

USED BATTERIES AND ACCUMULATORS CONTROL REGULATION
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CHAPTER ONE

Purpose, Scope, Legal Basis, Definitions, Principles

Purpose

Article 1- The purpose of this Regulation is to arrange legal and technical principles to determine principles, policies and programs in order to for used batteries and accumulators from their production to their final disposal and to:

- a) ensure production of batteries and/or accumulators with certain criteria and basic conditions and characteristics in terms of the environment;
- b) prevent the discharge to the receiving environment directly or indirectly damaging human health and the environment;
- c) assure the quality control, import control of labeling, marking, battery and/or accumulator products, and the control of the quantities of harmful substances they contain;
- d) determine principles for their import, export and transit passage (transport);
- e) ensure technical and administrative standards necessary in their management;
- f) prevent the production, import, export or sale of batteries and accumulators containing harmful substances;
- g) establish a collecting system for the recovery and final disposal of used batteries and accumulators and create a management plan.

Scope

Article 2- This regulation regulates the labeling and marking of all battery and accumulator products, the reduction of harmful substances in their production, their collection, transportation and disposal apart from residential (household) and other wastes after their usage, the prohibitions, limitations and obligations about their import, transit passage, and export, the measures to be taken, the controls to be made, and the responsibilities to apply.

This regulation does not cover (apply to) the instruments which contain batteries permanently subject to the purpose of industrial use; batteries placed inside medical devices used in scientific and medical fields and having vital importance; pacemakers; batteries or accumulators within instruments which need to operate permanently and uninterruptedly and which have to be removed only by experts.

In addition, the management of production wastes arising from the production and disposal facilities of batteries or accumulators is outside the scope of this regulation. Such wastes shall be subject to the Regulation on the Hazardous Wastes Control Regulation or the Solid Waste Control Regulation according to the characteristics they (might) have.

Legal Basis

Article 3- This regulation is based on the Law on the Organization and Duties of the Ministry of Environmental and Forestry Number 4856, Articles 1, and 2, and Article 9, paragraphs (d), (h), (o), (p), (s), in line with the purposes and principles foreseen in the Environment Law (Law Number 2872).

Definitions

Article 4- For the purposes of this Regulation

Ministry: Means the Ministry of Environment and Forestry

Regulation: Means the Regulation on Used Batteries and Accumulators;

Regulation on the Hazardous Chemicals: Means the Regulation on Hazardous Chemicals published on the Official Gazette dated 11.7.1993 and number 21634 and the modified version published on the Official Gazette dated 20.4.2001 and number 24379;

Regulation on the Control of Hazardous Wastes: Means the "Hazardous Wastes Control Regulation" published on the Official Gazette dated 27.8.1995 and number 22387.

Regulation on the Control of Solid Wastes: Means the "Solid Wastes Control Regulation" published on the Official Gazette dated 14.03.1991 and number 20814.

Accumulator: Means the source of electrical power, which is produced by direct conversion of chemical energy as a result of the chemical reaction between lead in rechargeable secondary cells and sulfuric acid, used for automatic starting, lighting, or ignition in industry and vehicles.

Battery: Means the source of electrical power produced by direct conversion of chemical energy that occurs as a result of the chemical reaction in non-rechargeable primary cells.

Rechargeable Battery: Means a battery that can be charged and used several times.

Group 1 Batteries: Means other batteries except for nickel cadmium or mercury oxide batteries

Group 2 Batteries: Nickel cadmium and mercury oxide batteries

Nickel cadmium battery: Means a source of electrical power produced by direct conversion of chemical energy as a result of the chemical reaction between cadmium and nickel hydroxide in rechargeable secondary cells.

Batteries containing mercury: Means batteries containing mercury oxide electrodes such as alkali-manganese, zinc-carbon, or mercury oxide batteries.

Button Battery: Round batteries which are used in portable devices such as hearing aids, watches, and whose diameters are larger than their heights.

Batteries containing harmful substances:

- a. batteries containing mercury (Hg) more than 0.0005% by weight;
- b. batteries containing more than 25 mg mercury (Hg) per battery, except alkali-manganese batteries;
- c. alkali-manganese batteries containing mercury (Hg) more than 0.025% by weight;
- d. batteries containing cadmium (Cd) more than 0.025% by weight;
- e. batteries containing lead (Pb) more than 0.4% by weight

Producer: Means a real or legal person who produces, manufactures batteries or accumulators and introduces itself as a producer by putting its name, trademark or distinguishing mark on the product, or an importer if the producer is outside Turkey; and also the real and legal persons who are placed within the supply chain of the product and whose operations affect the safety characteristics of the product.

Enterprises performing the distribution or sales of battery and accumulator products: Wholesalers, retailers, shops, big and small-sized shopping centers, garages, repair and maintenance shops, and construction companies.

Used battery and accumulator: Means used batteries and accumulators which cannot be re-used and which should be collected, transported and disposed of separately from residential (household) wastes.

Collection: The accumulation, classification or grouping of used batteries and accumulators according to their characteristics within the frame of a quota or deposit.

Deposit system: Means the systems where the extra charge (cost) paid per accumulator to the seller during the purchase is returned to the consumer.

Deposit application form: The form given in Annex 3 (of this Regulation)

Quota: Means the ratio of the quantity (by weight) of used batteries which need to be collected and disposed of under this regulation to the quantity (by weight) of batteries put out to the market.

Enterprises subject to quota application: Means real and legal persons who produce, import, put out to the market batteries and who have trademarks.

Quota application form: The form given in Annex 2 (of this Regulation).

