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| NOTIFICATION | | |
| From the Department of Commerce:  **COMMUNIQUÉ ON IMPORT INSPECTION OF WASTES**  **UNDER CONTROL FOR ENVIRONMENTAL PROTECTION**  **(Product Safety and Inspection No. 2025/3)**  Purpose  ARTICLE 1- (1) The purpose of this Communiqué is to regulate the procedures and principles regarding the conformity inspection of the wastes listed in Annex-1 to enter the customs territory of Turkiye, including free zones, in terms of environmental protection, and to determine the wastes that are prohibited from entering the customs territory of Turkiye.  Scope  ARTICLE 2- (1) This Communiqué covers the inspection procedures regarding the wastes listed in Annex-1 to enter the customs territory of Turkiye, including free zones, and the procedures and principles regarding the wastes in the Annex-2/A and Annex-2/B lists, which are prohibited from entering the customs territory of Turkiye.  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.  Prohibited wastes  ARTICLE 4- (1) The wastes included in the lists in Annex-2/A and Annex-2/B are prohibited from entering the customs territory of Turkiye, including free zones.  (2) The wastes listed in Annex-1 must not contain explosive substances and radioactivity, must not contain hazardous or prohibited wastes or hazardous substances in any way, and must not be contaminated with them.  General principles  ARTICLE 5- (1) Industrialists with recycling facilities who have obtained a Temporary Activity Certificate or Environmental Permit and License Certificate from the Ministry of Environment, Urbanization and Climate Change can import the wastes listed in Annex-1 within the framework of the procedures and principles to be determined by the Ministry of Environment, Urbanization and Climate Change by taking the opinions of the Ministry of Commerce. However, included in this list;  a) Industrialists who import substances with tariff positions 39.01, 39.02, 39.04, 39.05, 39.06, 39.08 and 39.12, in case they are in granule form, exclusively within the scope of the Inward Processing Permit or Inward Processing Permit,  b) Industrialists who use in the production of materials in the form of recycled granules with a combined structure with tariff position 39.08, which are produced in facilities located in free zones by using wastes in tariff position 39.15 in the list in Annex-1 obtained from Turkiye or resulting from activities in the free zone,  c) Industrialists who use recycled materials in the form of combined granules in tariff position 39.02 in their production,  ç) Industrialists who import the GTIP substance with 4012.20.00.90.00 exclusively within the scope of the Inward Processing Permit or Inward Processing Permit obtained within the framework of the Inward Processing Regime Decision and receive an appropriate opinion from the Ministry of Environment, Urbanization and Climate Change,  d) Industrialists who import GTIP items 6310.10.00.00.00, 6310.90.00.00.11 and 6310.90.00.00.19 exclusively within the framework of the Inward Processing Regime Decision, provided that they are exported within the scope of the Inward Processing Permit Certificate or Inward Processing Permit,  can import.  (2) Temporary Activity Certificate or Environmental Permit and License Certificate is not required for the import of the substances in subparagraphs (a), (b), (c), (ç) and (d) of the first paragraph and the substances in the form of recycled granules with a combined structure in headings 39.03 and 39.07. However, for the import of the substances in subparagraphs (b) and (c) of the first paragraph and the substances in the form of recycled granules with a combined structure in headings 39.03 and 39.07, an Environmental Permit Certificate or Environmental Permit Certificate exemption letter is sought.  (3) In the import of 4004.00.00.00.13 and 4004.00.00.00.19 GTIP substances, if there is an analysis document obtained from the country of origin showing the characteristics of these substances as products, a Temporary Activity Certificate or Environmental Permit and License Certificate is not required. However, an Environmental Permit Certificate on air emissions or an Environmental Permit exemption letter on air emissions is sought.  (4) If it is documented that the substances with GTIP 4004.00.00.00.13 and 4004.00.00.00.19 are not vulcanized rubber pulp, these substances are considered as final products and a Temporary Activity Certificate or Environmental Permit and License Certificate is not required. However, an Environmental Permit Certificate on air emissions or an Environmental Permit exemption letter on air emissions is sought.  (5) The import of wastes with 4004.00.00.00.19 GTIP for the purpose of energy recovery is made in accordance with Article 6 within the framework of the allocation amount and principles to be determined by the Ministry of Environment, Urbanization and Climate Change for co-incineration facilities operating for energy recovery.  (6) In the event that it is documented that the wastes with the code "19 12 04- Plastic and rubber" in the list in Annex-2/A are packaging material wastes with GTIP 3915.10.10.00.00, 3915.10.20.00.00, 3915.90.20.00.00, 3915.90.70.00.16, which are collected separately at the source with the code "15 01 02- Plastic packaging" and separated according to their nature by mechanical separation, import transactions are carried out within the framework of the first paragraph of this article.  (7) Temporary Activity Certificate or Environmental Permit and License Certificate is not required for the import of substances with tariff positions 39.01, 39.02, 39.04, 39.05, 39.06, 39.07, 39.08 and 39.12 in the form of debris, residues, scrap, dust, flakes and burrs, and substances with tariff position 39.07 in granular form, provided that they are exported within the scope of the Inward Processing Permit or Inward Processing Permit.  