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Commentary / Yorum

Legal regulations on electronic nicotine delivery systems (ENDS), electronic non nicotine delivery systems (ENNDS), heated tobacco products (HTPs) and vapes (E-cigarettes) in Türkiye: current status and recommendations

Türkiye'de elektronik sigara, ısıtılmış tütün ürünleri ve puflarla (Vape) ilgili yasal düzenlemeler: mevcut durum ve öneriler

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ABSTRACT

Türkiye has established a strong legislative framework for tobacco control within the scope of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC). In 2008, the General Directorate of Pharmaceuticals and Pharmacy of the Ministry of Health issued a statement classifying nicotine-containing cartridges of electronic cigarettes as medicinal products and devices as medical devices; none have been authorized for market placement. In 2013, through an amendment to Law No. 4207 on the Prevention and Control of the Harms of Tobacco Products, electronic cigarettes, heated tobacco products, and vapes were explicitly brought under the legal definition of "tobacco product." Pursuant to Law No. 4733, the production, distribution, marketing, and sale of these products without authorization or license from the Ministry of Agriculture and Forestry is strictly prohibited. Furthermore, the high-capacity requirements stipulated for manufacturing effectively make legal domestic production impossible. In 2020, a Presidential Decree banned the importation of electronic cigarettes and their derivatives. This article summarizes these legislative provisions, evaluates the current situation, and presents recommendations for strengthening implementation.

Keywords: electronic cigarette, heated tobacco product (HTP), ENDS, ENNDS, Vape, Türkiye, Law no. 4207, Law no. 4733, Law no. 5607, tobacco control

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Telif hakkı © 2025 Yazar(lar). Sağlığı Geliştirme ve Sigara ile Mücadele Derneği tarafından yayımlandı. Açık erişimli bu makale, orijinal çalışmaya uygun şekilde atıfta bulunulması koşuluyla, herhangi bir ortamda veya formatta sınırsız kullanım, dağıtım ve çoğaltmaya izin veren Creative Commons Atıf Lisansı (CC BY) ile dağıtılmıştır.

ÖZ

Türkiye, tütün kontrolünde Dünya Sağlık Örgütü Tütün Kontrolü Çerçeve Sözleşmesi (FCTC) kapsamında güçlü bir mevzuat altyapısı oluşturmuştur. 2008 yılında Sağlık Bakanlığı İlaç ve Eczacılık Genel Müdürlüğü'nün yazısıyla elektronik sigaraların nikotinli kartuşlarının tıbbi ürün, cihazların ise tıbbi cihaz statüsünde değerlendirilmesi gerektiği belirtilmiş ve hiçbirine ruhsat verilmemiştir. 2013 yılında yapılan düzenleme ile elektronik sigaralar, ısıtılmış tütün ürünleri ve tek kullanımlık puflar 4207 sayılı Tütün Ürünlerinin Zararlarının Önlenmesi ve Kontrolü Hakkında Kanun kapsamına alınmıştır. 4733 sayılı Kanun uyarınca Tarım ve Orman Bakanlığı'ndan izin veya ruhsat alınmadan bu ürünlerin üretimi, dağıtımı, pazarlaması ve satışı kesinlikle yasaktır. Ayrıca üretim için getirilen yüksek kapasite şartları, bu ürünlerin Türkiye'de yasal üretimini fiilen imkânsız kılmaktadır. 2020 yılında çıkarılan Cumhurbaşkanlığı Kararı ile de elektronik sigara ve türevlerinin ithalatı yasaklanmıştır. Bu makalede söz konusu düzenlemeler özetlenmekte, mevcut durum değerlendirilmekte ve öneriler sunulmaktadır.

Anahtar kelimeler: elektronik sigara, ısıtılmış tütün ürünü, puf, Türkiye, 4207 sayılı Kanun, 4733 sayılı Kanun, 5607 sayılı Kanun, tütün kontrolü

Introduction

Tobacco and nicotine products remain among the leading causes of preventable morbidity and mortality. Türkiye has emerged as a global leader in tobacco control by rigorously implementing the WHO FCTC and the MPOWER policy package. However, in response to the decline in cigarette smoking, the tobacco industry has introduced novel products such as Electronic Nicotine Delivery Systems (ENDS), Heated Tobacco Products (HTPs), and vapes. With attractive designs and flavoured varieties, these products pose a new and serious threat, particularly to children and young people.

