**REPUBLIC OF TURKEY**

**MINISTRY OF ENVIRONMENT AND URBANIZATION**

**Directorate General of Environmental Management**

**Number:** 97680657-125.06-3052

**Subject:** Import and Use of

Ozone-Depleting Substances

07/03/2016

**CIRCULAR**

**(2016/01)**

The duty of setting plans, policies and strategies regarding the depletion of the ozone layer and measures to prevent it was given to our Ministry as per sub-paragraph (m) of paragraph 1 of article 8 of the Decree on the Organization and Duties of the Ministry of Environment and Urbanization No. 644 of July 4, 2011.

Within the framework of the Regulation on the Reduction of Ozone-Depleting Substances No. 27052 of November 12, 2008 and the Communiqué on the Import Inspection of Chemicals that are Under Control Relating to the Protection of the Environment (2016/6) as published by the Ministry of Economy; our Ministry regulates control documents for the importers of Ozone-Depleting Substances (ODS). In stages of import and end-use of ODSs; importers for servicing, importers for production, industrialists, distributors and end-user companies for servicing shall follow the following matters.

This circular stipulates all requirements regarding the import for servicing or production, export, selling, use and domestic movement of gases.

In line with the related Regulation and Communiqué, the import of controlled substances is prohibited. However, the import for servicing (use in domestic air conditioning systems to be exported to the countries in the scope of Article 5 of the Montreal Protocol, prior to placement into the domestic market) or production of chlorodifluoromethane (HCFC-22) shall be allowed with the evaluation of the Ministry.

Importers for servicing, importers for production, industrialists, distributors and end-user companies, whether active within the country or in free zones, shall first register in the Environmental Information System at <http://online.cevre.gov.tr/>.

Said companies shall log-in to this address, submit the required information to the system and apply to the Provincial Directorate of Environment and Urbanization in the province that their tax office is affiliated to, with the petition printed automatically from the system. After getting the approval of the related Provincial Directorate, companies shall register in the system at the same address, with the user names and passwords that they receive via e-mail. Details of the registration process can be found at <http://online.cevre.gov.tr/>.

As registration documents have been issued to importers for servicing and production since January 1, 2015, importers and exporters/industrialists registration documents are no longer valid. Therefore, companies that wish to import for servicing or production shall apply to the Ministry again, using the ODS Monitoring Program. Importers who wish to import for servicing can apply to the Ministry of Economy for Import License Document, after getting their registration documents. Importers for production shall not be required to have an Import License Document.

Companies having branches with the same tax number shall be registered in the Environmental Information System as a single company and branches shall be stated next to the company name and branches shall be registered as facilities.

Provincial Directorates of Environment and Urbanization and, if needed, organizations and institutions to be authorized by the Ministry shall perform audits concerning importers for servicing, importers for production, industrialists, distributors and end-users for servicing.

**A - IMPORTER COMPANIES**

1. **Import Phase**
2. **Import for Servicing**

Import of a certain amount of substance, within the scope of a quota, shall be allowed until 2025 for use in the servicing and maintenance of devices which are currently inside the country and were produced and launched before 2015. But, if deemed necessary, the Ministry can terminate the imports for servicing before 2025 by considering the market conditions.

The Ministry of Economy shall allocate the quota concerning the import for servicing as set by our Ministry.

Companies that wish to import controlled substances for servicing, shall get the importer for servicing registration document from the Ministry. As regards the control document applications in the import for servicing phase, the substance's intended purpose shall be ''for servicing''. Upon entry to the country, its sales and all stages until the end-use shall be recorded on the ODS Monitoring Software.

1. **Import for Production**

As of 2015, it is prohibited to produce devices and products for placement into the domestic market by using controlled substances. But the import of controlled substances, for use in domestic air conditioning systems to be exported to the countries in the scope of Article 5 of Montreal Protocol is allowed for a period to be set by the Ministry.