Temporary Storage: Means areas at points of distribution and sale, at recovery and storing facilities, where used batteries and accumulators are kept on impervious concrete ground.

Recovery: Means the process of obtaining raw materials or products by subjecting used batteries and accumulators to physical and/or chemical processes.

Storage: Means separate indoor areas for storing batteries where impervious conditions have been ensured, which is exempt from moisture and meteorological conditions.

Disposal: Means the elimination of potential adverse effects of used batteries and accumulators through recovery, storage, or export.

Preliminary License: Means a certificate to be given to those who want to establish and operate facilities for the recovery of used batteries and accumulators covered by this regulation with the condition that such facilities are in full compliance with the environmental and human health.

License: Means a certificate evidencing sufficient expertise and technological capabilities related to the subject to be obtained from the Provincial Governor's Office for those firms owning vehicles who wish to engage in the transportation of used accumulators as per this regulation, or from the Ministry for those firms who want to operate facilities for recovery of used accumulators.

HDPE: Means high density polyethylene.

General principles

Article-5: The principles regarding the management of used batteries and accumulators are as follows:

- a) Battery products are labeled and marked as described in the Turkish Standards whereas accumulator products shall be labeled and market as described in this regulation.
- b) Production of long lasting and rechargeable batteries and accumulators shall be preferred.
- c) Import of batteries containing mercury oxide more than 2% by weight is prohibited.
- d) Import and production of batteries containing harmful substances as described in this regulation is prohibited with the exception of alkali manganese button cells and batteries containing button cells.
- e) The harmful substance-containing batteries are disposed of in accordance with the provision of the Control of Hazardous Wastes Control Regulation.
- f) Storage, discharge to receiving environment and incineration of used batteries and accumulators together with residential (household) and other wastes are prohibited.
- g) It is essential that used batteries and accumulators are recycled.
- h) People responsible for each stage of used battery and accumulator management are obliged to take necessary measures (precautions) to avoid damage to the environment and the human health.
- i) The indemnification responsibility of producers of batteries and accumulators, transporters and disposers of used batteries and accumulators for damages arising from the environmental pollution

and deterioration caused by used batteries and accumulators shall be in proportion to the damage caused by their activities.

j) Producers and marketers of batteries and accumulators are obliged to ensure the collection, transportation, and disposal of used batteries and accumulators, and to meet the costs incurred therefore.

k) For the international trade, import, export and transit passage of used batteries and accumulators covered by this regulation, the provisions of the Hazardous Wastes Control Regulation shall apply.

l) Expenses spent to prevent all environmental damage arising from the used battery and accumulator management shall be met by the real and legal entities responsible for the management of used batteries and accumulators according to the principle "polluter pays". Necessary costs incurred by public entities and organizations for the failure of persons responsible for the production and import of batteries and accumulators to take necessary measures to prevent and reduce damage to the environment or for the taking of such measures by authorized bodies shall be collected from those who are responsible for waste management in accordance with the provisions of the Law on the Collection Method of Public Receivables" Number 6183. However, in order for polluters to be relieved off their payment obligations, they should provide evidence that they have taken all of the measures to prevent and limit pollution.

CHAPTER TWO

Duties, Powers and Obligations

The Ministry's Duties and Obligations

Article 6- The Ministry is authorized and commissioned to:

- a) determine programs and policies that will ensure the environmentally-friendly management of used batteries and accumulators, and guarantee cooperation and coordination to assure application of this regulation,
- b) grant preliminary license and license to the recovery facilities of used batteries and accumulators,
- c) approve the projects of used battery storages,
- d) take necessary measures to achieve the targets to be applied to the collection and recovery of used batteries and accumulators which are described in articles 25 and 29 hereunder, and to assure compliance therewith, and evaluate applications for quota and deposit;
- e) ensure national and international coordination to the application of the state-of-the-art systems and technologies for the environmental-friendly management of used batteries and accumulators,
- f) provide support to the public awareness studies to be organized for the collection and disposal of used batteries and accumulators.

Duties and Obligations of Provincial Governors

Article 7- The office of the Provincial governor is authorized and commissioned to:

- a) develop and apply necessary strategies in the province according to the waste management policies,
- b) determine and notify the Ministry of the facilities located within the boundaries of the province and engaged in the recovery and disposal of the wastes covered by this Regulation,
- c) prevent the evaluation of the used batteries and accumulators through illegal means; ensure that, in case of any violation of this regulation discovered as a result of inspections, used accumulators are sent to the nearest recovery facility which has a license, and used batteries are sent to the nearest storage site, and impose the fines specified in this regulation;
- d) evaluate the National Waste Transportation Forms and submit an annual report to the Ministry;
- e) provide transportation license to the vehicles and firms engaged in the transportation of used accumulators within the province, and to control, cancel and renew such license,
- f) permit and keep under control the temporary storage areas to be established by producers of batteries and accumulators or persons or entities empowered by the producers of batteries and accumulators, and report the permitted areas to the Ministry,

- g) take emergency measures and ensure necessary coordination in case of accidents that may arise during the transportation of the used batteries and accumulators within the province;
- h) provide contribution to the educational studies to be organized in coordination with producers, headman's offices (locally elected officers) and municipalities.

