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Draft Regulation on Batteries and Waste Batteries Scope, Obligations and Compliance Roadmap

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The Ministry of Environment, Urbanization and Climate Change (“**Ministry**”) has opened the *Draft Regulation on Batteries and Waste Batteries* (“**Draft Regulation**”) for public consultation, which aims to strengthen sustainability, safety and circularity principles throughout the entire life cycle of batteries.

Once the Draft Regulation is adopted and enters into force, the Regulation on the Control of Waste Batteries and Accumulators will be repealed, and comprehensive new rules will apply covering production, supplying to the market, end-of-life collection, reuse and recycling.

Scope of the Draft Regulation

Batteries Within Scope: The Draft Regulation covers all major battery categories, including portable batteries, starting, lighting and ignition (“**SLI**”) batteries, light means of transport (“**LMT**”) batteries, electric vehicle batteries and industrial batteries. Batteries incorporated into products or designed to be incorporated into products are also included within the scope.

Excluded Equipment: Certain military equipment, equipment designed to be sent into space, and equipment specifically designed for nuclear facility safety are excluded from the scope.

Batteries compliant with the Draft Regulation may not be prohibited or restricted from being supplied to the market or put into service on grounds of sustainability, safety, labelling or information requirements. Non-compliant batteries may, however, be displayed at trade fairs and similar events, provided that they bear a visible indication of non-compliance.

Safety, Sustainability and Chemical Restrictions

Under the Draft Regulation, a **life-cycle-based carbon footprint declaration**, on a model and facility basis, is mandatory for electric vehicle batteries, rechargeable industrial batteries with a capacity exceeding 2 kWh, and LMT batteries.

Restrictions on substances posing unacceptable risks to human health and the environment will be updated or expanded, and national legislation will be aligned with new restriction regimes adopted within the European Union.

Research and development (“**R&D**”) activities are excluded from these additional restrictions. Accordingly, the Draft Regulation sets out the maximum quantities¹ of otherwise restricted substances that may be used for R&D purposes related to product or production process development.

In addition, the Draft Regulation establishes detailed performance and durability requirements for general-purpose portable batteries, rechargeable industrial batteries, LMT batteries and electric vehicle batteries.

Labelling, Marking and Digital Traceability

All batteries shall bear a standardised label according to their intended use. Rechargeable portable batteries, LMT batteries and SLI batteries shall display capacity information, while non-rechargeable portable batteries shall indicate the average duration of use and include a non-rechargeable warning.

¹ **Note:** These quantities are specified in Annex I to the Draft Regulation.

Batteries shall bear a visible, legible and indelible QR code, providing access to the battery passport, declarations of conformity, information on recovered materials and waste-management instructions.

Where it is not technically feasible to affix the QR code directly to the battery, it may be placed on the packaging or accompanying documentation.

Digital Battery Passport

The Draft Regulation introduces a mandatory digital battery passport for electric vehicle batteries, LMT batteries and industrial batteries with a capacity exceeding 2 kWh. In parallel, the establishment of a database and an information search/comparison portal is envisaged.

Operators supplying batteries to the market are responsible for ensuring that the information contained in the passport is accurate, complete and up to date. In cases of reuse, repurposing or remanufacturing, this obligation lies with the operator supplying the battery on the market, while once the battery attains waste status, the obligation rests with the manufacturer.

Obligations of Operators

Manufacturers shall ensure that products are designed and manufactured in compliance with technical requirements, that instructions and safety information are provided in Turkish, and that marking and labelling rules are complied with.

Authorised representatives, importers and distributors shall verify compliance with legislation, obtain the necessary information

and documentation, implement corrective measures where risks arise, and cooperate with the Ministry of Industry and Technology.

Entities supplying batteries to the market that have been prepared for reuse, repurposed or remanufactured shall ensure compliance with quality control, performance testing and safety instruction requirements.

All operators shall retain identification and product information of supply chain actors for ten years and provide such information to the Ministry of Industry and Technology upon request.

For operators meeting the turnover threshold to be determined by secondary legislation, further obligation on duty of care shall apply.

Extended Manufacturer Responsibility (“EMR”)

The Draft Regulation adopts an extended manufacturer responsibility model requiring manufacturers to make financial and organisational contributions to waste battery management. Manufacturers may appoint a manufacturer responsibility organisation authorised by the Ministry to fulfil their obligations.

Manufacturer responsibility organisations shall be authorised by the Ministry, and such authorisation may be revoked by the Ministry in the event of a failure to fulfil EMR obligations. Manufacturers established abroad that engage in distance sales to end-users resident in Türkiye are required to appoint an authorised representative established in Türkiye.