Companies that wish to import controlled substances for production, shall get the importer for production registration document from the Ministry. As regards the control document applications in the import for servicing phase, the substance's intended purpose shall be ''for production''. Following the entry into the country, its sale to industrial companies registered in the Ministry and all stages until the end-use shall be recorded on the ODS Monitoring Software.

Industrial companies shall submit the form in Annex-6 containing information about the amount of substance used in production and exported inside equipment, with public accountant-approved customs declarations, by the end of the year.

1. **Import for Areas of Laboratory Use or Mandatory Use**

Within the framework of the provisions of Communiqué No. 2016/6; import of the substances specified in the following table for areas of laboratory use or mandatory use shall be allowed following our Ministry's assessment.

|  |  |
| --- | --- |
| HS Code | SUBSTANCE |
| 2903.76.10.00.00 | Bromochlorodifluoromethane |
| 2903.76.20.00.00 | Bromotrifluoromethane |
| 2903.76.90.00.00 | Dibromotetrafluoroethanes |
| 2903.77.60.00.00 | Trichlorofluoromethane, Dichlorodifluoromethane, Trichlorotrifluoroethanes  Dichlorotetrafluoroethanes and Chloropentafluoroethane |
| 2903.77.90.00.00 | Others |
| 2903.14.00.00.00 | Carbon tetrachloride |
| 2903.19.00.00.19 | Others |
| 2903.79.30.00.59 | Others |

Companies that wish to import these substances for the purposes stated in the related Communiqué, shall get the Control Document from our Ministry.

1. **Prerequisites, General Rules and Necessary Documents for the Registration of Importer Companies,**
2. **Prerequisites**

The prerequisite for companies that wish to import controlled substances is having air-conditioning and cooling as main activity in Trade Registry Gazettes or Chamber records.

1. **General Rules**

As of 2015, import for production and export of Chlorodifluoromethane, stated in the Annex of the Regulation, is prohibited. Companies that wish to import shall register as importer for servicing or importer for production, over the ODS Monitoring Software.

Companies to import Chlorodifluoromethane in the scope of Annex-1 of the Communiqué No. 2016/6 shall get the Importer for Servicing Registration Document for Chemicals that are Under Control Relating to the Protection of the Environment (Ozone-Depleting Substances).

Companies to import Chlorodifluoromethane in the scope of Annex-1 of the Communiqué No. 2016/6 shall get the Importer for Servicing Registration Document for Chemicals that are Under Control Relating to the Protection of the Environment (Ozone-Depleting Substances).

Registration Documents for importers for servicing and importers for production (Annex-1 and Annex-2) shall be valid for 3 (three) years after their date of issue.

Importer companies for servicing or production shall be registered in the ODS Monitoring Software as 'importer for servicing' or 'importer for production'. If the importer registers for import, sales, stock tracking, export, end user for servicing and use for servicing, it can make its consumption from the same page, provided that it employs technical personnel and registers them.

Importer companies for servicing that are registered in the Ministry shall upload the information regarding the employment of qualified personnel for servicing to the ODS Monitoring Software and convey the requested documents during audits. It is not required to separately register their end-users for servicing.

Controlled substances that are imported for servicing shall only be sold to end-use companies registered in the Ministry. Importers shall notify the end users to whom they sell controlled substances and for whom they have completed registration in the ODS Monitoring Software of their liabilities stipulated in this Circular. No sales shall be made to importer and distributor companies.

Importer companies for production shall not use the ODSs for purposes other than those stated in Annex-1 of the Communiqué No. 2016/6. In cases such as changes in the production process etc., the sale or transfer of ODSs to real or legal persons is subject to the permission of the Ministry.

Importer companies shall keep records of the sales, keep these records for 5 (five) years, keep them ready for audits and convey them to the Ministry, if requested by the Ministry.

**c- Necessary Documents**

Import companies for servicing or production to register in the ODS Monitoring Software shall apply to the Ministry with the following documents, for importing and selling the substance chlorodifluoromethane, in the scope of the Communiqué No. 2016/6.