Duties and Obligations of the Municipality

Article 8- Municipalities, and in Greater City (Metropolitan) Municipalities are authorized and obliged to

- a) not to permit the disposal of used batteries and accumulators together with residential wastes at the municipality solid waste regular storage areas;
- b) allocate free-of-charge places (sites) within existing waste storage areas for the establishment of used battery storage areas whose establishment and operation costs shall be covered by the battery producers. These sites will have to be built on impervious grounds, they must be free of moisture and must be protected against meteorological conditions,
- c) assist and cooperate with producers for the used battery and accumulator collection operations to be performed by producers at various parts of the city;
- d) cooperate with producers when necessary within the responsibility and program of producers related to the collection of used batteries at schools, public educational centers, headman's offices, entertainment places and public (common) areas, and collect used batteries free-of-charge, make the public aware and organize educational programs,
- e) inspect used battery and accumulator disposal facilities and transporter firms within the boundaries of the municipality.

Obligations of Battery Producers

Article 9- Battery producers are obliged to

- a) label and mark battery products as described in the Turkish Standards (TS EN 61429);
- b) complete the Quota Application Form attached to this regulation as Annex 2, and apply to the Ministry every year;
- c) ensure and cause to be ensured the collection and/or disposal of used batteries in accordance with the provisions of this regulation and the targets specified in article 25 hereunder;
- d) obtain the approval of the Ministry for the export of used batteries,
- e) not to produce or import batteries containing harmful substances, and to take necessary measures to minimize the quantity of harmful substances in the batteries they produce or import;
- f) organize informative and awareness programs for the consumers on collection of used products in compliance with (the specified) quota rates,
- g) comply with the Articles 15 and 16 of this Regulation with respect to transportation of used batteries,
- h) develop a general collection and recovery system or ensure the collection and disposal of used batteries through participation in a certain system;
- i) supply free of charge collection bins or containers to be placed at points of collection, in red color, bearing the statements "Used Battery" and "Dispose only used batteries", and ensure the collection of full bins or containers, and transport or cause to be transported used batteries to storage areas;
- j) establish used battery storage areas in the municipalities' existing solid waste disposal areas, and to meet the maintenance and repair costs thereof;
- k) obtain the approval of the Ministry for used battery storage areas,
- l) Establish fixed or mobile used battery separation facilities.

Obligation of Accumulator Producers

Article 10: Accumulator producers are obliged to:

- a) label and mark accumulator products as described in this regulation,
- b) complete the Deposit Application Form attached to this Regulation as Annex 3 and apply to the Ministry every year;

- c) ensure or cause to be ensured the collection, recovery and disposal of used accumulators in accordance with the targets in Article 29 hereunder
- d) obtain the Ministry's approval in the export of used accumulators,
- e) take measures to minimize the quantity of harmful substances in the accumulators they produce or import;
- f) ensure the training and awareness of producers to guarantee their contribution and participation about the harms of accumulator wastes and uses of their collection,
- g) comply with articles 15, 16, and 17 of this regulation with respect to used accumulator transportation;
- h) develop a general collection and recycling system or ensure the collection, recovery or disposal of used accumulators through participation in a certain system;

Obligations of Enterprises Engaged in the Distribution and Sales of Battery Products:

Article 11: Enterprises engaged in the distribution and sale of battery products are obliged to:

- a) take back free of charge used batteries brought by consumers in accordance with the system they shall establish;
- b) not to sell the batteries of trademarks that do not have a used battery collection system;
- c) ensure the shipment of used batteries brought by consumers to the producer or to an entity empowered by the producers as stipulated by the producer;
- d) provide warnings and information described in Annex 4-A, and information about the method and places of collection of used batteries within workplaces at such places which are easily obvious to consumers,
- e) Keep (place) used battery containers to be supplied by producers or the entities they have empowered.

Obligations of Enterprises Engaged in the Distribution and Sales of Accumulator Products, and Enterprises Operating Vehicle Maintenance/Repair Sites:

Article 12: Enterprises engaged in the distribution and sales of accumulator products and enterprises operating vehicle maintenance/repair are obliged to:

- a) take used accumulators brought by consumers, participate in the system to be established by accumulator producers, and pay back the deposit cost to the consumer if the consumer does not buy a new accumulator in place of the used accumulator brought; ensure the return of used accumulators brought by consumers to the producer or an entity empowered by the producers as stipulated by the producer;
- b) announce the warnings and information described in Annex 4 A, and provide information about the deposit application, the method and places of waste collection at such a place within the workplace which is easily obvious to consumers;
- c) establish temporary storage areas for used accumulators, not to keep used accumulators at that area longer than 90 days, produce the ground of the storage site out of concrete or asphalt in order to ensure imperviousness, and make it resistant to acid, to ensure the painting of walls with a paint resistant to acid, not to place more than five accumulators without leaks and flows on top of each other; to keep leaking accumulators separately within eighteen-liter impervious polypropylene containers,
- d) keep records of used accumulators collected, to inform the producer about these records, and deliver the same to temporary storage or licensed importers or recovery facilities against a receipt.

Obligations of the Consumer

Article 13: Consumers of Batteries and Accumulators are obliged to

- a) collect used batteries apart from residential (household) wastes, and deliver used batteries to the collection points to be established by enterprises engaged in the distribution and sales of battery products, or by municipalities;

- b) deliver the old accumulator when replacing their vehicles' accumulators to the temporary storage places established by the enterprises engaged in the distribution and sale of accumulator products and enterprises operating vehicle maintenance/repair sites free of charge; and pay a deposit if a new accumulator is to be purchased when delivering the old one;
- c) not to keep accumulators of benches, facilities, forklift, tractors and other motor vehicles, power supplies and transformers used in the production processes of consumer industrial facilities after the accumulators become a waste longer than ninety days on impervious ground within the factory site until they are delivered to the producer.

