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| |  | | --- | | **ENVIRONMENTAL LABEL REGULATION**    **CHAPTER ONE**  **Aim, Scope, Basis, and Definitions**  **Aim**  **ARTICLE 1 –** (1) The aim of this Regulation is to promote products or services with a reduced environmental impact during their entire life cycle in line with sustainable environmental targets, to establish a voluntary Environmental Label system to provide consumers with accurate and science-based information and to regulate the administrative and technical issues and the procedures and principles regarding the implementation of the system.  (2) The Environmental Label system established by this Regulation aims to prevent the deterioration of ecosystems in all processes of the life cycle of products or services, starting from the use of natural resources and raw materials, and including the stages such as production, use, consumption, and recycling, to the final disposal stage, and aims to reduce the negative effects of the use of natural resources on the environment, human, health, climate, and natural life.  **Scope**  **ARTICLE 2 –** (1) This Regulation covers authorities, duties, and responsibilities related to the determination of procedures and principles related to the criteria determination and development, application, evaluation, the design of the Environmental Label, usage permit, duration, monitoring, inspection, strategy determination, awareness-raising, promotion and training activities regarding the Environmental Labelling of products or services.  (2) This Regulation applies to products or services produced, distributed, exported, or imported into the market in Turkey.  **Basis**  **ARTICLE 3 –** (1) This Regulation has been issued based on Article 3 of the Environment Law No. 2872 dated 9/8/1983 and Articles 97 and 104 of the Presidential Decree on the Presidency Organization No. 1.  **Definitions**  **ARTICLE 4 –** (1) For the aim of this Regulation, the following definitions shall apply:  a) Ministry: Ministry of Environment, Urbanisation and Climate Change.  b) Environmental Label: The sign representing a voluntary award system established to promote products with a reduced environmental impact during their entire life cycle and to provide consumers with accurate, non-deceptive, science-based information in compliance with the provisions of this Regulation.  c) Environmental Label User: The person or organization that has been awarded an Environmental Label by the Ministry in accordance with the procedures and principles of this Regulation for the products or services that it produces, manufactures, exports, offers, and puts on the market as a wholesaler or retailer.  d) Environmental Label Board: The board that evaluates the product criteria and determines the strategic suggestions and opinions for the development of the system.  e) Environmental Label System: The system that includes determining and developing product or service group criteria and the awarding and use of Environmental Label.  f) Environmental Labelled Product: The products proved to have fewer negative impacts on the environment, compared to other products or services in the same product or service group, throughout its life cycle consisting of the raw material acquisition, production, consumption, use stage, and disposal after the end of its lifetime and the products whose environmental effects proved to comply with the criteria determined according to the product or service group.  g) Environmental Impact: Any impact that a product or service has on the environment, partially or completely, throughout its life cycle.  h) Environmental Performance: The evaluation and management of a product's properties causing environmental impact throughout its life cycle by the manufacturer.  i) Verification: The process proving the conformity of a product or service with the determined Environmental Label criteria.  j) General Director: General Director of Environmental Impact Assessment, Permit and Inspection  k) General Directorate: General Directorate of Environmental Impact Assessment, Permit and Inspection  l) Service: The subject of any consumer transaction other than the supply of goods made or undertaken to be made in return for a fee or benefit.  m) Contract: Written agreement between the Ministry and the Environmental Label user who is entitled to use the Environmental Label.  n) Supplier: The manufacturer who supplies input, raw material, products to the company for a product or service to be provided.  o) Technical Evaluation Committee: The committee that determines and develops the Environmental Label criteria for product or service groups and technically examines their conformity according to the relevant criteria.  p) Consumer: A natural or legal person acting for commercial or non-professional purposes.  q) Producer: A person who produces, manufactures, improves, or identifies himself as a manufacturer by placing a name, trademark, or distinctive sign on a product. Representative and/or importer authorized by the manufacturer if the manufacturer is located outside the country. In addition, a natural or legal person in the supply chain of the product whose activities affect the safety features of the product.  r) Product: Goods placed on the market or intended to be supplied.  