Chronology of Legal Regulations in Türkiye

1. 2008 – Ministry of Health Communication

In 2008, the Ministry of Health's General Directorate of Pharmaceuticals and Pharmacy evaluated ENDS components separately: nicotine-containing cartridges were classified as medicinal products, while devices were categorized as medical devices. No authorization was granted for either. The Scientific Advisory Board on Human Medicinal Products highlighted the serious health risks and addictive potential of these products and recommended their prohibition without prior authorization.[1,2]

2. 2013 – Amendment to Law No. 4207

In 2013, an amendment to Law No. 4207 on the Prevention and Control of the Harms of Tobacco Products included Electronic Cigarette, Heated Tobacco Product (HTP), ENDS, ENNDS, Vape and electronic Hookahs and tobacco-mimicking products within the legal definition of "tobacco products." Accordingly, all restrictions—such as bans on use in smoke-free environments, bans on advertising, promotion and sponsorship, prohibition of sales to persons under 18, and prohibition of online sales—apply equally to these products.[3,4]

3. Law No. 4733

Under Law No. 4733, the production, manufacturing, distribution and sale of tobacco and tobacco products in Türkiye require authorization/licensing from the Ministry of Agriculture and Forestry. The law stipulates that entities wishing to manufacture tobacco products must establish facilities with a minimum production capacity of 2 billion cigarettes per shift or no less than 15 tons of other tobacco products, equipped with full and

modern technology. These requirements render the legal domestic production of ENDS, Vapes, and HTPs practically impossible. Thus, their manufacture, distribution, marketing, and sale are strictly prohibited in Türkiye.[5]

4. 2020 – Presidential Decree

By Presidential Decree published in the Official Gazette on 25 February 2020 (No. 31050), the importation of all electronic cigarettes, HTPs, vapes, electronic hookahs, and similar products—whether containing nicotine or not, and whether heated or combusted—together with their devices, components, spare parts, and liquids, was prohibited. The Ministry of Trade was authorized to regulate passenger entry and transit of these products.[6]

5. 2020/7 Circular of the Ministry of Trade

The Ministry of Trade's Circular No. 2020/7 permitted adult passengers (over 18 years) to bring into the country, for personal use only, up to 200 sticks of HTP consumables, up to 30 ml of cartridges/liquids in total, and up to 3 disposable ENDS devices. Products exceeding these limits are stored in customs warehouses and, if not collected within the prescribed period, are destroyed by customs authorities.[7]

6. Law No. 5607 on Combating Smuggling

HTPs and pre-filled cigarette tubes (makaron) are legally classified as tobacco products, and their seizure triggers criminal prosecution under Article 3/18 of Law No. 5607, carrying prison sentences of 3 to 6 years, with penalties subject to doubling under Article 3/10.[8]

In contrast, ENDS and vapes are not explicitly defined as tobacco products under this law and are instead treated as electronic devices. Their seizure results in enforcement under Article 3/1 ("Persons introducing goods into the country without customs clearance shall be punished with 1 to 5 years' imprisonment and up to 10,000 days of judicial fines") and Article 3/5 ("Persons who knowingly purchase, possess for sale, offer for sale, transport, or store such goods for commercial purposes without directly participating in smuggling acts shall be punished with 1 to 3 years' imprisonment and up to 5,000 days of judicial fines").[8]

Discussion

Türkiye's legislation on Electronic Cigarette, Heated Tobacco Product (HTP), ENDS, ENNDS, Vape and electronic Hookahs is clear, comprehensive, and protective. Beginning with the Ministry of Health's 2008 decision, followed by the 2013 amendment to Law No. 4207 and reinforced by Law No. 4733, these products have been effectively banned from production and sale. The 2020 Presidential Decree and Ministry of Trade Circular further extended the prohibition to imports and personal entry. Law No. 5607 provides additional deterrence through imprisonment and financial penalties.

Nevertheless, in practice, illicit sales continue openly in certain retail outlets, particularly targeting children and young people. Unlawful online sales, smuggling through customs, and persistent youth access remain significant challenges to enforcement.

Conclusion and Recommendations

- Türkiye implements a clear and comprehensive prohibition policy on Electronic Cigarette, Heated Tobacco Product (HTP), ENDS, ENNDS, Vape and electronic Hookahs.
- Enforcement must be strengthened through enhanced inspections, prevention of online sales, and stricter border/customs controls.
- To prevent youth access, flavour bans, dissuasive penalties, and awareness-raising campaigns should be reinforced. All illicit products available on the market should be seized and destroyed.

- Public awareness campaigns must clearly emphasize that these products are not legal in Türkiye and pose serious risks to health.

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