Obligations of Operators of Recovery Facilities:

Article 14: Operators of recovery facilities are obliged to:

- a) obtain a preliminary license and license from the Ministry
- b) keep records related to waste management, and keep these records within the facility for three years in order to produce them to the relevant authorities when requested;
- c) send operational plans to the governor's office within the month of January every year;
- d) determine during the entry of the waste into the facility whether the waste is compliant with the waste description specified in the national transportation form before the recovery process;
- e) not to accept used batteries and accumulators brought with documents not approved by the temporary storage facilities that are established by battery and accumulator producers, or people or entities empowered by the latter; send the annual operational plan of the facility to the Governor's office concerned, and prepare and apply the operational plan of each department related to the operation of the facility;
- f) ensure the complete safety of the personnel working at risky parts of the facility; to cause them to undergo a medical check once every six months, and to prevent access of unauthorized people to such parts without authorization;
- g) prepare an Emergency Action Plan, to keep trained personnel in relation thereto, and inform the Ministry and the Governor's Office in case of an emergency;
- h) Perform other works foreseen by the Ministry regarding the operation of the facility.

CHAPTER THREE

Provisions on Transportation

Transportation of Used Batteries and Accumulators:

Article 15- Transportation of used accumulators from the point of collection to the temporary storage or to the disposal facility by the highway shall be carried out using an appropriate vehicle according to the type of waste by real and legal entities who have obtained a transportation license from the Governor.

The vehicles and firms that shall transport used batteries are not obliged to obtain a license. But used batteries must be carried inside HDPE drums with a minimum capacity of 210 liters, placed inside trucks with closed cases.

The color of used battery- and accumulator-containing vehicles shall be red, and the vehicles shall have an emblem shown in Annex 1 attached hereto, visible from 20 meters, indicating that the used batteries and accumulators are being collected. In addition, on both sides of the truck, it shall

write "Used Battery Carrying Vehicle" for used batteries, and "Used Accumulator Carrying Vehicle" for used accumulators.

Obligation to Keep Transportation Form on Vehicles

Article 16- It is compulsory to keep waste transportation form on board the vehicles during the transportation of used batteries and accumulators. Relevant provisions of the Hazardous Wastes Control Regulation shall apply to the waste transportations forms to be kept on the vehicle.

Obligation to Obtain License for Used Accumulator Carriers

Article 17- Real and legal entities who want to transport used accumulators should obtain a transportation license for used accumulators. For this purpose, an application is filed with the relevant Provincial Governor's Office according to the principles in Annex 5 attached hereto. The license is granted to the firm owning the vehicle/vehicles for which the application was filed and to the vehicle/vehicles with necessary technical equipment. These provisions apply to land transportation. Such license cannot be re-assigned and it is valid for 3 years. At the end of this period it should be renewed. The licenses of those firms who have obtained a license but fail to comply with the standards stipulated for transportation shall be cancelled by the Governor's Office.

CHAPTER FOUR

Special Terms for Recovery and Temporary Storage Facilities

Establishment of Used Accumulator Temporary Storage Areas

Article 18 – Recovery facilities and enterprises engaged in the distribution and sale accumulator products, and used accumulator temporary storage areas outside the vehicle maintenance-repair sites can be established by accumulator producers or by entities empowered by the latter. Used accumulators cannot be kept longer than 90 days at temporary storage sites. These areas are subject to the inspection by the Governor.

Characteristics of Used Accumulator Recovery and Temporary Storage Areas

Article 19- Used accumulator recovery and temporary storage facilities should comply with the following conditions:

- a) The facility should have an entrance, a used accumulator admission unit, used accumulator process site, and other working sections.
- b) The facility should be suitable to the access and exit of used accumulator carrying vehicles.
- c) The surrounding of the facility should be under protection, there should be a fence or wall where access and exit is under control, and the entry of persons other than the personnel without authorization should be prohibited.
- d) Imperviousness of the ground of those sections of the facility that have contact with the used accumulators should be ensured. For this purpose a reinforced concrete or asphalt ground with a minimum thickness of 25 cm is required, and walls should be coated by an acid-resistant material.
- e) Maximum five used accumulators without leaks and flows should be placed on top of each other, and leaking accumulators should be kept inside impervious polypropylene containers.
- f) An acid neutralization unit or necessary treatment units shall be available for the acid present inside the used accumulators.
- g) Waste admission area and the operation area should be protected against rain.
- h) Rain waters, washing waters and similar waste waters occurring at site should be collected separately, and treated in accordance with the limit values specified in the Water Pollution Control Regulation.
- i) In order to prevent spills and leaks that may occur within the facility, the necessary mechanism and absorbent materials should be available, and should be stored at suitable sites of the facility that ensures easy access to them.
- j) Noise that occurs at working areas should be minimized as possible using the state-of-the-art techniques in accordance with the Noise Pollution Control Regulation published on the official

journal dated 11.12.1986 and number 19308, and necessary measures should be taken at those points that can cause vibration and environmental pollution.

Characteristics of Used Used Battery Temporary Storage Areas:

Article 20 – For the temporary storage of the used batteries, containers with interiors exteriors resistant to corrosion should be used. These containers should be easily portable, and be maximum 4 m³ or higher in volume, and the containers which should be impervious and in read should mention “Used Battery Temporary Storage” on both surfaces. Where the transportation of containers is easy, they should be kept on places with a concrete ground and a shelter above, and all measures should be taken against fire at these areas.

CHAPTER FIVE

Grant of Pre-license and License to Accumulator Recovery Facilities

Provision of Preliminary Licenses to Used Accumulator Recovery Facilities:

Article 21- Real and legal entities who want to establish used accumulator recovery facilities shall apply to the Ministry with all the plans, projects, reports, technical data, descriptions and other documents related to the facility they want to establish. In the environmental impact studies that should be carried out for such facilities, must take into consideration the types of waste to be admitted to the facility and the products to be obtained, and an examination and evaluation should be carried out with technical reports, which must be obtained from an institution that is specialized on the compliance of recovery facility technologies and from a relevant department of a university.