1. Petition (created automatically after filling in the necessary information on the ODS Monitoring Software as signed and stamped by the authorized signatory)
2. The Letter of Undertaking stated in Annex-3 of the Communiqué No. 2016/6 (signed and stamped by the authorized signatory)
3. The Trade Registry Gazette or Certificate of the Registration for Artisan/Industrialist or Chamber Record approved by the Notary or the Chamber of Commerce (main field of activity/field of occupation being air conditioning or refrigeration)

ç- Tax Board approved by the Notary or the tax office (if the tax board requested during registration in the ODS Monitoring Software contains a tax label, notarization can be made by adding the 'Online Printout' annotation.)

1. Notarized Circular of Signature,
2. Original copy of the bank receipt certifying the deposition of the fee for the registration of ODS importers for servicing or production (it shall be deposited to the Ministry of Environment and Urbanization, Halkbank, Institutional Collections Branch, Income Code No. 111). The receipt for the payment of the document fee shall include the company's full name, tax number and the statement ''ODS Importer Registration''. Receipts for payments as EFT or money order shall not be accepted.

The Registration Document shall not be prepared before completing the requested information and documents. Applications the deficiencies of which are not completed within 30 (thirty) days following the notification of deficiency shall be returned to the applicants thereof by the Ministry.

Within the scope of the General Customs Communiqué serial No. 114 of August 9, 2014, import shall only be made from İstanbul Trakya Free Zone Customs Directorate, Ambarlı Customs Directorate, Dilovası Customs Directorate, Derince Customs Directorate, İzmir Customs Directorate and Mersin Customs Directorate.

Importer or distributor companies for servicing or production, registered in the Ministry, can register end-user companies for servicing in the ODS Monitoring Software and update the company information free of charge, in line with the issues stated in the Circular's ''D- Rules End-User Companies for Servicing Shall Follow''.

1. **Necessary Documents for Control Document Application**

a- Companies that wish to get the control document for importing the substance chlorodifluoromethane, specified in the list in Annex-1 of the Communiqué No. 2016/6, shall apply to the Ministry with the following documents:

1. Petition (created automatically after filling in the necessary information on the ODS Monitoring Software, as signed and stamped by the authorized signatory)
2. 2 (two) control documents (created automatically after filling in the necessary information on the ODS Monitoring Software, as signed and stamped by the authorized signatory)
3. The original proforma invoice, notarized translation thereof and photocopies (proforma invoice shall include the origin of the product, Harmonized System (HS) code, the item's weight in kilograms (kg), CIF cost, wet stamp of the exporter company and the signature of the authorized signatory)
4. The original analysis certificate, notarized translation and photocopies thereof (the analysis certificate shall include the date and number of the proforma invoice used for the application, purity percentage of the chemical compound, purity percentage of each component if the compound is a mixture- all percentages shall be above 99.9%- wet signature of the producer company and signature of the authorized signatory as specified in the circular of signature)
5. The original label (the label shall include the name or logo of the producer company, full names of the chemical substance/substances and CAS numbers thereof, 'warnings' in Turkish, the statement 'Harmful to the Ozone Layer', wet signature of the producer company and signature of the authorized signatory)
6. The original and copy of the Import License Document to be taken from the Directorate General of Import affiliated to the Ministry of Economy for use in import for servicing purposes.
7. Capacity Report of the producer company for use in import for production applications
8. The original bank receipt certifying the deposition of the control document fees (shall be deposited to the Ministry of Environment and Urbanization, Directorate of Revolving Fund Operations, Institutional Collections Branch, Income Code No. 111). The receipt certifying the deposition of the document fee shall include the full name and tax number of the company and the statement 'ODS Control Document'. Receipts for payments as EFT or money order shall not be accepted.)

**b**- Companies that wish to get the control document for importing for areas of laboratory use or mandatory use, shall apply to the Ministry with the following documents.

