconformity Letter to the importer or his representative, if the company does not request in writing to perform witness sample analyzes, the issued Nonconformity Letter is forwarded to the relevant customs administration.  (4) In the event that the fuel for which a Letter of Non-Conformity has been issued for heating purposes does not meet the fuel properties used in industrial or thermal power plants, an Imported Solid Fuel Conformity Certificate may be issued by the Provincial Directorate of Environment, Urbanization and Climate Change for use in industrial or thermal power plants, upon the request of the importer or his representative and provided that the undertaking to be requested by the Ministry of Environment, Urbanization and Climate Change is given.  (5) Likewise, if the fuel for which a Letter of Non-Conformity is issued because it does not meet the characteristics of fuel for industrial purposes meets the fuel characteristics used in thermal power plants, an Imported Solid Fuel Conformity Certificate may be issued by the Provincial Directorate of Environment, Urbanization and Climate Change for use in thermal power plants, upon the request of the importer or his representative and provided that the undertaking to be requested by the Ministry of Environment, Urbanization and Climate Change is given.  (6) In the event that the fuel brought in a single batch and stored as a single batch in the bonded area is desired to be withdrawn in more than one batch, it is sampled and analyzed to represent the entire fuel during the withdrawal of the first batch. This analysis report, which represents the entire fuel, is taken as the basis for the subsequent issuance of the Imported Solid Fuel Conformity Certificate(s).  **Objection to the results of the analysis**  **ARTICLE 6-** (1) In the event that the analysis result of the sample taken from the fuel is not found appropriate, within seven working days from the notification of the arbitrariness to the importer or his representative, upon written request and provided that the expenses are covered by the importer or his representative, the analysis of the witness sample(s) is carried out within the procedures and principles determined by the Ministry of Environment, Urbanization and Climate Change, and the suitability/non-conformity of the fuel is decided:  a) An Imported Solid Fuel Conformity Certificate is issued by the Provincial Directorate of Environment, Urbanization and Climate Change for the fuel whose analysis results are found appropriate and notified to the relevant customs administration and the importer or his representative.  b) A Letter of Non-Conformity is issued by the Provincial Directorate of Environment, Urbanization and Climate Change for fuels that are found to be inappropriate as a result of witness sample analysis and notified to the relevant customs administration and the importer or his representative.  c) Except for the cases that occur during the collection, bagging, sending, preparation for analysis and storage of the samples, no request can be made to take new samples from the Ministry of Environment, Urbanization and Climate Change or the Provincial Directorate of Environment, Urbanization and Climate Change.  **Proof of delivery**  **ARTICLE 7-** (1) Companies that have obtained an Imported Solid Fuel Conformity Certificate to use the fuels listed in Annex-1 in the industry are obliged to submit the delivery receipt document stating that the imported fuel has been delivered to the factories (except for those who bring it for their own needs) to the Provincial Directorate of Environment, Urbanization and Climate Change, which issued the Imported Solid Fuel Conformity Certificate, within ninety days at the latest after the fuel is cleared from customs. If this obligation is not fulfilled, the subsequent Import Solid Fuel Conformity Certificate requests of the importer or industrialist who does not fulfill the obligation will not be evaluated for 6 months. If the deficiencies are completed by the company, new requests are evaluated.  **Exception and exemption**  **ARTICLE 8-** (1) In cases where there is no temporary storage place or warehouse or it is not sufficient, the fuel can be stored in the places permitted in the status of temporary stored goods, provided that it is not mixed with other fuels in the same place. In this case, the conformity inspection of the stored fuel is carried out within the framework of Article 5.  (2) Fuels that cannot be placed in temporary storage places or warehouses and that are not covered by the first paragraph may be subjected to on-board processing by the importer or its representative, provided that the information form in Annex-2 is submitted to the relevant Provincial Directorate of Environment, Urbanization and Climate Change before being brought to the customs territory of Turkey. After the customs procedures are completed, the fuel is stored in the area specified in the information form, provided that it is not mixed with other fuels, if any. If the sample is taken while the fuel is on the vehicle or in the area where the fuel is stored, a sample is taken from the fuel under the supervision of the Commission specified in the second paragraph of Article 5, by the official of the international surveillance company, within the procedures and principles determined by the Ministry of Environment, Urbanization and Climate Change, and the Imported Solid Fuel Sampling Report in Annex-3 is issued. Fuels processed under this paragraph may not be stored in an area outside the borders of the province in which they are located. However, fuels to be imported for industrial purposes can be stored in the province where the industrial facility is located if requested by the company. For this purpose, the information form in Annex-2 for the fuels to be stored is given by the company to the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the fuel will be stored. The conformity inspection of these fuels is carried out by the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the fuel is stored. As a result of the conformity audit carried out by the Provincial Directorate of Environment, Urbanization and Climate Change in accordance with Article 5, the fuel cannot be supplied to the market in any way, cannot be transported from its location to another area, cannot be used, cannot be used, cannot be subjected to the screening process and cannot be bagged until the Imported Solid Fuel Conformity Certificate is issued.  (3) If the result of the analysis of the fuels imported within the framework of the second paragraph is not found appropriate, the fourth and fifth paragraphs of Article 5 shall apply. If this is not possible, it is imperative to export the fuel to be returned to the country of origin or the country of loading, or to be sent to a third country.  (4) The goods listed in Annex-1; In the import of quantities and specifications deemed appropriate by the Ministry of Environment, Urbanization and Climate Change for use in the defense industry, as an input in production without heat treatment, in filtration or in research and analysis in laboratories, an exemption application is made to the Ministry of Environment, Urbanization and Climate Change through the Environmental Import and Export Permits Application for each substance before each import transaction. If the application is approved, the Ministry of Environment, Urbanization and Climate Change issues an Exemption Letter instead of the Imported Solid Fuel Conformity Certificate and the arbitrariness is notified to the importer or his representative.  (5) Importers who want to benefit from the exemption in the fourth paragraph must obtain a Solid Fuel Importer Registration Certificate. However, a Solid Fuel Importer Registration Certificate is not required for the import of the specified goods in an amount not exceeding 1 ton per year.  (6) In transactions within the scope of the fourth paragraph, the declaration of the importer or his representative is essential. The sanctions in Article 10 are applied to those who cannot prove their declaration in the subsequent controls.  **Customs clearance**  **ARTICLE 9-** (1) Except for the provision of the second paragraph of Article 8, the Imported Solid Fuel Conformity Certificate issued as a result of the conformity inspection carried out by the Provincial Directorate of Environment, Urbanization and Climate Change or the Exemption Letter issued by the Ministry of Environment, Urbanization and Climate Change are sought during the registration of the customs declaration for the import of the fuels listed in Annex-1.  (2) The import of fuels for which a Non-Conformity Letter has been issued by the Provincial Directorate of Environment, Urbanization and Climate Change is not allowed. Fuel that is not suitable is returned to the country of origin/loading or transited to a third country at the expense of the importer or his representative.  **Sanctions**  **ARTICLE 10-** (1) Regarding those who act contrary to this Communiqué, make false and misleading statements, use, submit or falsify false documents; The relevant provisions of the Customs Law No. 4458 dated 27/10/1999, the Decision on the Technical Regulations Regime, the Environmental Law No. 2872 dated 9/8/1983 and other relevant 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 Solid Fuels Controlled for the Protection of the Environment (Product Safety and Inspection: 2024/7) published in the Official Gazette dated 31/12/2023 and numbered 32416 has been repealed.  **Migration process**  **PROVISIONAL ARTICLE 1-** (1) Import of fuels for which a transport document has been issued for export in the country of origin before the date of entry into force of this Communiqué or submitted to the customs authorities in accordance with the customs legislation, for forty-five days from the date of entry into force of this Communiqué, the Communiqué on Import Control of Solid Fuels Controlled for the Protection of the Environment, which was repealed by Article 12 (Product Safety and Inspection: 2024/7). However, the favorable provisions of this Communiqué shall apply to such transactions.  **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. | | |