In preliminary license applications, “Environmental Impact Assessment Positive Certificate” or “Environmental Impact Assessment Not Necessary Certificate”, and the Environmental Impact Assessment Reports related to these, other documents and information given in Annex 6 should be available. Within this frame the Ministry examines the project and issues a preliminary license to the project, if it deems it appropriate.

Provision of Temporary Permits and Licenses to Recovery Facilities:

Article 22 – Real and legal entities who want to operate recovery facilities should obtain a license from the Ministry. During the issue of a license to a recovery facility, the documents and information given in Annex 7 are required.

When the operator of a recovery facility files a license application with the Ministry, the facility is issued a “Temporary Working Permit” for a period to be determined by the Ministry in order to verify that it works in accordance with the principles of this regulation. During that period the facility acts under the inspection of the Ministry. The period of this permit shall not exceed 1 (one) year. If the facility fails to meet the operational requirements specified in the preliminary license during the term of the working permit, the operations of the facility are suspended until the situation is recovered.

In the event the facility that has been issued a preliminary license is discovered on site to have been built in accordance with the project and the specifications by a commission that will issue the technical report in article 21 hereunder, established in coordination with the Ministry and the operational plan, and the operation plan is found to be compliant, and if it is decided that the facility was able to meet the operational requirements during the term of the Temporary Working Permit, the Ministry issues an operation license to the facility. Such license is valid for 3 years. If the license is to be assigned, an application is filed with the Ministry, and license renewed.

Cancellation of a License

Article 23- If during the inspections carried out by the Ministry or the relevant Provincial Governor’s Office, it is discovered that the facility is not operated in accordance with the license, that the terms required by the legislation are not complied with, that the relevant measures are not carried out regularly, or are not recorded, then the operator is allowed a period between one month and one year based on the importance and resource of the problem in order to correct the problems discovered. If as a result of inspections performed at the end of such period, it is determined that the problem still exists, operation is temporarily suspended as per the relevant articles of the Law Number 2872 according to the nature of the problem discovered. If the operator whose operation is suspended for a temporary term fails to comply with its obligations at the end of the period of suspension, its license

shall be cancelled. A facility whose license is cancelled for a temporary term files an application to the Ministry as per Article 22 of this Regulation. The facility cannot operate until the licensing process is complete.

CHAPTER SIX

Quota and Deposit Application for Used Batteries

Principles applicable to Import of Batteries

Article 24 – Import of batteries is kept under control under the relevant legislation in order avoid use of batteries containing harmful substances, to make widespread the use of long lasting batteries free of harmful substances, and to ensure the creation and uninterrupted operation of used battery collection systems by producers.

Quota Application for Used Batteries and Responsibilities

Article 25- The Ministry stipulates a quota application to ensure an environmentally-friendly used battery management and to prevent the deterioration of the ecological balance, to ensure the collection and disposal of used batteries.

Battery producers are obliged to collect/cause to be collected and dispose of group I used batteries of 15% for the first year following the effective date of this Regulation based on the quantities they have put to market the year before, and of 25% for the second year, 30% for the third year, 35% for the fourth year, and 40% for the fifth year, and rates to be determined by the Ministry for the succeeding years, and document these operations to the Ministry. Enterprises are obliged to obtain the permission of and give a declaration to the Ministry. If the first year quota is not reached and the excuses of producers are found to be appropriate by the Ministry, the actual collection rate reached will be accepted as the quota rate (for the first year) only for one time.

Quota rates for group II batteries are 25% for the first year, 35% for the second year, 50% for the third year, 65% for the fourth year, 80% for the fifth year, and the rate to be determined by the Ministry for the succeeding years.

If group I and II batteries that have become waste are collected mixed (co-mingled), then the general quota rate shall be calculated as per Annex 8 of this Regulation.

In order to minimize the effects of these products on the receiving environment, battery producers can meet under the coordination of the Ministry and establish a non-profit legal entity to fulfill the obligations for the collection, recovery, disposal or export of used batteries, to meet the costs incurred therein, and to perform training activities. Entities who fulfill their obligations against that structure and contribute to the covering of costs can assign their obligation regarding used battery management to this entity. Enterprises (individual companies) within this structure are (still) responsible for the achievement of their quota rates (as specified in this Regulation).

Permit Application for Used Battery Quota Application

Article 26- Battery producers (individually) shall complete the “Quota Application Form” attached hereto as Annex 2, and submit it to the Ministry for quota application permit until the end of office hours on the working day of January every year. In this form, entities declare and submit documents and information about the type, production and sales quantities of batteries produced, imported or put to market, and information about used battery management. The Ministry can require additional information and documents when necessary.

Evaluation of Quota Permit Application

Article 27- If the Ministry considers the documents and information in article 26 above sufficient, it issues a permit for quota application to used batteries for the relevant battery producers. The maximum term of the permit is one calendar year. If a permit application is filed outside the application

period, the same quota rate shall apply. In the event it is discovered that the terms of this regulation are not complied with and the information given in article 26 is not true, the producer will be subject to the provisions of Article 35 hereunder. Furthermore, the Ministry can have the permit application declarations described in Article 26 above audited by the sworn-in financial consultants. The costs of such audit shall be met by the relevant firms.