1. 2 (two) control documents (specified in the Annex of the Communiqué No. 2016/6, as signed and stamped by the authorized signatory)
2. The original proforma invoice, notarized translation thereof and photocopies (proforma invoice shall include the origin of the product, Harmonized System (HS) code, the item's weight in kilograms (kg), CIF cost, wet stamp of the exporter company and the signature of the authority)
3. The original analysis certificate, notarized translation and photocopies thereof (the analysis certificate shall include the date and number of the proforma invoice used for the application, purity percentage of the chemical compound, purity percentage of each component if the compound is a mixture- all percentages shall be above 99.9%- wet signature of the producer company and signature of the authorized signatory in the circular of signature)
4. The original bank receipt certifying the deposition of the control document fee (shall be deposited to the Ministry of Environment and Urbanization, Directorate of Revolving Fund Operations, Halkbank, Institutional Collections Branch, Income Code No. 111). The receipt stating that the document fee has been paid shall include the company's full name, tax number and the statement ''ODS Control Document''. Receipts for payments as EFT or money order shall not be accepted.)

**4- Rules to Follow During the Import Phase**

1. No other or similar substances shall be imported using the HS numbers and substance names stated in the Control Documents.
2. Substances listed under Annex-1 of the Communiqué No. 2016/6 shall not be sold to institutions, organizations and companies other than those stated in the Control Document.
3. At all stages of import and use of the ODSs, if deemed necessary, a technical committee formed by the Ministry can take samples from the substance with the sampling method and have universities and other institutions test the substance at their laboratories. Analysis fees and other expenses shall be compensated by the company and the analysis results shall be used as the basis of the assessment.

ç- Control Documents shall not be issued before the requested information and documents are complete and the previous year's Control Documents are closed. Applications the deficiencies of which are not completed within 30 (thirty) days following the notification of deficiency shall be returned to the applicants thereof by the Ministry.

**5- Closing the Control Documents**

Within the framework of the provisions stated under the Communiqué No. 2016/6; Control Documents' closing operations shall be conducted within 30 (thirty) business days following the Document being conveyed to our Ministry with the requested information and documents, after the end of the Control Document's period of validity. Companies' requests for Registration Documents for Import for Servicing or Production and Control Documents for Chemicals that are Under Control Relating to the Protection of the Environment (Ozone-Depleting Substances); shall be evaluated after the previous year's liabilities are met.

**B - INDUSTRIALIST COMPANIES**

**1- General Rules**

It is prohibited to use controlled ODSs for the production of devices and products to place them into the domestic market and to build new facilities for producing devices and products that contain ODSs. Following the publication of this Circular, no new industrialist registration document shall be issued for companies that do not already have one.

Until a date the Ministry shall set considering the market conditions, companies that are registered in the Ministry and have renewed their registration document shall be allowed to produce domestic air conditioning systems, for export to countries stated under Article 5 of Montreal Protocol, without placing them into the domestic market.

After their period of registration comes to an end, current industrialist companies registered in the Ministry shall deposit the registration document renewal fee and get the Industrialist Revision Registration Document for Chemicals that are Under Control Relating to the Protection of the Environment (Ozone-Depleting Substances). The said renewal document shall stay valid for 3 (three) years following its date of issue (Annex-3).

Industrialist companies to renew their registration on the ODS Monitoring Software shall apply to the Ministry with the following documents.

1. Petition (created automatically after filling in the necessary information on the ODS Monitoring Software, as signed and stamped by the authorized signatory)
2. The Trade Registry Gazette or Certificate of Registry for Artisan/Industrialist (Chamber Record), approved by the Notary or the Chamber of Commerce
3. Tax board approved by the Notary or the tax office (if the tax board requested during registration in the ODS Monitoring Program is labeled, notarization can be made by adding the 'Online Printout' annotation.)

ç- Notarized circular of signatures,

1. Capacity Report
2. The original bank receipt for the deposition of the fee for ''ODS Industrialist Renewal Registration'' (shall be deposited to the Ministry of Environment and Urbanization, Directorate of Revolving Fund Operations, Halkbank, Institutional Collections Branch, Income Code No. 111). The receipt stating that the fee has been paid shall include the company's full name, tax number and the statement ''ODS Industrialist Renewal Registration''. Receipts for payments as EFT or money order shall not be accepted.)

