

**Translation of Alcohol-Related Articles of Law No. 6487**

*Please note this is an unofficial translation:*

**Law No: 6487**

**Date of promulgation in the Official Gazette: May 24, 2013**

**ARTICLE 2** – Defunct Article 6 of the Spirits and Alcoholic Beverages Monopoly Act No. 4250 has been redrafted as follows:

“ARTICLE 6 – Alcoholic beverages cannot be advertised in any way or promoted to consumers.

Campaigns, promotional organizations or events (except for national and international sectoral trade fairs and sectoral organizations as well as scientific publications and activities) which encourage or promote the use and sales of such products will not be allowed. Those who produce, import, and market alcoholic beverages cannot support any event (except for the national and international sectoral trade fairs and sectoral organizations), regardless of the nature of the event, by using the trademarks, brands, emblems or tokens of their products. Trademarks, emblems and logos can be used on service materials used at restaurants, bars and night clubs which have an alcoholic beverage license.

Alcoholic beverage producers, importers, and marketers cannot distribute any promotional materials, free gifts, sale samples or free alcoholic beverages for whatever reason.

Liquor shops and all commercial and public places cannot sell or serve alcoholic beverages for consuming or taking away to people who are not over 18.

People who are not over 18 cannot be allowed to work in the production, marketing or sales of alcoholic beverages. Educational activities conducted within the legal regulations are exempt.

Alcoholic beverages cannot be sold in vending machines. They cannot be used (as a reward) in any gaming machines or in any bets or games by any other methods. Alcoholic beverages cannot be sold to the final users via telephone, internet or television marketing systems and cannot be sent by mail order. Retail sale of alcoholic beverages is not allowed between 22:00 and 06:00.

Alcoholic beverages can be openly consumed in places which have alcohol license but such facilities cannot sell alcoholic beverages to be consumed outside their premises.

Alcoholic beverages cannot be put on retail sale by exhibiting them in the windows of the shops which will make them visible from the outside.

With the exemption of those that are exported, all alcoholic beverages produced in Turkey or imported to Turkey will have Turkish warning notes or messages on their packages that explain the damages of consuming alcoholic products. The warning messages can be in the form of pictures, designs, or graphics. Alcoholic beverages that do not carry the warning messages cannot be exposed for sale or sold.

Brand names, trademarks, any introductory and distinctive names, logos, emblems or tokens that relate to alcoholic beverages, with the exception of those produced for export, cannot be used for non-alcoholic beverages and other products; whereas brand names, trademarks, any introductory and distinctive names, logos, emblems or tokens that relate to non-alcoholic beverages cannot be used for alcoholic beverages.

With the exception of export items, with reference to non-alcoholic beverages which are produced by processing products that are in the alcoholic beverage category, if there is still alcohol left in them, the amount of alcohol they contain; and if the alcohol is completely removed, this fact, must be written on the product's package in a way that will allow the consumers to clearly see them.

Alcoholic beverages cannot be sold or consumed in facilities and premises, with the exception of residential areas and accommodations, which are on the motorways or state highways. Alcoholic beverages cannot be sold or consumed in student dormitories, places that provide health-care services, stadiums and indoor sport halls which hold sports competitions, all kinds of learning and education institutes, cafés, coffee-houses, patisseries, bezique and bridge playhouses and at the restaurants and markets of petrol stations.”

**ARTICLE 3** – Defunct Article 7 of the Law No. 4250 was amended as follows:

## “Penalties

### ARTICLE 7 –

- a. Those who act against each of the bans defined in first and second paragraphs of Article 6 and the owners of the relating businesses will be fined from 500 TL to 2000 TL;
- b. Those who act against the bans defined in paragraphs three, four, six and eleven of Article 6, will be fined from 10,000 TL to 500,000 TL;
- c. Those who act against the bans defined in paragraph seven of Article 6, will be fined from 5,000 TL to 50,000 TL;
- d. Producers and importers who breach the liabilities and bans defined in paragraphs eight, nine and ten of Article 6, will be fined as per the market value of products put into sales in violation of these bans provided that this fine will not be less than 100,000 TL.

Those who act against paragraph 5 of Article 6 will be fined as per sub-paragraph (k) of paragraph 5 in Article 8 of the Law 4733 on Organizational Structure and Duties of TAPDK dated 3/1/2002. Those who act against the ban defined in paragraph three of Article 6 will also be fined/punished as per Article 194 of the Turkish Penal Code 5237 which is themed “Supply of Substances Dangerous for Health”.

TAPDK is authorized to decide the fines defined in paragraphs (a) and (d) herein while it is the authority of the local authority to decide on the fines defined in other paragraphs herein. The local authority will also decide on expropriating the products subjected to a fine as per the provisions of paragraph (d).

The fines given under this Article shall be paid within one month following their notification.

### ARTICLE 4 – Defunct Article 9 of the Law No. 4250 was amended as follows:

“ARTICLE 9 - Those who want to obtain an alcohol and tobacco license from TAPDK are obliged to first obtain a trading license from the municipality or the special provincial administration or tourism certificate from the Ministry of Culture and Tourism. Those who want to sell tobacco, ethyl alcohol, methyl alcohol and alcoholic beverages are obliged to obtain a sales license from TAPDK. The municipality or the special provincial administration will seek the advice of the authorized law enforcement agency before issuing the license. The law enforcement agency will comment in seven days.

Businesses that make the retail sale, wholesale or open sale of the products that fall under the scope of this law hereby are obliged to be at least 100 meters away (from door to door) from any organized education institutes and school support courses, student dormitories and places of worship. The municipality or the special provincial administration will exercise the rule of 100 m distance effective on the date of the license. 100 meters distance rule will not be applicable to businesses that hold a tourism license.”

### ARTICLE 5 – A provisional article was included to the Law No. 4250

“PROVISIONAL ARTICLE 1 – The signboards of businesses that make retail or open sale of alcoholic beverages will be changed to comply with paragraph one of Article 6 within one year following the

effective date of this law.

TAPDK will put in effect secondary regulations on paragraphs eight, nine, and ten of Article 6 within two months following the effective date of this Article hereby.

Within ten months after TAPDK's secondary regulations have been published in the Official Gazette, it will ensure that the products that fall under paragraphs eight, nine and ten of Article 6 are in compliance with the provisions thereof.

Paragraph two of Article 9 shall not apply to businesses that obtained a sales license before the issuance of this Law."

**ARTICLE 6** – Article 19 and 28 of the Law No. 4250 were abolished; the text “or alcoholic beverages” in both paragraphs (m) and (n) of Article 8 of the Law No. 4733 dated 3/1/2002 on the Organization Structure and Duties of TAPDK were removed.

### **Enforcement**

#### **ARTICLE 34 –**

- a. The provisions defined in paragraphs five and seven of the revised article 6 of the Law No. 4250, amended by article 2 herein, shall be in effect in 90 days after this article has been published;
- b. Articles 15, 16 and 17 will be in effect as of 19/05/2013;
- c. Article 33 will be in effect on the date of its publication to be implemented on the transferred properties by the mother companies after the issuance of this law hereby;
- d. Shall enter into force on the date of its publication, provided that it shall be applicable to the immovable property transferred by the source institutions as from the date of publication of this Law,
- e. The other provisions shall enter into force on the day of their publication.

**ARTICLE 35-** The provisions hereof shall be enforced by the Cabinet.