Imposition of a penalty in case of failure to meet the Quota:

Article 28: If a producer subject to quota application fails to meet the targets specified in article 25 above, he is obliged to collect in the next year the deficient rates with a 10% increase therein in addition to the ordinary collection targets for the first year. If in such next year he fails to meet the targets foreseen, he is caused to switch back to compulsory deposit application and subject to the provisions of Article 35 hereunder.

CHAPTER SEVEN

Deposit Application to Used Accumulators

Deposit Application to Accumulators and Responsibilities

Article 29- In order to ensure the return of used accumulators back to the producer, producers shall apply a deposit during the sale of accumulators. Used accumulators brought by consumers to enterprises engaged in the distribution and sales of battery and accumulator products should be admitted. If these wastes are delivered to the operators of distribution and sales sites of accumulator products, the deposit charge for the products is paid to the consumer. Deposit charge is applied to consumers who purchase new accumulators without bringing used accumulators after the effective date of this regulation. Accumulators put to market and sold prior to the said date are not covered by the deposit application. The deposit rate cannot be less than 10% of the sales price of the product, taxes included.

Accumulators subject to deposit applications should be collected, recovered and disposed of by 70% for the first year following the effective date of this Regulation, and 80% for the second year, and 90% for the third year, as a minimum requirement, and the documents evidencing these rates should be submitted to the Ministry along with deposit applications every year.

In order to minimize the effects of these products on the receiving environment, accumulator producers can meet under the coordination of the Ministry and establish a non-profit legal entity to fulfill the obligations for the collection, recovery, disposal or exportation of used accumulators, to meet the costs incurred therein, and to perform training activities. Entities who fulfill their obligations against that structure and contribute to the covering of costs can assign their obligation regarding used accumulator management to this entity. Enterprises (individual companies) within this structure are (still) responsible for the achievement of the deposit targets (as specified in this Regulation).

Permit Application for Deposit Application to Used Accumulators

Article 30- Accumulator producers (individually) shall complete the "Deposit Application Form" attached hereto as Annex 3, and submit it to the Ministry for deposit application permit until the end of office hours on the working day of January every year. In this form, entities declare and submit documents and information about the type, production and sales quantities of accumulators produced, imported or put to market, and information about used accumulator management. The Ministry can require additional information and documents when necessary.

Evaluation of Deposit Permit Application

Article 31- If the Ministry considers the documents and information necessary for application sufficient, it issues a permit for deposit application. The maximum term of the permit is one calendar

year. If a permit application is filed outside the application period, the same obligations shall apply. In the event it is discovered that the terms of this regulation are not complied with and the information given for the application is not true, the producer shall be subject to penalty as per article 35 of this Regulation. Furthermore, the Ministry can have the permit application declarations audited by the sworn-in financial consultants. The costs of such audit shall be met by the relevant firms.

Imposition of a Penalty for the Failure to meet the Targets:

Article 32: If the collection rates of used accumulators do not meet the above mentioned percentages specified in article 29 of the Regulations, Paragraph 3, the penalties specified in the relevant articles of the Environment Law 35 shall apply to such accumulator producers.

CHAPTER EIGHT

Labeling and Marking of Batteries and Accumulators and Informing the Consumers

Rules on the Labeling and Marking of Batteries and Accumulators

Article 33- The following principles shall apply to the labeling of battery and accumulator products.

- a) The symbol given in Annex 1 shall be used by producers as the symbol to ensure the separate collection of used accumulators.
- b) In order to ensure that used accumulators return back to the producers responsible for recovery, the labels of these products shall contain the phrase “deposit charged”, and the code number given to the firm by the Ministry.
- c) On the lead acid accumulators the phrase “Pb” or “Lead” and “RECOVERABLE” or “RECOVERABLE BATTERY” shall be written in raised format. Also, the same phrases shall be present on the outer packages of these products.
- d) Battery products shall be labeled and market as described in the Turkish Standards (TS EN 61429).

Informing the Consumers

Article 34 - Producers of batteries and accumulators should exhibit the warnings and information given in Annex 4/A and the signs given in Annex 1 at such places within their sales points, temporary storage sites and other relevant places, and the warnings and information given in Annex 4/B on the labels of accumulator products at such positions which are clearly obvious to and readable by consumers and users.

CHAPTER NINE

Miscellaneous

Violation of the Regulation

Article 35- Those who violate the provisions of this Regulation shall be subject to the actions specified in the relevant articles of the Law Pertaining to Environment Number 2872, and punished with the penalties stated in the relevant articles of the same Law.

Regulating Authority

Article 36- Unless otherwise provided, the Ministry is authorized to make all sub-regulations to ensure compliance with this Regulation.

Temporary Article 1- Used accumulator recovery facilities that have been started to be constructed and/or operated prior to the effective date of this Regulation, but have not obtained an operation license from the Ministry should apply to the Ministry to obtain a preliminary license and/or license with the documents and information specified in the fourth chapter within 6 months after the effective date of this Regulation, and the used accumulator recovery facilities that have obtained a license prior to the effective date of this regulation should apply to the Ministry with the documents and information specified in articles 21 and 22 of this Regulation within 1 year after the effective date of this regulation.

Effective Date

Article 37- Article 9 of this Regulation, paragraph (I) shall be effective on 1/1/2007, and other articles on January 1, 2005.

Execution

Article 38- The provisions of this Regulation is executed by the Minister of Environment and Forestry.

ANNEX -1

SYMBOLS FOR THE LABELING AND MARKING OF ACCUMULATORS

The symbol to be used for ensuring separate collection of used batteries and accumulators is the crossed out dust bin symbol below.



