

CIRCULAR

From the Prime Minister's Office:

Subject: Implementation of Law No. 4207

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2009/13

The consumption of tobacco products in our country is a widespread habit and a serious public health problem. The consumption of these products also affects those who are exposed to the impact of secondhand smoke, aside from those who consume them. The fact that our children and youth, on a daily basis, are surrounded by adults who consume tobacco products, which stimulates their desire to start using tobacco products, is a threat to the health of future generations.

Thus, in order to protect other people and future generations from the harms of tobacco use as well to provide for one of the fundamental rights of every person, which is breathing clear air, Law No. 4207 on Prevention and Control of Hazards of Tobacco Products has been adopted and important amendments have been introduced by adopting Law No. 5727. As the result of the legislative regulations, our country has taken important steps on the path of protection our citizens from the hazards of tobacco products, and it has positioned itself amongst the few countries that have implemented legal regulations regarding this matter.

It is known that our people exhibit a great sensitivity on this matter, and, whether they are addicted to tobacco or not, they sincerely support the fight against the use of tobacco products. The decrease of smoking rates and cigarette consumption per person as well as the improvement of the air quality within indoor areas are the results of the support given by our citizens.

The following instructions shall be complied with in order to prevent any interruption of the process of implementation of Law No. 5727, which is to enter into force on July 19, 2009, related to use of tobacco products in places providing entertainment such as cafes, cafeterias, and beer houses, as well as restaurants.

1 – No use of tobacco products shall be allowed in any indoor areas of any public and private buildings, including any places providing entertainment such as cafes, cafeterias, beer houses, hookah places, popular spots and club houses of any organizations and foundations, as well as restaurants. In any outdoor areas of any places providing entertainment such as cafes, cafeterias, beer houses, hookah places, popular spots and club houses of any organizations and foundations, as well as restaurants, certain arrangements shall be implemented in order to prevent any impact of smoke on other people by taking measures such as blocking tobacco smoke from leaking into the indoor areas.

Any areas having a fixed or portable ceiling or roof (including tent, sunshade, etc.), excluding doors, windows, and entry ways, as well as any areas with all side surfaces temporarily or permanently closed off completely, and, similarly, those which have a ceiling or roof, with more than a half of their side surfaces closed off, shall be considered "indoor areas."

2 - Tobacco products shall not be consumed in highway, railway, seaway, and airway mass transportation vehicles, including those that provide taxi services.

3 - Tobacco products shall not be consumed in any indoor areas of any buildings of elementary and middle educational institutions as well as any preschool facilities, including private educational and instructional facilities, private establishments preparing students for various exams, cultural and social service facilities.

4 – Areas designated for consumption of tobacco products may be established, so as not to exceed 10% of the total area, in nursing homes, in units where mental health patients are treated as in-patients, and in penalty execution institutions. These areas may not be used for the same purpose by any employees or visitors of such places.

These areas shall be isolated, so as to prevent odor and smoke from leaking through, and be equipped with ventilation fixings compliant with the standards, and all four sides, excluding the ceiling, doors, and windows, shall be covered with hard surfaces or walls. The doors in such areas shall comply with any existing regulations, as well as fire prevention instructions, in the form of mechanically closing doors. On the walls of these areas, health warnings explaining the hazards of the use of tobacco products shall be displayed in visible areas, and there shall be warning signs on the doors stating that these are

areas designated for the consumption of tobacco products.

Areas designated for consumption of tobacco products may be established, so as not to exceed 10% of the total area, in seaborne means of transportation designed for intercity or international travelling. Such areas shall be isolated to prevent any impact of smoking on other passengers, and appropriate warnings shall be displayed at the entrances.

No person under 18 shall be allowed to enter such areas.

5 - Proper ventilation fixings complying with the standards shall be installed in any rooms of any establishments providing hotel services which are allocated for the accommodation of consumers of tobacco products. Such allocated rooms shall take place in separate sections, i.e. on the same floor, corridor, if possible.

6 - Tobacco products shall not be used in places where any outdoor sports, cultural, art, and entertainment activities take place, as well as in any places allocated for spectators; if, in such facilities, any areas designated for consumption of tobacco products are established, these areas shall not exceed 50% of the total viewing area, and they shall be arranged so as to prevent its effect on other surrounding people.

7 - In places where no use of tobacco products is allowed, warnings shall be properly displayed specifying any legal provisions and consequences for violation of such provisions.

8 - Under Law No. 4207, Article 4, Clause 7, any programs prepared by relevant institutions to be broadcast via the Turkish Radio and Television Institution, as well as private national, regional, and local television and radio channels shall be broadcast by the Radio and Television Supreme Council upon approval by the Ministry of Health.

9 - No tobacco products shall be sold or presented to any person under 18.

10 - No sale of tobacco products shall be permitted in any health, educational and instructional establishments, as well as any cultural and sport services facilities.

11 - Administrative sanctions prescribed for those violating the Law shall be enforced justly and effectively by relevant parties, such as governors and officials charged with governing provincial districts, to ensure that the Law accomplishes its purpose. Punitive and administrative sanctions shall also be enforced against any officials responsible for enforcement of the Law who fail to perform their duties.

The detailed information concerning the said subjects may be accessed at www.havanikoru.org.tr.

Thus, Circular No. 2008/6 published in Official Gazette No. 26878 on 05.16.08 has been repealed.

It is a pleasure to witness that our citizens have been supportive and highly responsive towards the steps and measures that have been taken in order to build a healthy society. Therefore, I kindly request that the abovementioned matters be complied with and the required actions be taken in relation to the enforcement of sanctions under the provisions of the Law against those who act contrary to the said matters.

Recep Tayyip Erdogan
Prime Minister