

February 19, 2013 TUESDAY

Official Newspaper**COMMUNIQUE**

From the Tobacco and Alcohol Market Regulation Board:

REGULATION ON THE MATTERS THAT MUST BE COMPLIED WITH IN THE ISSUANCE OF PRESENTATION CONFORMITY CERTIFICATES TO A LOCATION/LOCATIONS THAT BELONG TO BUSINESSES WHERE HOOKAH TOBACCO MATERIALS ARE SMOKED AND THE OPERATION OF THESE PLACES

ARTICLE 1 – (1) This Communiqué has been prepared based on the World Health Organization Framework Convention on Tobacco Control accepted by Decision no. 5261 dated 25/11/2004, the Law on the Organization and Tasks of the Tobacco and Alcohol Regulation Board no. 4733 dated 3/1/2002, the Law on the Prevention and Control of Harm Caused by Tobacco Products no 4207 dated 7/11/1996, the Law on the Preparation and Application of the Technical Legislation Concerning Product No. 4703 dated 29/6/2001 and the provisions of the Regulation Concerning the Principles and Procedures for the Sale and Presentation of Tobacco Products and Alcoholic Beverages which was published in the Official Newspaper no. 27808 dated 7/1/2011, to organize the principles and procedures for issuing presentation conformity certificates for an area/areas belonging to a business in which hookah tobacco products are being smoked and the operation of the area/areas belong to this business.

ARTICLE 2 – (1) This Communiqué pertains to the hookah tobacco product which is defined in the TS 13445 Standard for Hookah Tobacco Products.

ARTICLE 3 – (1) It is required that a Hookah Tobacco Products Presentation Conformity Certificate be obtained from the Tobacco and Alcohol Regulation Board (Board) within the scope of the Regulation Concerning the Principles and Procedures for the Sale and Presentation of Tobacco Products and Alcoholic Beverages for area/areas created for smoking hookah tobacco products belonging to businesses.

ARTICLE 4 – (1) In addition to the regulations in the Regulation Concerning the Principles and Procedures for the Sale and Presentation of Tobacco Products and Alcoholic Beverages, the area/areas created for smoking hookah tobacco products belonging to businesses must;

- a) be located at least 200 meters away from preschool institutions, after school course centers, student dormitories and primary, secondary and high school institutions including private learning and teaching institutions,
- b) not be in either the indoor or outdoor areas of buildings belonging to preschool institutions, after school course centers, primary, secondary, high school and college institutions including private learning and teaching institutions; culture and social services buildings, the independent structures of these buildings and their additions and gardens and within the boundaries of their campus areas if there is activity in these areas,
- c) not be in either the indoor or outdoor parts of independent structures and their additions and gardens of areas belonging to health, culture and sports services providers or where these services are executed in and within the boundaries of their campus areas if there is activity in these areas,
- c) have an area which does not fall under the definition of “indoor area” stated in the Prime Ministry Circular no. 2009/13 which was published in the Official Newspaper no 27290 dated 16/7/2009.

ARTICLE 5 – (1) It is required that the following matters be complied with in the area/areas belonging to businesses where hookah tobacco products are smoked.

- a) All products containing or not containing tobacco which are consumed in hookah apparatus may not be sold or provided to individuals who are not eighteen years of age.
- b) The tobacco products which are provided for smoking shall be packaged and banderoled in accordance with the forms stated in the TS 13445 Hookah Tobacco Product Standard.
- c) The hookah tobacco product is consumed in traditional hookahs containing water and mat not be provided for consumption in which the smoke is direct or passed through other objects besides hookahs or through other materials besides water.
- c) The hookahs which are used in the smoking hookah tobacco shall be cleaned and emptied of water after each use , the part on the apparatus which makes contact with the mouth (reed) shall be renewed after each use and this part that touches the mouth shall only be for one use and disposable after use.
- d) Within the scope of article 9 of the Regulation on Legal Warnings Concerning the Consumption and Sale of Tobacco Products which was published in the Official Newspaper edition 27555 dated 17/4/2010 the “health warning” describing the dangers involved in using tobacco products in Annex:5 of the Regulation and the “legal warning” in Annex: 7 of the Regulation shall be posted in areas that are visible to everyone in the area/areas where smoking is taking place.

e) No type of advertisement, introduction, campaign, promotion or any type of activity whatsoever that promotes or encourages the consumption of tobacco products shall be organized in the area/areas belonging to the business where hookah tobacco is provided for consumption.

f) The hookah tobacco product which is provided for smoking shall be purchased from sellers who have obtained a sales permit from the board and such documents shall be maintained and presented when necessary.

g) Herbal hookah or herbal hookah syrup like products derived from raw materials other than tobacco to be smoked in hookahs like hookah tobacco may not be provided.

ğ) Health warnings for which the principle and procedure will be determined by the Board will be placed on the hookah bottles.

ARTICLE 6 – (1) The Area/areas belonging to businesses in which hookah tobacco products are smoked and the products that are provided for consumption here may be examined and inspected by the Board, civilian authorities and other organizations and agencies when deemed necessary with the authority given by law. Actions that are taken when matters in violation of the Communiqué have been detected during inspections done by authorities outside of the Board shall be reported to the Board and/or concerned authorities within fifteen business days.

ARTICLE 7 – (1) The administrative actions within the scope of provisions in the Law no. 4207, Law no. 4733 and Law no. 4703 shall be taken against those who act in violation of this Regulation.

ARTICLE 8 – (1) The Regulation on the Labeling of Hookah Tobacco Products and the Matters to Which the Operation of Areas Where it is Consumed Must Comply which was published in the Official Newspaper no. 25579 dated 10/9/2004 has been removed from enforcement.

ARTICLE 9 – (1) The area/areas belonging to businesses in which hookah tobacco was being consumed before the date that this Communiqué was published shall be made compliant by 27/7/2013 at the latest, as of the date that this Communiqué goes into force.

ARTICLE 10 – (1) Any situations for which there are no provisions in this regulation, the general provisions in the other regulations made by the Board shall apply.

ARTICLE 11 – (1) This Communiqué shall go into force as of the date that it is published.

ARTICLE 12 – (1) The provisions of the Communiqué are enforced by the Tobacco and Alcohol Market Regulation Board Chairman.