If industrialist companies are to import ODSs for production purposes, they shall be subject to the liabilities of importer companies for production.

**2- Rules that Industrialist Companies are to Follow**

1. It is prohibited to produce products and devices containing controlled ODSs for placement into the domestic market.
2. Industrialist companies shall be allowed to conduct purchasing operations, stock follow-up, consumption for servicing or production and record their end-uses, over the ODS Monitoring Software. But they cannot sell or transfer controlled ODSs. In cases such as the closure of the company etc., the sale or transfer of the ODSs is subject to the permission of the Ministry. Industrial companies shall notify the end users registered thereby in the ODS Monitoring Software of their liabilities stated in this Circular.

**C- DISTRIBUTOR COMPANIES**

1. **Necessary Documents for the Registration of Distributor Companies**

Distributor companies shall be registered in the ODS Monitoring Software as distributors and shall be able to sell the gases on the market, perform stock follow-up, export, the registration of end-user for servicing and their consumptions if they use the substances for servicing, provided that they employ technical personnel and register them; all from the same page.

The registry document shall be valid for 3 (three) years following its date of issue.

Distributor companies to be registered in the ODS Monitoring Software shall apply to the Ministry with the following documents, so as to sell the ODSs covered by the Communiqué.

1. Petition (created automatically after filling in the necessary information on the ODS Monitoring Software, as signed and stamped by the authorized signatory)
2. The Trade Registry Gazette or Certificate of Registry for Artisan/Industrialist (Chamber Record), approved by the Notary or the Chamber of Commerce
3. Tax board approved by the Notary or the tax office (if the tax board requested during registration in the ODS Monitoring Software contains a tax label, notarization can be made by adding the 'Online Printout' annotation.)

ç- Notarized circular of signatures

1. The original bank receipt certifying the deposition of the fee for ''ODS Distributor Registration'' (shall be deposited to the Ministry of Environment and Urbanization, Directorate of Revolving Fund Operations, Halkbank, Institutional Collections Branch, Income Code No. 111). The receipt stating that the fee has been paid shall include the company's full name, tax number and the statement ''ODS Distributor Registration''. Receipts for payments as EFT or money order shall not be accepted.)

Public institutions that do not have to be registered in chambers, universities and distributor companies that are founded with special laws and have a legal entity are not required to submit the documents specified in sub-paragraphs (b), (c), (ç) and (d).

1. **Rules that Distributor Companies are to Follow**

Distributor companies registered in the Ministry;

1. Can sell ODSs which are specified in Annex-1 of the Communiqué No. 2016/6 and are available in their current stocks to institutions, organizations or enterprises that employ personnel having the qualities required by the Regulation on the Reduction of Ozone-Depleting Substances and are registered in the ODS Monitoring Software; or end users that do refilling for servicing.
2. Cannot purchase ODSs from importer companies for servicing or production. Can make sales to end users according to their current stocks.
3. Shall make the registration and information changes of end users for servicing on the ODS Monitoring Software, in line with the Circular's 'D- Rules that End User Companies for Servicing are to Follow' chapter, free of charge. Distributor companies shall notify the end users registered thereby in the ODS Monitoring Software of their liabilities stated in this Circular.

ç- Shall keep records of the sales, keep these records for 5 (five) years, keep them ready for audits and convey them to the Ministry, if requested by the Ministry.

**D- END USER COMPANIES FOR SERVICING**

**1- Registration of End User Company for Servicing**

End user companies for servicing shall be registered in the Ministry's “Environmental Information System” at http://online cevre.gov.tr/. After end user companies for servicing are registered in the Environmental Information System, they are registered in the ODS Monitoring Software by the importer or distributor companies registered in the Ministry and the Ministry performs the approval. The Ministry handles the registration of end-user for servicing with regard to institutions or organizations which are not taxpayers.

