

**CIRCULAR**

From the Prime Minister's Office:

**Subject** : Implementation of the Provisions of Law No. 4207.

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The consumption of tobacco products is a common habit and a serious public health problem in Turkey. The consumption of these products affects those who use them, as well as those who are passively exposed to tobacco smoke. The coexistence and admiration children and young people have for adults who consume tobacco products in daily life threatens the health of future generations.

As is known, Law No. 4207 on the Prevention and Control of the Harm done by Tobacco Products was enacted, while significant amendments were made to Law No. 5727 in order to protect individuals and future generations from the harm caused by tobacco products, and to ensure that everyone can breathe fresh air, which is one of the fundamental rights of humankind. Turkey has thus become one of the few countries implementing legislation on this issue, and is taking important steps to protect against the harm associated with tobacco products.

The Turkish public is known to be very sensitive about compliance with the provisions of this Law, and sincerely supports the work carried out into the use of tobacco products, in support of those with tobacco addictions. The decrease in smoking rates and per capita smoking, and the significant improvements in indoor air quality, are proof of the importance Turkish citizens give to this issue.

The following considerations need to be taken into consideration to ensure the cohesion of practice and the avoidance of any failures, as the regulations enacted by Law No. 5727 on the consumption of tobacco products in businesses and restaurants such as coffee shops, cafeterias, and bars shall be effective as of July 19, 2009:

1- Aside from in residential units, tobacco products shall not be consumed in the indoor areas of any public or private buildings, including such entertainment providers as coffee shops, cafeterias, bars, hookah cafes, and the restaurants of associations and foundations. Should tobacco products be consumed in the outdoor areas of entertainment providers such as coffee shops, cafeterias, bars, hookah cafes, and the restaurants of associations and foundations, arrangements shall be made to prevent other people from being affected by tobacco smoke, and measures shall be taken to prevent the ingress of tobacco smoke into indoor areas.

Places with fixed or mobile ceilings or roofs (including tents, sunshields, etc.), areas with temporary or permanent closures of all side surfaces, aside from doors, windows and access routes; and areas with ceilings or roofs, where more than half of the side surfaces are covered, shall be considered "indoor space".

2- Tobacco products shall not be consumed on vehicles for public transport, whether for road, rail, sea or air, including taxis.

3- Tobacco products shall not be consumed in the indoor and outdoor areas of primary or secondary education institutions, including special education and training institutions, pre-school education institutions, private teaching institutions, and cultural and social service buildings.

4- Provided that 10 percent of the total space is not exceeded, areas for the consumption of tobacco products may be created in elderly care homes, in units where mental and nervous patients receive inpatient treatment, and in prisons. Employees and visitors to such establishments will not be permitted to use these dedicated areas.

These areas shall be so confined to prevent the escape of odor and smoke, and shall be equipped with ventilation devices that are compliant with the appropriate standards, and shall be enclosed by solid floors or walls on all sides, aside from ceilings, doors and windows. The doors to the areas shall close mechanically, in accordance with other existing regulations, including those related to fire. The walls of such areas shall carry health warnings that describe the dangers of tobacco use, posted in visible locations, and shall have warning signs identifying the location as an area for the consumption of tobacco products.

Areas for the consumption of tobacco products not exceeding 10 percent of the total space shall be established on the deck of sea vehicles carrying passengers on long-distance or international routes. These areas shall be isolated in such a way that other passengers are unaffected, and entrances shall carry appropriate warning signs.

People under the age of 18 shall be forbidden from entering these areas.

5- Businesses providing hotel services shall have a standard-compliant ventilation mechanism in rooms allocated for the accommodation of customers wishing to consume tobacco products. These rooms are to be located to the greatest possible extent in similar locations, such as the same floor or corridor.

6- Tobacco products shall not be used in outdoor sports, culture, art and entertainment venues, or viewing areas. Should areas for the consumption of tobacco products be established in these facilities, they shall not exceed 50 percent of the total viewing area, and shall be organized in such a way as to prevent other people from being affected within the environment.

7- In areas where the consumption of tobacco products is prohibited, warnings indicating the regulation and penal consequences of non-compliance shall be posted in accordance with the legislation.

8- According to paragraph 7 of Article 4 of Law No. 4207, programs prepared by the Turkish Radio and Television Corporation and other relevant institutions for broadcasting on private television and radio broadcasts in national, regional and local media, shall be published by the Radio and Television Supreme Council upon the approval of the Ministry of Health.

9- Tobacco products will not be sold and should not be offered to consumers who are under the age of 18.

10- Tobacco products shall never be sold in places where health, education, training, culture and sports services are provided.

11- The administrative sanctions foreseen for those acting against the law will be implemented fairly and effectively by all relevant authorities, particularly governors and district governors, in compliance with the purpose of the Law. The penal and disciplinary provisions of the legislation shall be applied to civil servants and public officials who fail to perform the duties assigned to them by law.

Detailed information regarding the aforementioned issues can be found at [www.havanikoru.org.tr](http://www.havanikoru.org.tr).

Circular No. 2008/6 published in the Official Gazette dated May 16, 2008 and numbered 26878, has been repealed.

It is pleasing to see that the regulations and measures taken to reach the goal of a healthy society are supported by the Turkish public, and are embraced with great sensitivity. In this respect, I strongly request that the above-mentioned issues be followed with precision, and that the provisions of the Law be applied to those who act to the contrary.

Recep Tayyip ERDOĞAN  
Prime Minister