Annex 2

QUOTA APPLICATION FORM

1- DETAILS OF THE FIRM:

Firm's Name :

Firm's Code :

Address :

Phone :

Fax :

E-mail :

Name of the Person in charge of Environment in the firm:

2- DETAILS OF PRODUCTION, IMPORT:

TYPES AND QUANTITIES OF BATTERIES PRODUCED AT THE FACILITY OR IMPORTED
(Net sales figures for the previous year shall be taken into consideration)

BATTERY TYPE	QUANTITY (PIECES/YEAR, TONS/YEAR)
1.	
2.	
3.	

3- INFORMATION ON USED BATTERY MANAGEMENT

A. What are the projects and organizations you have carried out/shall carry out for the collection, recovery and disposal or export of used batteries in accordance with the Used Batteries and Accumulators Control Regulation.

B. Please specify names and addresses of any enterprise which you have an agreement with for the collection, recovery and disposal or export of used batteries.

C. If the products you put out to the market are imported (importer firm), please attach to this form the exporting country the name, and address of the exporter, and the quantities of battery types, in terms of weight, imported in the previous year from these firms.

D. Attach the stock battery quantities you have in hand to this form.

We assume that the information given in the form is true, and we declare that we are aware about the penalties to apply to those who issue misleading documents under the relevant articles of the Law Pertaining to Environment Number 2872 if any error is discovered in this information. We kindly ask you to accept our permit application for quota application we have filed as per the relevant articles of the Used Batteries and Accumulators Control Regulation.

Representatives of the firm
Name, Position and Signature

**ANNEX-3
DEPOSIT APPLICATION FORM**

2- DETAILS OF THE FIRM:

Firm's Name :

Firm's Code :

Address :

Phone :

Fax :

E-mail :

Name of the Person in charge of Environment in the firm:

2- DETAILS OF PRODUCTION, IMPORT:

TYPES AND QUANTITIES OF ACCUMULATORS PRODUCED AT THE FACILITY OR IMPORTED

(Net sales figures for the previous year shall be taken into consideration)

ACCUMULATOR TYPE	QUANTITY (PIECES/YEAR, TONS/YEAR)
1.	
2.	
3.	

3- INFORMATION ON USED ACCUMULATOR MANAGEMENT

A. What are the projects and organizations you have carried out/shall carry out for the collection, recovery and disposal or export of used accumulators in accordance with the Used Batteries and Accumulators Control Regulation.

B. Please specify names and addresses of any enterprise which you have an agreement with for the collection, recovery and disposal or export of used accumulators.

C. If the products you put out to market are imported (importer firm), please attach to this form the exporting country the name, and address of the exporter, and the quantities of battery types, in terms of weight, imported in the previous year from these firms. Attach the stock accumulator quantities you have in hand to this form.

We assume that the information given in the form is true, and we declare that we are aware about the penalties to apply to those who issue misleading documents under the relevant articles of the Environment Law Number 2872 if any error is discovered in this information. We kindly ask you to accept our permit application for deposit application we have filed as per the relevant articles of the Used Batteries and Accumulators Control Regulation.

Representatives of the firm
Name, Position and Signature

ANNEX-4/A

The product that you have purchased must be delivered to the nearest disposed battery/accumulator temporary storing, recovery or disposal facility when the validity date expires and the products become a waste in order to protect, human and environmental health. For this purpose;

1-Deliver your used battery/accumulator to the points of where the products are sold or they are admitted in unleaking containers.

2- Do not mix used batteries/accumulators with household and/or other wastes, do not ever pour them in surroundings such as soil, water, or sewer system, or garbage containers, etc. or burn them in stoves and boilers.

3- Do not leave used batteries/accumulators anywhere at random, keep them away from children, and deliver your disposed battery to the nearest collection point.

Annex-4/B

- Do not discharge the acidic liquid in your used accumulator on soil, in water or sewer system.
- Do not burn the plastic parts of your used accumulator in stove and boilers.
- Keep used accumulators away from the children.

ANNEX -5

DOCUMENTS AND INFORMATION REQUIRED IN LICENSE APPLICATIONS TO GOVERNORS' OFFICES FOR THE TRANSPORTATION OF USED ACCUMULATORS

1- The following documents and information shall be required in the applications to be filed to Governor's Offices for vehicle licenses:

- a) Name, address and phone number of the firm owning the vehicle.
- b) Vehicle type
- c) Plate registration and chassis number
- d) Name, business address and phone number of the vehicle's owner.
- e) Type of container/case to be carried by the vehicle (drums on pallets, tanks, etc.)
- f) Measures to be taken to minimize the adverse effects of transported wastes on human and environmental health in case of an accident,
- g) Materials of first response and first aid for potential accidents,
- h) A "Conformity Certificate" for each used accumulator carrying vehicle evidencing that the vehicle has necessary equipment and characteristics according to the danger group of the waste in accordance with the "Regulation on the Transportation of Hazardous Wastes on Highways" issued by the Turkish Standards Institute.