Importer or distributor companies registered in the Ministry shall conduct the registration in the ODS Monitoring Software and apply information changes of end user companies for servicing, in line with the provisions stated in the section 'registration actions of end user for servicing' at http://online.cevre.gov.tr/, free of charge.

End user companies for servicing can get registered in the importer or distributor company of their choice with the documents stated in Article 2 of chapter D- End User Companies for Servicing. Each company needs to get registered in the ODS Monitoring Software only once. But, in the event that technical personnel of authorized signatories are to be added or deleted, the Ministry can handle these operations, provided that the document meeting the training terms requested by the said regulation, and the circular of signatures list are conveyed to the Ministry and approved.

1. **Necessary Documents for the Registration of End User Company for Servicing**

End user companies for servicing that wish to be registered shall apply to importer or distributor companies with the following documents;

1. End user company registration form
2. Adequate end user documents covered under Article 15 of the related regulation (2 end user diplomas and premier payrolls from the Social Security Organization)
3. Circular of signature

ç- Copy of the tax board

1. Copy of the Trade Registry Gazette or copy of the Chamber of Artisans and Craftsmen Registration Document

Public institutions are not required to present the documents in sub-paragraphs (c), (ç) and (d) and premier payrolls from the Social Security Organization; and the Ministry handles their registration.

1. **Rules that End User Companies for Servicing are to Follow**
2. End user companies for servicing shall be registered in the ODS Monitoring Software.
3. End user companies for servicing that utilize ODSs listed under Annex-1 of the Communiqué No. 2016/6 shall meet the training qualities stated in the related regulation. Organizations, institutions and companies that do business with producers engaging in production using these substances shall employ personnel meeting the criteria stated in the Regulation. End users for servicing that do not have these qualities; and production facilities and services that handle products and devices containing ODSs and do not employ trained personnel, are not allowed to purchase and use these substances.
4. End users that purchase ODSs for using the substances themselves and are registered in the ODS Monitoring Software, cannot sell and transfer the ODSs purchased thereby. In cases such as the closure of the company etc., the sale or transfer of the ODSs shall be subject to the permission of the Ministry.

ç- End user companies for servicing shall keep the documents containing information about the purchase and use of the ODSs purchased thereby ready for audits by the Ministry or institutions assigned thereby; and they must upload these documents to the ODS Monitoring Software monthly.

1. The substance chlorodifluoromethane (HCFC-22), listed in Annex-1 of the Communiqué No. 2016/6, shall only be used for servicing. Products and devices shall not be produced using this substance for placement into the domestic market. However, it can be used for domestic air conditioning systems to be exported to countries covered by Article 5 of the Montreal Protocol.
2. The Ministry handles end-use registration for servicing concerning institutions or organizations which are not taxpayers.
3. End user companies for servicing need to get registered in the ODS Monitoring Software only once. But the registered technical personnel shall be annually updated on the ODS Monitoring Software. Importer, exporter (for production) and distributor companies that are registered in the ODS Monitoring Software shall be able to make these updates.

g- Changes in the company's registry information shall be conveyed to the company handling the registration within 30 (thirty) business days for processing on the ODS Monitoring Software.

**E- DOCUMENT FEES**

Fees for control documents (for servicing, production and laboratory purposes), and registration documents for import for servicing and for production, industrialists and distributors shall be annually updated within the framework of the Ministry of Environment and Urbanization’s Revolving Funds Management Regulation No. 28156 of November 28, 2011 and published on the ODS Monitoring Software on our Ministry's website.

**F- GENERAL RULES THAT IMPORTERS FOR SERVICING, IMPORTERS FOR PRODUCTION, INDUSTRIALISTS, DISTRIBUTORS AND END USER COMPANIES FOR SERVICING ARE TO FOLLOW**