s) Product or Service Group: A group of products or services that serve the same purpose and are the same in terms of use or have similar functional properties and are perceived as similar by the consumer.  t) Product or Service Group Criteria: Environmental Labelling conditions determined by the Ministry for the product or service groups included in the Environmental Labelling system.  u) Lice Cycle: A product's successive and interdependent processes from the raw material stage to its disposal.  **CHAPTER TWO**  **Provisions Regarding Basic Principles and Requirements of Environmental Label System**  **Basic principles and objectives of the Environmental Label system**  **ARTICLE 5 –** (1) Measures are taken and implemented to increase the demand for Environmental Labeled products or services. For this purpose, evaluation and verification procedures and principles are streamlined to simplify the system and reduce the administrative burdens associated with the use of the Environmental Label. Incentive tools are determined and applied to increase the demand.  (2) For the Environmental Label to be recognized and accepted by society throughout the country, non-governmental organizations and consumer organizations are ensured to take part in the system, where appropriate.  (3) For the development and dissemination of the Environmental Label, environmental and economic policies are developed and taken into account in progress and development programs.  (4) Inspection and control measures are determined and implemented to prevent improper and unauthorized use of the Environmental Label.  (5) Cooperation, coordination, and information exchange is ensured between the relevant institutions to implement the inspection of the unauthorized and improper use of the Environmental Label in a harmonious manner.  (6) In order to promote the use of Environmental Labelled products or services, measures are determined and implemented to ensure that Environmental Labeled products or services are preferred in public procurement.  **The mechanism of the Environmental Label system**  **ARTICLE 6 –** (1) An Environmental Label system has been established in order to award Environmental Labels to products or services.  (2) In the Environmental Label system, the TS EN ISO 14024 Type I Environmental Labelling, Principles and Methods standard has been taken into account.  (3) The Environmental Label system is carried out with all relevant stakeholders under the management and coordination of the Ministry.  (4) The Ministry takes the necessary measures for the effective functioning and development of the system and the solution of problems arising from its implementation.  **Elements of the Environmental Label system**  **ARTICLE 7 –** (1) The Environmental Label system consists of the following elements:  a) The Ministry,  b) Environmental Label Board,  c) Technical Evaluation Committee,  d) Other public and private institutions/organizations, non-governmental organizations, Environmental Label users, consumer organizations,  e) Other participants to be invited specifically to the subject.  (2) The elements are required to have the technical knowledge and experience to perform all the tasks assigned to them by this Regulation.  (3) The Ministry, its top-level management, and the personnel responsible for carrying out the conformity assessment tasks shall not have a conflict of interest with the natural or legal person or persons responsible for the design, manufacture, supply, installation, use or maintenance of the products or service subject to this Regulation. This situation does not prevent the use of evaluated products necessary for the work of the authorized institution or the use of these products for personal purposes.  **Environmental label system product or service group criteria requirements**  **ARTICLE 8 –** (1) Environmental Label criteria take into account the environmental performance of the product while also considering environmental action plans.  (2) In order to achieve the highest environmental performance, product or service group criteria are determined on a scientific basis, taking into account the entire life cycle of the product or service. In determining and developing these criteria, the following are taken into account:  a) Reducing energy consumption, which has a negative impact on climate change and biodiversity, and promoting the use of renewable energy,  b) Waste generation and emissions to the environmental environment, and pollution caused by the physical effects, use, and spread of harmful substances,  c) Replacing environmentally and health-hazardous substances with safer materials and/or methods, where technically possible.  d) Minimizing environmental impacts by extending the useful life of products or services and ensuring their reusability.  e) Achieving a net balance between health and safety aspects and environmental benefits and harms of products or services at various lifecycle stages.  f) When applicable for the relevant product or service group, compliance with the criteria determined for other Environmental Labels, and especially with "TS EN ISO 14024 Type I Environmental Labelling, Principles and Methods", which is officially recognized at the international, national or regional scale,  g) Meeting the requirements that will ensure that the products or services bearing the Environmental Label are suitable for the intended use and reducing the experiments on animals as much as possible.  (3) In the development and implementation of product or service group criteria, a balance is achieved between improving the environmental performance of the product or service and the financial and administrative burden. Importance is attached not to set criteria that would impose a disproportionate administrative and economic burden on small and medium-sized enterprises. It is aimed to achieve higher environmental performance in products or services.  (4) During the development of the criteria, compliance with other relevant legislation and standards, especially the provisions of the Regulation on Displaying Energy and Other Resource Consumption of Products through Labelling and Standard Product Information, published in the Official Gazette dated 2/12/2011 and numbered 28130, is taken into consideration.  **Determination of criteria for a product or a service group**  **ARTICLE 9 –** (1) The process of determining new product or service group criteria and developing/updating existing product or service group criteria are stated below:  a) In the process of determining and developing/updating the criteria, if an application is made to the Ministry by the Environmental Labelling Board ex officio or by the person/legal persons, the application is evaluated by the Environmental Labelling Board, and the process is started if it is deemed appropriate.  b) In the application for criteria determination and development, the relevant information and documents are prepared in accordance with the format specified on the Ministry's website and submitted to the Ministry. If the specified information and documents are not prepared in accordance with the format, the applicant is given 6 months to complete the information and documents; otherwise, the application is cancelled.  c) Applications in accordance with the format are sent to the Environmental Label Board for opinion by the Ministry.  d) The product or service group criteria determination application is evaluated by the Environmental Label Board, and a positive or negative opinion is given.  e) In case the criteria determination application receives a positive opinion, a Technical Evaluation Committee is formed by the Ministry.  f) A technical evaluation report related to the draft product or service group criteria is prepared by the Technical Evaluation Committee  g) Draft criteria are developed according to the technical evaluation report.  h) Opinions of relevant public institutions and organizations, sector representatives, non-governmental organizations, and other stakeholders are taken about the draft criteria.  ı) Consultations and meetings are held with stakeholders until the draft criteria are finalized.  j) Within the framework of the received opinions and meetings, the final criteria draft regarding the product or service group criteria is prepared by the Technical Evaluation Committee and submitted to the Environmental Label Board.  k) If the final draft criteria are evaluated and approved by the Environmental Label Board, they are submitted to the Ministry for publication.  l) The final criteria are published by the Ministry.  (2) The abridged procedures published by the Ministry are applied if other criteria developed with "TS EN ISO 14024 Type I Environmental Labelling, Principles and Methods" is proposed to be product or service group criteria within the scope of this Regulation.  (3) Substantial and comprehensive revisions to previously determined criteria are subject to the above procedure. Apart from these comprehensive revisions, the procedures published by the Ministry are applied for the changes that will not affect the compliance with the criteria and the evaluation of its environmental performance.  **CHAPTER THREE**  **Application Processes for Awarding Products or Services the Environmental Label**  **Required documents for Environmental Label application**  **ARTICLE 10 –** (1) The documents required for the Environmental Label application are as follows:  a) The introduction, address, contact information of the natural or legal person applying and an application petition for the product or service to which the application will be made,  b) Company incorporation deed, articles of association or charter published in the Trade Registry Gazette,  c) Notarized circular of signatures of the person or persons authorized to represent the institutions/organizations,  d) The applicant's relationship with the product or service,  e) Commercial introduction of the product or service,  f) A receipt showing that the application fee has been deposited into the account of the Ministry's revolving fund management,  g) Information and documents related to the product or service criteria to be applied for,  h) Other information and documents requested by the Ministry.  **Environmental Label application process and evaluation**  **ARTICLE 11 –** (1) Producers, manufacturers, exporters, importers, service providers, wholesalers and retailers, persons and organizations deemed appropriate by the Ministry and who have an interest in obtaining the Environmental Label apply to the Environmental Label with the information and documents requested in accordance with the specified format.  (2) The Environmental Label application process consists of the following stages:  a) The application file is prepared and submitted to the Ministry.  b) The Ministry examines the information and documents in the application file within 30 calendar days in terms of conformity; if the deficiencies are not completed within 60 calendar days at the latest from the date of notification, the application is returned.  c) A technical evaluation committee is established for applications deemed appropriate by the Ministry.  d) Compliance with product or service criteria and other technical issues are evaluated within 90 calendar days from the date of application, and an Environmental Label technical report is prepared.  e) If the final technical report and technical report prepared by the technical evaluation committee are not sufficient and when deemed necessary, the on-site verification report is submitted to the Ministry for decision.  f) If the application meets the criteria, the Environmental Label is issued by the Ministry.  g) The fees determined for the use of the annual Environmental Label are paid to the Ministry's Revolving Fund.  (3) The Ministry may perform on-site verification or appoint authorized representative/representatives for this task, other than the technical evaluation committee.  (4) The costs arising from the verifications requested by the technical evaluation committee are covered by the applicant.  (5) The shape of the Environmental Label must be in accordance with the Environmental Label format published by the Ministry. The information to be found on the label is determined by the Ministry.  **Circumstances that the Environmental Label will not be awarded**  **ARTICLE 12 –** (1) Environmental Label is not awarded in the following cases:  a) Products containing substances or mixtures that meet the classification criteria as toxic, harmful to the environment, carcinogen, mutagen, toxic to the reproductive system within the scope of the Regulation on Classification, Labelling and Packaging of Substances and Mixtures published in the Official Gazette dated 11/12/2013 and numbered 28848,  b) Products containing chemicals with the characteristics defined in Article 47 of the Regulation on Registration, Evaluation, Authorization and Restriction of Chemicals published in the Official Gazette dated 23/06/2017 and numbered 30105,  c) For special categories of products containing substances defined in subparagraphs (a) and (b) of the first paragraph; In cases where the substitutes, alternatives or uses of these substances are not technically possible or if they are products with a significantly higher environmental performance compared to other products in the same category, the Ministry may apply criteria to make exceptions from the first paragraph. No exception can be made for substances that meet the criteria in Article 47 of the Regulation written in paragraph (b), which are in a mixture/ware as they are and in concentrations higher than 0.1% by weight, or are a homogeneous part of a complex ware, as defined within the scope of the procedure in Article 49 of the same Regulation,  d) Medical products, veterinary medicinal products and medical devices and materials defined in the Medical Device Regulation published in the Official Gazette dated 7/6/2011 and numbered 27957 and the Regulation on Veterinary Medical Products published in the Official Gazette dated 24/12/2011 and numbered 28152,  e) Feed and food products.  (2) In the environmental labelling process, in addition to the provisions in the first paragraph, the Ministry may also take a restriction decision for products that are harmful to the environment.  **CHAPTER FOUR**  **The Usage and Obligations of the Environmental Label**  **Contract signing, execution and termination**  **ARTICLE 13 –** (1) Upon the signing of the contract between the Ministry and the applicant who is entitled to receive an Environmental Label, the applicant takes the title of Environmental Label user. The Ministry may add additional provisions to the contract depending on the product or service group criteria, type and characteristics.  (2) If it is detected by the Ministry that the Environmental Label user violates the provisions of this Regulation, the Ministry may unilaterally terminate the contract and cancel the permission to use the Environmental Label by notifying the Environmental Label user in writing to the valid address in the application, with return receipt requested.  (3) The user of the Environmental Label can always terminate the contract and waive the use of the Environmental Label by sending a written notification to the Ministry 3 months in advance.  **The use of the Environmental Label**  **ARTICLE 14 –** (1) The Environmental Label is used by the Environmental Label user in accordance with the principles, procedures and principles specified in this Regulation and the contract drawn up accordingly.  (2) A new application or a new Environmental Label is not required for changes that will not affect the compliance with the criteria to be made on the product or service and the evaluation of its environmental performance. The user of the Environmental Label notifies such changes in writing to the Ministry. When the Ministry deems it necessary, it conducts an examination to verify the product or service group criteria.  (3) Environmental Label user cannot use advertisements, expressions, labels or logos that are false, misleading, or that would harm the integrity of the Environmental Label.  (4) The Ministry can always inspect for the conformity of the product or service with the Environmental Label usage permit to the relevant criteria, this Regulation, and the contract provisions.  (5) In cases where the user of the Environmental Label cannot meet the obligations and provisions of use, the user of the Environmental Label notifies the Ministry of this situation and cannot use the Environmental Label until the obligations are fulfilled.  (6) In cases where the Ministry detects that the Environmental Label user violates this Regulation or the provisions of the contract, it freezes or cancels the Environmental Label use permit.  (7) The Ministry cannot be held responsible for the damage suffered by the Environmental Label user or a third party due to the issuance or use of an Environmental Label.  (8) The use of the Environmental Label is given for 4 years. If requested 180 days before the end of the period, the period may be extended as a result of the evaluation made by the technical evaluation committee by the Ministry.  (9) The Environmental Label user can use the Environmental Label as long as the Environmental Label user complies with the applicable product or service group criteria. In case the criteria are renewed, the Environmental Label user is given a 6-month transition period to comply with the new criteria, and compliance with the new criteria must be proven within 6 months. If the Environmental Label user does not want to renew the contract, a maximum of 1 year is given to consume the Environmental Labelled products in their stocks. The Environmental Label is not used for products that cannot be placed on the market within this period.  (10) If the Environmental Label expires, the Environmental Label user cannot use the Environmental Label.  **CHAPTER FIVE**  **Establishment, Authority, Duties and Responsibilities of System Elements**  **The duties and responsibilities of the Ministry**  **ARTICLE 15 –** (1) The duties of the Ministry are as follows:  a) The Ministry is the owner and executive of the Environmental Label system,  b) It manages the operation of the Environmental Label system, makes the necessary coordination and guidance for its effective implementation,  c) It establishes the members of the Environmental Label board,  d) It establishes the technical evaluation committee,  e) It publishes the criteria for the product or service group,  f) It accepts Environmental Label applications, conducts or ensures the execution of technical evaluation, verification, marketing, promotion, awareness, training, criteria determination and development processes and coordination,  g) It monitors and supervises the use of the Environmental Label or ensures that it is done,  h) It collects the application and annual Environmental Label usage fees required for the operation of the system, prepares a budget for the support to be made by the public,  i) It may delegate authority to institutions/organizations within the scope of giving Environmental Labels to products or services.  **The Environmental Label Board**  **ARTICLE 16 –** (1) The members of the Environmental Label Board are formed by the Ministry, under the chairmanship of the General Director or a Deputy General Director to be authorized by the General Director, by being selected from representatives of public institutions/organizations, private sector, non-governmental organizations, and relevant stakeholders.  (2) The working procedures and principles of the Environmental Label board are as follows:  a) The Environmental Label Board meets at least twice a year. The quorum for the meeting is the absolute majority. Decisions are taken by the majority vote of those attending the meeting.  b) The Environmental Label Board convenes when necessary, according to the request of the Ministry or applications regarding the determination of criteria.  c) The expenses of the members of the Environmental Label Board are covered by the institution or organization representing them.  (3) The duties of the Environmental Label Board are as follows:  a) Presenting opinions to the Ministry for the determination of the criteria for a product or service group to be awarded the Environmental Label or to develop the criteria for the specified product or service group.  b) Evaluating the final draft criteria regarding the product or service group criteria conveyed by the technical evaluation committee, and submitting them to the Ministry for publication, if deemed appropriate,  c) Presenting strategic opinions on the operation and development of the Environmental Label system.  **Duties and responsibilities of the technical evaluation committee**  **ARTICLE 17 –** (1) The technical evaluation committee is determined by the Ministry.  (2) The duties of the technical evaluation committee are as follows:  a) Performing technical analysis and preparing reports for the determination and development of product or service group criteria,  b) Examination of the compliance of the applications with the criteria for the evaluation of product or service applications and to prepare a technical report by verifying them,  c) Inspecting the compliance of the Environmental Label with the criteria,  d) Performing other duties assigned by the Ministry.  **CHAPTER SIX**  **Miscellaneous and Final Provisions**  **The shape of the Environmental Label**  **ARTICLE 18 –** (1) The colour, logo, dimensions, product group, criteria, and registration information of the Environmental Label are determined and announced by the Ministry.  **Market monitoring and control of the use of Environmental Labels**  **ARTICLE 19 –** (1) Inter-institutional cooperation and information exchange are ensured in order to ensure unity of practice in the control of the use of the Environmental Label.  (2) The Ministry notifies the Environmental Label user of the complaint regarding the Environmental Labelled product or service and requests that the Environmental Label user respond to the complaint within 7 days from the notification date. The Ministry keeps the complainant's information confidential.  (3) If the Ministry determines that the Environmental Labelled products or services do not comply with the determined criteria or that the Environmental Label is not used in accordance with the provisions of this Regulation, the Environmental Label user is prohibited from using the Environmental Label; may announce the prohibition decision on its website or by appropriate means.  **Recognition of Environmental Labels of other countries**  **ARTICLE 20 –** (1) The Ministry may decide to recognize the labels related to the same product or service group, issued by the European Union Regulation No. 66/2010/EC and other country Environmental Label systems, in accordance with TS EN ISO 14024 Type I Environmental Labelling, Principles and Methods Standard. The product or service group criteria created for the Environmental Labelling in the recognized system cannot contain lower limitations than the currently accepted national product group criteria.  **Promotion and encouragement of the use of the Environmental Label**  **ARTICLE 21 –** (1) The Ministry determines and implements an action plan in cooperation with other relevant institutions and organizations in order to promote the use of the Environmental Label system.  (2) Promotion, information, awareness, and training campaigns are organized with appropriate communication tools in order to raise awareness.  (3) In order to encourage the use of Environmental Labelled products and services, incentive measures are also taken in addition to promotion, information, awareness, and training activities.  (4) The Ministry also carries out informative and promotional activities for public procurement institutions and organizations to prefer the Environmental Labelled products and to use product or service criteria in technical specifications.  (5) The Ministry takes measures to enable consumers to demand the Environmental Labelled products or services and carries out promotional, informative, and awareness-raising activities.  (6) The Ministry may obtain services related to determining Environmental Label criteria for product or service group, criteria development, Environmental Label evaluation process, verification, preparation of technical reports, all kinds of promotion, meeting, information, awareness, and training activities.  **Information and document security**  **ARTICLE 22 –** (1) Information and documents about products or services that companies applying for Environmental Labels requested to be kept confidential are evaluated by the Ministry and kept confidential if deemed appropriate.  (2) If the supplier is not willing to share its information and documents with the company applying for the Environmental Label, it can directly transmit it to the Ministry.  **Environmental Label application fee**  **ARTICLE 23 –** (1) For the Environmental Label application, the application fee to be determined by the Ministry is paid by the applicant. The application will not be evaluated until the application fee is paid.  (2) The Ministry determines the Environmental Label usage fee annually. The user of the Environmental Label pays the annual fee determined by the Ministry. The Ministry cancels the Environmental Label of the products or services for which the annual fee is not paid. The period covered by the annual fee starts from the date the Environmental Label is issued.  (3) The fees to be collected within the scope of this Regulation are determined each year by the Ministry's revolving fund management, and the unit price list published on the Ministry's website is applied.  **Sanctions**  **ARTICLE 24 –** (1) A criminal complaint is filed with the Public Prosecution Office against those who use the Environmental Label without permission or by imitating them, those who use forged documents during the application, and those who release or disclose information and documents that can be considered trade secrets within the scope of this Regulation to unauthorized persons.  **Enforcement**  **ARTICLE 25 –** (1) This Regulation enters into force on its publication date.  **Execution**  **ARTICLE 26 –** (1) The provisions of this Regulation are executed by the Ministry of Environment, Urbanisation and Climate Change. | |