2- For licensing the firm operating the vehicle, the following information and documents shall be required in the applications to the Governor's Offices:

- a) Name, address and phone number of the firm**
- b) Name, address and phone number of the owner/s of the firm**
- c) Number of vehicles that have the equipment for carrying used accumulators,**
- d) Plate registration numbers of vehicles to obtain a license**
- e) Driver training certificate for the drivers of vehicles carrying hazardous articles issued by authorized organizations/bodies,**
- f) Hazardous group number of the used accumulators to be carried as per the "Regulation on the Transportation of Dangerous Substances on Land".**
- g) "Authorization Certificate" issued by the Ministry of Transport as per the Law on Land Transportation Number 4925 and the Regulation on the Land Transportation.**

ANNEX-6

INFORMATION AND DOCUMENTS REQUIRED FOR APPLICATIONS TO OBTAIN PRELIMINARY LICENSES FOR USED ACCUMULATOR RECOVERY FACILITIES

1- APPLICATION PETITION

2-GENERAL DETAILS OF THE FACILITY

a) The Facility's

-Name :
-Address (District, Avenue, Street, Number, County, Province):
-Phone :
-Fax :
-E-mail :

b) Facility owner/s

-Name :
-Address (District, Avenue, Street, Number, County, Province):
-Phone :
-Fax :
-E-mail :

c) Facility operator

-Name :
-Address (District, Avenue, Street, Number, County, Province):
-Phone :
-Fax :
-E-mail :

d) Person/entity issuing the application form:

-Name (or trade name) :
-Address (District, Avenue, Street, Number, County, Province):
-Phone :
-Fax :
-E-mail :

e) Other details

- Estimated opening date of the facility :
-Number and duties of personnel to be employed :
- Working hours of the facility (daily, monthly, yearly):
-List of Vehicles and Machine Parks :
- Social facilities (dining room, dormitory, dressing room, toilets, sinks, bathrooms-showers, infirmary, etc.).

3- DOCUMENTS AND INFORMATION ABOUT THE SELECTED FACILITY PLACE:

- a) A topographic map with 1:25.000 scale showing the facility's location and its surrounding with a diameter of 10 km at the least,
- b) Cadastral and land usage maps showing the facility location and its surroundings, and master improvement plans,
- c) Underground and surface water protection regions of the site, potential sites of flood and landslide,

should be attached to the application.

4- DETAILS OF OPERATION:

a) For facilities that are not subject to Environmental Impact Assessment, taking into consideration the types of waste to be admitted to the facility and the products to be obtained, technical reports to be obtained from an institution that has specialized on the compliance of recovery facility technology and a university, one report from each.

b) Area of the facility

-Indoors : m²
-Outdoors : m²
-Total :m²

c) Capacity of the facility

-Established capacity : tons/year
-Actual Capacity :tons/year

d) Production flow diagram and technology

Starting from the admission of wastes, operations to be applied in each unit, detailed description of recovery process and treatment facilities, necessary diagrams, formulas, and figures.

e) Used battery/accumulator recovery efficiency

f) Names, quantities (tons/year) and storage methods of chemicals, used in waste treatment, if any, at the facility;

g) Capacities of raw material and product storage tanks and the safety measures to be taken at depots,

h) Products produced out of recovery, and labeling and packing information for the product,

i) Types, compositions, quantities and disposal methods of non-recovered wastes.

5-ENVIRONMENTAL MEASURES

(Facilities that are not subject to the Environmental Impact Assessment Regulation shall provide this information)

1- *Water Pollution*

a- Where the water and process water used at the facility shall be supplied, and water consumption volumes:

- Well water
- Mains water
- Other

- b- Pollutants that can be present in the process water, and measures to be taken
- c- Places of discharge of the usage water and process water
- d- Measures for the collection of rain waters

2- Air pollution

- a- Types and amounts of fuels to be used at the facility
- b- Names, capacities of units that can cause air pollution at the facility, number of stacks of each unit
- c- Resources of dust and measures to be taken

3- Noise pollution

- a- Resources of noise
- b- Measures to be taken

4- Soil pollution

- Measures to be taken to prevent soil pollution

5- Smell (odor) pollution

Measures to be taken to prevent smell pollution

6- Safety measures taken at the facility

- a- Fire
- b- Worker Safety
- c- First Aid
- d- Other
- e) Safety Data Sheet

Applicant/Firm's Representative
Date, Name, Signature

Note: All the documents within the application file should be signed and sealed.

ANNEX -7

DOCUMENTS AND INFORMATION REQUIRED FOR THE LICENSING OF USED ACCUMULATOR RECOVERY FACILITIES

- 1) Preliminary License Certificate
- 2) A report showing that the facility has been constructed in accordance with the project and the specifications, which needs to be signed by the institutions that issue the technical report specified in article 21 (Article 22)
- 3) Type of used batteries/accumulators accepted to the facility
- 4) Standards, commercial names, and production quantities (tons/year) of recovered products at the facility,
- 5) Addresses, phone and fax numbers, contacts of the places where recovery products are sold, and the invoice, waybill and balance slips for the sales;
- 6) Emission Authorization, Discharge Authorization
- 7) Copies of transportation licenses of vehicles taking wastes to the facility and then taking the wastes produced after the treatment to the final disposal sites; national waste transportation forms relating thereto, waybill and invoice copies;
- 8) Types, nature (hazardous, non-hazardous, inert), quantities of process wastes produced at the facility, and disposal method of such wastes.
- 9) Other Documents Required from Used Battery and Accumulator Recovery Facilities:
 - Tax Office and Number
 - Workplace Opening and Working License
 - Copy of the Trade Registry Journal
 - Signature Declaration
 - Capacity Report
 - Industrial Register Certificate
 - Operation Certificate (obtained from the Ministry of Labor and Social Security)

ANNEX 8

CALCULATION OF QUOTA QUANTITIES FOR THE MIXED (CO-MINGLED) COLLECTION OF USED BATTERIES

T1: Quantity of Group I Batteries Put to Market (tons/year)

T2: Group II Batteries Put to Market (tons/year)

K1. Quota Rate of Group I Batteries

K2: Quota Rate of Group II Batteries

$$\text{General Quota Rate: } \frac{T1.K1+T2.K2}{T1 + T2} \times 100$$