1. Paying close attention to preserving chemical qualities of ODSs until end use, keeping the documentation ready for audits,
2. Submitting the necessary documents and information to the Ministry in a timely manner,
3. Entering the import, sale, consumption, etc. information of the ODSs to ODS Monitoring Software on a monthly basis so as to electronically track their import, distribution and use,
4. In the event that the firm or company is assigned, stating in the agreements with the purchasing or transferred firm or company, that the new firm or company shall follow the provisions of the letter of undertaking and the related Communiqué; and conveying the documents related to the change to the Ministry within 30 (thirty) business days,
5. Having the documents that put the firm or company under debt or liabilities (Control Document, covenant, etc.) signed in due form, by authorized signatories who can fulfill the provisions in the regulation,
6. In the event that company authorities are replaced or leave for any reason, conveying the new circular of signatures concerning the newly assigned authorized signatory, to the Ministry within 30 (thirty) business days,
7. Conveying to the Ministry the original copies of all documents or their copies approved by institutions stated in the regulation,
8. In the event that information regarding titles, addresses or tax records are changed, conveying the newly-issued documents to the Provincial Directorate of Environment and Urbanization within 30 (thirty) business days; and as for end user companies for servicing, conveying the documents to the company in which they are registered within 30 (thirty) days and notifying the Ministry about the issue,
9. All companies registered in the ODS Monitoring Software with the Ministry's approval must, while employing new technical personnel members, scan the new personnel’s Gas Use Qualification Document (mastership certificate, course certificate, etc.) and documents stating that they work in that establishment (payrolls from the Social Security Organization etc.) in PDF format and upload them to the system,
10. Entering the ODSs in their current stocks in the ODS Monitoring Software as transfer and conveying the transfer petition in the annex (Annex-5) of the Circular to the Ministry before February 1, 2016,
11. Paying close attention to keeping the company information accurate and up-to-date etc. on the ODS Monitoring Software,
12. Making sales to companies registered in the ODS Monitoring Software,
13. Selling the ODSs for importers for servicing only to end user companies for servicing registered in the ODS Monitoring Software,
14. Following the instructions on the Ministry's website, [http://online.cevre.gov.tr](http://on1ine.cevre.g/)

Also, said companies must report with a petition to the Ministry the companies that are not registered in the ODS Monitoring Software, but operate in the market.

**G- SANCTIONS**

1. Within the framework of the Communiqué No. 2016/6, in the event that importers of ODSs subject to the Ministry's control do not follow the related provisions, the sanctions stated in the letter of undertaking drafted in line with Article 4 of the Resolution by the Council of Ministers on Technical Regulations Regime No. 2013/4284 of January 28, 2013, shall be implemented.
2. Import for servicing, import for production, industrialist, distributor and end user for servicing companies shall not be registered before the information and documents necessary for registration are complete. The requests of companies that do not notify the Ministry of changes in company information, and do not act in accordance with the written provisions, shall be assessed after it is detected that the provisions of the Circular are fully met, requested information and documents are complete and all liabilities are fulfilled. Requests that are not completed within 30 (thirty) business days shall be returned to the owner.
3. Aside from the sanctions enshrined in the laws, Technical Regulations Regime entered into force by the Resolution of the Council of Ministers No. 2013/4284 of January 28, 2013 and the penal sanctions to be performed according to this Resolution;
4. In the event that the provisions stated in Article 26 of the Regulation and the Communiqué No. 2016/6 are not complied with,
5. If industrialists that purchase ODSs listed in Annex-1 of the Communiqué No. 2016/6, sell or transfer the substances to other parties without the Ministry's approval,
6. If importer for servicing, importer for production, industrialist and distributor companies sell or transfer the substances to a non-registered company,

ç- If companies that import for production, for exporting domestic air conditioning systems to countries stated in Article 5 of the Montreal Protocol, do not follow the rules, do not take the necessary measures for selling, storing, transferring and using the ODSs and threaten and endanger human health,

1. If ODSs covered by the Regulation (Annex-1 list of the Communiqué) are sold to end user companies for servicing, that do not have the technical personnel equipped with the qualities stated in the related article of the Regulation,

Penal actions shall be taken as per sub-paragraph (y) of Article 20 of the Environment Law No. 2872 of August 9, 1983. Also, as per sub-paragraph (d), the documents of importer for servicing, importer for production, industrialist and distributor companies are annulled for 3 (three) years.