Financial contributions under EMR shall be paid by obligated manufacturers to manufacturer responsibility organisations and shall cover

costs related to collection, transport and treatment, characterisation of mixed municipal waste, information activities, data collection and reporting.

Battery Manufacturer Registry

A “Battery Manufacturer Registry” will be established for registration and compliance monitoring purposes. Manufacturers supplying batteries to the market for the first time must register in the registry. Holding a registration number will be mandatory for supplying batteries integrated into devices, LMT vehicles or other vehicles on the market. This obligation may be fulfilled by the manufacturer or an authorised representative under the EMR framework.

Supervision and Administrative Sanctions

In the event of non-compliance with the Draft Regulation once enacted, sanctions shall be imposed pursuant to the Environmental Law No. 2872 (“**Environmental Law**”) and the Law on Product Safety and Technical Regulations No. 7223 (“**Law No. 7223**”).

Under the Environmental Law, administrative fines ranging from TRY 3,496,767 to TRY 34,968,882 are prescribed for violations relating to hazardous waste and chemicals, while violations of product sale or distribution regulations are subject to an administrative fine of TRY 43,447.

Under Law No. 7223, administrative fines shall apply as follows: TRY 434,505 to TRY 4,345,058 for product safety violations; TRY 173,801

to TRY 1,738,022 for non-compliance with technical regulations, conformity or notification obligations; TRY 86,900 to TRY 869,010 for breaches of obligations to provide information, labelling or recall obligations; TRY 60,830 to TRY 608,307 for violations relating to traceability, packaging, instructions for use, technical file deficiencies or notification failures. In the event of repeated violations, fines may be increased up to twice the amount of the previous fine.

Transitional Provisions and Implementation Timeline

Upon entry into force of the Draft Regulation, the current regulation will be repealed, and transitional arrangements will apply to authorised organisations, licensed facilities, temporary storage areas, and other existing practices. Existing authorisation certificates shall remain valid for their respective terms, provided that compliance with the provisions of the Draft Regulation is ensured; facilities whose licensing processes are ongoing shall be assessed in accordance with the provisions of the former regulation. Existing permits relating to temporary storage and deposit schemes shall remain valid for their respective terms. Provisions on the digital battery passport shall not apply until Türkiye becomes integrated into the digital battery passport system established by the European Commission. Registration and data-sharing obligations shall be postponed until the Battery Manufacturer Registry is established, with the implementation date to be announced on the official website at least 30 days in advance. Due diligence provisions shall not apply until the relevant procedures and principles are determined through secondary legislation.

Practical Implications and Recommended Steps for Businesses

- » **Scope analysis and product portfolio review:** Identify battery categories within scope, product integrations, and import and distribution flows.
- » **Carbon footprint and chemical management:** Establish infrastructure for model- and facility-based carbon footprint declarations for the relevant battery categories, and update supply chains to ensure compliance with applicable chemical restrictions.
- » **Labelling and digital readiness:** Design information systems and processes for labelling, QR codes and digital battery passport requirements.
- » **Clarification of roles and responsibilities:** Define processes, documentation and registration obligations according to the roles of manufacturer, importer, distributor and authorised representative.
- » **EMR structure planning:** Develop cooperation models with manufacturer responsibility organisations, calculate financial contributions, and plan authorised

representative appointments for distance sales.

- » **Registry and internal controls:** Establish internal control and reporting mechanisms to ensure compliance with registration with Battery Manufacturer Registry, traceability requirements, and ten-year record-keeping obligations.
- » **Compliance timeline and sanction risk assessment:** Prepare a compliance roadmap by taking into account transitional provisions and deferrals, and conduct a risk assessment with respect to administrative fines under the Environmental Law and Law No. 7223.

Conclusion and Expected Developments

The Draft Regulation restructures the battery ecosystem through a life-cycle approach, digital traceability and extended manufacturer responsibility. Once enacted, it will repeal the existing framework and establish a comprehensive compliance regime. As the Draft Regulation remains open for public consultation, official announcements and the transitional timeline leading up to its entry into force will be of critical importance.



GenTemizer is a Turkish law firm based in Istanbul, Türkiye. We advise various businesses in relation to their investments, M&A, competition law/antitrust, project financing and construction projects as well as on operational and dispute resolution matters in the context of the Turkish regulatory framework. We have also advised investors in relation to government sponsored privatisation projects.

We are listed in *Legal 500*, *IFLR1000* and *Chambers and Partners* as one of the leading law firms in Türkiye. Each of our partners have also been recognised as one of the leading lawyers in Türkiye. We understand and can meet the demanding requirements and innovative, responsive thinking required for an investment transaction in Türkiye.

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