Application  ARTICLE 6- (1) The importer or his representative who wishes to import the wastes listed in Annex-1 applies to the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the border customs administration where the waste will enter the customs territory of Turkiye is located through the Environmental Import and Export Permits Application of the Ministry of Environment, Urbanization and Climate Change to obtain a Letter of Conformity (Annex-4).  (2) The application to the Provincial Directorate of Environment, Urbanization and Climate Change is made at least three working days before the arrival of the waste in the customs territory of Turkiye, together with the following documents:  a) Information form (Annex-3).  b) A copy of one of the documents to be sought under the first paragraph of Article 5.  c) In the importation of 2620.11.00.00.00 GTIP waste, the original and translation of the analysis document obtained from the competent authority or accredited institutions of the country of origin or origin and stating that the waste meets the dros values specified in the article expansion in the list in Annex-1.  ç) In the importation of 4012.20.00.90.00 GTIP waste, the document and its translation obtained from the competent authority or accredited institutions of the country of origin or origin and stating that the product is a carcass.  d) In the importation of 8549.11.10.00.00 GTIP waste, a document obtained from the competent authority or accredited institutions of the country of origin or origin and stating that the product does not contain more than 3% acid by weight and its translation.  e) In the importation of 4004.00.00.00.13 and 4004.00.00.00.19 GTIP substances, the original and translation of the analysis document obtained from the country of origin showing the characteristics of these substances as products, and the Environmental Permit Certificate on air emission or the Environmental Permit exemption letter on air emissions.  f) In the case of importation of 4004.00.00.00.13 and 4004.00.00.00.19 GTIP substances as non-vulcanized rubber pulp, the original and translation of the analysis document showing the characteristics of the product taken from the country of origin as non-vulcanized rubber pulp, and the Environmental Permit Certificate on air emission or the Environmental Permit exemption letter on air emissions.  (3) Applications that are not made within the period specified in the second paragraph by the importer or his representative who wants to import the wastes listed in Annex-1 are not accepted.  (4) The importer or his representative is obliged to submit a copy of the form in writing to the relevant border customs administration on the date of submission of the information form in Annex-3 to the Provincial Directorate of Environment, Urbanization and Climate Change.  Compliance audit  ARTICLE 7- (1) As a result of the evaluation and physical control of the wastes listed in Annex-1 by the Provincial Directorate of Environment, Urbanization and Climate Change over the documents specified in Article 6;  a) If deemed appropriate, a Letter of Conformity (Annex-4) is issued.  b) If necessary, samples are taken from the wastes and necessary analyzes are made in laboratories whose competence has been accepted by the Ministry of Environment, Urbanization and Climate Change to determine the compliance of the waste with the provisions of Article 4. If the result of the analysis is found appropriate, a Letter of Conformity is issued, and if not, a Letter of Nonconformity (Annex-5) is issued.  (2) Letters of Conformity and Nonconformity are notified to the relevant border customs administration and the importer or his representative by the Provincial Directorate of Environment, Urbanization and Climate Change.  (3) Waste that is not suitable is returned by the importer to the country of origin/country of loading or transited to a third country.  (4) Without prejudice to any penal provisions, necessary actions are taken under the supervision and supervision of the Ministry of Environment, Urbanization and Climate Change in line with Turkiye's rights arising from international conventions, and necessary actions are taken under the supervision and supervision of the said Ministry regarding the wastes whose import is prohibited during customs procedures.  (5) Pursuant to the fourth paragraph of Article 11, environmental controls regarding imports within the scope of the Free Movement Regime are carried out by the Ministry of Environment, Urbanization and Climate Change within the framework of the procedures and principles to be determined.  Exceptional cases  ARTICLE 8- (1) The wastes arising from the normal operations of foreign-flagged ships within the scope of the International Convention for the Prevention of Pollution of the Seas by Ships (MARPOL-73 Convention) and other Protocol amending this Convention (MARPOL-78 Protocol) and amendments shall enter free circulation upon discharge and/or delivery to the waste receiving vessel or directly to the waste reception facility. These wastes are not subject to this Communiqué. The process of taking such wastes from ships is concluded in accordance with the Regulation on Waste Collection and Control of Wastes from Ships published in the Official Gazette dated 26/12/2004 and numbered 25682.  (2) In the event that the substances with tariff position 39.03 in the list in Annex-1 are declared by the importer to be new products, no document is required by the relevant customs authority within the scope of this Communiqué for the import of these substances. In transactions within the scope of this paragraph, the declaration of the importer or his representative is essential. The provisions of Article 12 are applied to those who cannot prove their declaration in subsequent controls.  (3) Obtaining the approval of the Ministry of Environment, Urbanization and Climate Change by the relevant border customs administrations in the entry of the wastes that have been returned for the reasons defined in subparagraphs (a), (b) and (c) of the first paragraph of Article 446 of the Customs Regulation published in the Official Gazette dated 7/10/2009 and numbered 27369 and included in the lists in Annex-1, Annex-2/A and Annex-2/B to the customs territory of Turkiye and the border customs specified in the seventh paragraph of Article 11 The provisions of this Communiqué shall not apply, provided that entry is made from the gates/terminals of private ports or piers that have the necessary infrastructure for radiation control.  Out of scope  ARTICLE 9- (1) It is possible to import the wastes listed in Annex-1 as samples by facilities with a Temporary Activity Certificate or Environmental Permit and License Certificate, and non-hazardous wastes included in the lists in Annex-1, Annex-2/A and Annex-2/B for scientific research purposes within the scope of projects carried out by universities, provided that they do not exceed 1 ton per year, if the approval of the Ministry of Environment, Urbanization and Climate Change is obtained. In this case, an Out of Scope Letter (Annex-6) is issued by the Provincial Directorate of Environment, Urbanization and Climate Change and forwarded to the relevant border customs administration.  (2) In the event that an goods coming to the customs territory of Turkiye within the scope of economically effective customs regimes turns into waste in whole or in part as a result of any labor, processing, use or waiting and is subject to the Free Movement Regime, the environmental contribution is paid and given to the facilities with a Temporary Activity Certificate or Environmental Permit and License Certificate, or Waste Management published in the Official Gazette dated 2/4/2015 and numbered 29314 The provisions of this Communiqué shall not apply, provided that recovery is made within the scope of subparagraph (h) of the first paragraph of Article 5 of the Regulation.  (3) Wastes transiting the customs territory of Turkiye are not subject to this Communiqué. 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 wastes included in the lists in Annex-2/A and Annex-2/B from the customs territory of our country is submitted to the relevant border entry customs administration.  (4) The import of the wastes listed in Annex-2/B is from conformity assessment bodies residing in Turkiye accredited by the Turkish Accreditation Agency regarding their compliance with the ISO Standards specified against them, or from conformity assessment bodies accredited by national accreditation bodies whose equivalence examination of European Union member countries has been positively completed; In the absence of an organization that meets these conditions, it is possible if the importer or his representative applies to the Provincial Directorate of Environment, Urbanization and Climate Change of the province where the border customs administration where the waste will enter the customs territory of Turkiye is located, together with the original and certified translation of the reports received from the conformity assessment bodies to be deemed appropriate by the Ministry of Environment, Urbanization and Climate Change. In this case, a letter stating that the substances determined to comply with ISO Standards by the Provincial Directorate of Environment, Urbanization and Climate Change are outside the scope of this Communiqué is issued and forwarded to the relevant border customs administration.  Wastes generated in the free zone  ARTICLE 10- (1) In the event that there is no waste management or recycling facility in the free zone for the purpose of collecting, separating, storing, recovering and/or disposing of the wastes in the lists in Annex-1, Annex-2/A and Annex-2/B, resulting from the activities in the free zones, or if the wastes are not given to these facilities by the waste producer company, the waste producer or the waste collecting, separating, storing the wastes in the free zone, Upon the request of the company that processes or carries out recycling and similar works, an application is made to 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 with the following documents:  a) A document stating that the wastes are generated as a result of a production and/or consumption activity within the free zone.  b) The type of activity that generates the waste, the type and amount of the waste.  c) One of the documents or letters issued by the Ministry of Environment, Urbanization and Climate Change in accordance with the relevant regulations according to the nature of the waste (Temporary Activity Certificate, Environmental Permit and License Certificate or By-Product/Alternative Raw Material Approval Letter).  ç) A contract stating that the wastes will be sent to the facilities that have the documents specified in subparagraph (c).  (2) Following the approval of the Waste Commission, these wastes are removed from the region based on the approval to be obtained from the Provincial Directorate of Environment, Urbanization and Climate Change, the extracted wastes are sent to the facilities that have the documents specified in subparagraph (c) of the first paragraph, and a Letter of Conformity is not required.  (3) Free Zone Directorates keep the information regarding the wastes removed from the zone to be submitted upon request.  Customs clearance  ARTICLE 11- (1) The Letter of Conformity regarding the wastes listed in Annex-1 is sought by the relevant border customs administrations at the entry of these wastes into the customs territory of Turkiye.  (2) The relevant border customs authorities do not allow wastes deemed inappropriate to enter the customs territory of Turkiye.  The Nonconformity Letter issued by the Provincial Directorate of Environment, Urbanization and Climate Change is attached to the transport document of the waste by the customs administration.  (3) Within the framework of the first paragraph of Article 9, the relevant border customs administrations allow the entry of wastes for which an Out of Scope Letter is issued into the customs territory of Turkiye.  (4) If the substances with tariff positions 39.01, 39.02, 39.04, 39.05, 39.06, 39.07, 39.08 and 39.12 are not substances defined in the list in Annex-1, the import of these substances is allowed directly upon application to the customs authorities where the free circulation process will be carried out, together with the Manufacturer's Certificate in Annex-7 and the certificate of analysis issued by the manufacturer. The importer is responsible for the validity of the document in question and the accuracy of the information it contains. For applications under other customs regimes, the Manufacturer's Certificate and certificate of analysis are not required by the relevant customs authorities.  (5) Within the framework of the third paragraph of Article 9, the border entry customs administrations allow the transit of wastes for which a Permit Letter is issued by the Ministry of Environment, Urbanization and Climate Change from the customs territory of Turkiye.  (6) Within the framework of the fourth paragraph of Article 9, the relevant border customs administrations allow the entry of wastes into the customs territory of Turkiye, for which a letter has been issued by the Provincial Directorate of Environment, Urbanization and Climate Change stating that they are outside the scope of this Communiqué.  (7) The border customs gates where the wastes listed in Annex-1 will enter the customs territory of Turkiye are determined by the Ministry of Commerce. The wastes listed in Annex-1 can be entered into the customs territory of Turkiye from the terminals that are outside the determined maritime border customs gates, for which permission is obtained from the Ministry of Commerce and the appropriate opinion is obtained from the Nuclear Regulatory Authority, and which have the necessary infrastructure for radiation control of private ports or piers. 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 the wastes listed in Annex-1 into the customs territory of Turkiye.  (8) It is not possible to transfer the goods subject to the letter of conformity that enter the customs territory of Turkiye for import under any circumstances.  Sanctions  ARTICLE 12- (1) Importers who act contrary to this Communiqué are subject to the sanctions stipulated in the environmental, foreign trade and customs legislation.  (2) In case of illegal waste traffic, administrative fines specified in Article 20 of the Environmental Law No. 2872 dated 9/8/1983 regarding waste imports are applied.  (3) In the event that it is determined during the customs procedures that the wastes listed in Annex-1 are not subject to conformity inspection at the entrance to the customs territory of Turkiye, necessary actions are taken under the supervision and supervision of the Ministry of Environment, Urbanization and Climate Change, without prejudice to any penal provisions. Liquidated wastes are processed within the scope of the provisions of the customs legislation regarding liquidation, provided that they are subject to compliance inspection by the Provincial Directorates of Environment, Urbanization and Climate Change.  (4) In the event that it is determined that the goods that enter free circulation within the scope of the second paragraph of Article 9 are not given to the facilities with a Temporary Activity Certificate or Environmental Permit and License Certificate, or that there is no recycling within the scope of subparagraph (h) of the first paragraph of Article 5 of the Waste Management Regulation, the sanctions stipulated in the environmental legislation are applied.  Data reporting  ARTICLE 13- (1) The data regarding the import control of the products within the scope of this Communiqué are transmitted to the Ministry of Commerce by the Ministry of Environment, Urbanization and Climate Change three times a year, in January, July and December.  Precautions for implementation  ARTICLE 14- (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 15- (1) The Communiqué on Import Control of Wastes Kept Under Control for the Protection of the Environment (Product Safety and Inspection: 2024/3) published in the Official Gazette dated 31/12/2023 and numbered 32416 has been repealed.  Migration process  PROVISIONAL ARTICLE 1- (1) The import of wastes 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 is subject to the provisions of the Communiqué on Import Control of Wastes Kept Under Control for the Protection of the Environment (Product Safety and Inspection: 2024/3), which is repealed by Article 15 for forty-five days from the date of entry into force of this Communiqué. However, the favorable provisions of this Communiqué shall apply to such transactions.  Temporary application for the import of certain substances  PROVISIONAL ARTICLE 2- (1) Industrialists with GTIP units 6310.10.00.00.00, 6310.90.00.00.11 and 6310.90.00.00.19 in the list in Annex-1 can import the items with GTIP until 31/12/2025 within the scope of the free circulation regime within the framework of the procedures and principles to be determined by the Ministry of Environment, Urbanization and Climate Change based on these documents.  Effective  ARTICLE 16- (1) This Communiqué enters into force on 1/1/2025.  Execution  ARTICLE 17- (1) The provisions of this Communiqué are executed by the Minister of Commerce. | | |