1. In the event that importer for servicing, importer for production, distributor and end user for servicing companies;
2. Do not keep the information and documents requested by the Ministry within the scope of the related law, regulation, communiqué and circular for the specified period and do not convey the documents in spite of the notices by the Ministry,
3. Do not convey information and documents to be requested during audits to be conducted by the authorities of the institution/organizations assigned or authorized by the Ministry or do not convey them in line with desired qualities,
4. Use fake information and documents, intentionally submit false written information and declarations, for a certain purpose,

Aside from the Technical Regulations Regime entered into force by the Council of Ministers Decision No. 2013/4284 of January 28, 2013 and penal sanctions to be performed accordingly to this decision, penal actions shall be taken as per sub-paragraph (g) of Article 20 of Environment Law. The registries of importer for servicing, importer for production, industrialist and distributor companies are annulled for 3 (three) years.

1. In cases seen necessary by the Ministry, the analysis fees for ODS samples that importer for servicing, importer for production, industrialist, distributor and end user for servicing companies have; taken with the sampling method, shall be covered by the importers. If the results of the analysis show that the said ODSs do not meet the qualities stated in the analysis certificate, the importer shall cover the expenses for return to the country of origin or dispatch, or transfer to a third country. Otherwise, penal actions shall be taken as per sub-paragraph (y) of Article 20 of the Environment Law and the said ODS shall be used as predetermined by the Ministry.
2. Even if the substances imported within the scope of the Ministry's control document meet the analysis data in the application file, if using the substances endangers the environment and human health;
3. Importer for servicing, importer for production, industrialist, distributor and end user for servicing companies shall take the necessary safety measures and meet the use criteria set by the Ministry,
4. If safe use is not possible, the importer company shall cover the expenses and handle the return to the country of origin or dispatch, or elimination as by the conditions predetermined by the Ministry,
5. If these actions are not taken within the period of time determined by the Ministry; the transfer and destruction expenses shall be collected from institutions, organizations and operations, as per the Law on the Procedure for the Collection of Public Receivables No. 6183.
6. ODSs listed in Annex 1 of the Communiqué, that are launched to the market opposing the written provisions of the current regulation, are recollected by the institution, organization and operations that launched them to the market, are sent to the country of origin or are eliminated. If these actions are not taken within the period of time and by the methods set by the Ministry, the transfer and elimination expenses shall be collected from institutions, organizations and operations, as per the Law on the Procedure for the Collection of Public Receivables No. 6183.

The Council of Ministers Decision and the sanctions performed by the Ministry of Economy, shall not hinder the sanctions to be performed within the scope of Environment Law No. 2872 of August 9, 1983.

In terms of protecting the environment and human health, it is requested that importer for servicing, importer for production, industrialist, distributor and end user for servicing companies follow the above-stated provisions thoroughly and take all measures to be issued by the Ministry.

This Circular shall enter into force from the date it is published on the websites http://www.csb.gov.tr and [http://online.cevre.gov.tr](http://online.cevre/)

The Ministry's Circular No. 2015/1 of January 15, 2015 has been annulled.

I kindly request that you be informed and take due action.

[SIGNATURE]

Fatma Güldemet SARI

Minister

Annex-1: Registry Document for Importers for Servicing

Annex-2: Registry Document for Importers for Production

Annex-3: Industrialist Revision Registry Document

Annex-4: Distributor Registry Document

Annex-5: Gas Transfer Petition

Annex-6: Export Form for Products and Equipment Containing Controlled Substances

DISTRIBUTION:

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| --- | --- |
| For Action:  -Importer for Servicing, Importer for Production, Industrialist, Distributor and End User Companies for Servicing  - District Governorship of 81 Provinces | For Information:  -Prime Ministry  -The Ministry of Economy  (Directorate General for Imports)  (Directorate General of Product Safety and Inspection)  (Directorate General for Exports)  (General Directorate of Free Zones, Foreign Investments and Services)  -The Ministry of Customs and Trade |