



Turkey's KKDİK registration deadlines: What's behind the changes and how might they affect business?

REACHLaw partner Frederik Johanson outlines the details of the country's postponed KKDİK registration deadlines, why they were extended, and the implications for business

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Turkey's KKDİK regulation entered into force on 23 December 2017. Like the EU REACH regulation, the KKDİK sets up a system for the registration, evaluation, authorisation and restriction of chemicals on the Turkish market. It is estimated to affect more than 10,000 companies.

Turkish manufacturers and importers of chemicals and mixtures including chemicals, or articles in certain cases, in quantities of one tonne or more per year, can begin the compliance process by pre-registering their substances with the Turkish Ministry of Environment, Urbanisation and Climate Change (MoEUCC).

Pre-registration is a precursor for registering substances. It aims to bring companies that need to register the same substance together in a substance information exchange fora (SIEF) for the joint submission of the required end-point data and more for the substance.

Originally, the KKDİK regulation defined the pre-registration phase as starting from the entry into force of the regulation and continuing until the end of 2020, albeit late pre-registration was allowed in specific cases. The registration phase followed, culminating with the registration deadline of 31 December 2023 for all substances requiring a registration at one tonne per annum or more. The reason for having the

same registration deadline for all substances, regardless of tonnage band, was because it was assumed that the process would be straightforward, with all registration data already available from EU REACH. This assumption proved incorrect, as will be discussed next.

Slow progress

The KKDİK registration process kicked off in earnest in 2021, but soon it became apparent that, despite many substances being pre-registered, the level of activity in taking the joint submission effort forward was low. This manifested itself as a lack of lead registrant nominations in the SIEFs, apart from the bigger global chemical companies acting, typically, through their only representatives (OR) in Turkey.

The reasons for the low level of lead registrant activity included (and continue to include):

- the EU REACH lead registrant was not interested in the Turkish market and therefore did not take up the lead for KKDİK;
- unfamiliarity with the lead registration process and lack of knowledge;
- a wait-and-see approach where everyone waits for

someone else to pick up the lead position; and

- general lack of awareness, especially among Turkish companies focused on the domestic market.

Also playing a part has been a lack of guidance from the authorities concerning the KKDIK registration process.

Over time, there has been an increase in lead registrant nominations, demonstrating there is ongoing activity. However, the increase does not reflect the more than 15,000 substances that are expected to be registered under KKDIK. By comparison, at the time of writing, 22,744 substances have been registered under EU REACH.

Because of the lower-than-expected level of activity, both the industry and the Turkish authorities, specifically the MoEUCC, became concerned that the industry would be unable to hit the original registration deadline of 31 December 2023. As far back as 2022, rumours started circling that the authorities were looking for a solution – perhaps the MoEUCC would select the lead registrants or grant extensions for the looming registration deadlines.

In 2023, the rumours grew stronger and in favour of an extension to registration deadlines, leading to some increased apathy in the lead registrant appointment process. Then, at a meeting held at the MoEUCC last October, it was announced that the KKDIK registration deadlines would be revised based on a gradual tonnage-based transition approach. In November, the MoEUCC produced a draft legal text covering the postponement of the registration deadlines, including the proposed deadline dates, and some other adjustments to the legal text. The authorities also sought feedback from the industry and stakeholders to the amended legal text. Then, finally, on 23 December, the KKDIK registration deadline postponements were made official by publishing the amended KKDIK legal text in the *Official Gazette*, becoming law in Turkey.

Deadline extensions

The amendment postponed the KKDIK registration deadlines for substances manufactured in, or imported into, Turkey. It also staggered the KKDIK registration deadlines by type and tonnage band of the substance (as has become the norm with REACH-like regulations) as follows:

Registration deadline, 31 December 2026

- Substances at >1,000 tonnes/year (t/y)
- Substances classified as aquatic acute 1 and aquatic chronic 1 (H400, H410) at ≥100t/y

- CMR substances (Category 1A and 1B) at ≥1 t/y

Registration deadline, 31 December 2028

- Substances at 100-1,000t/y

Registration deadline, 31 December 2030

- Substances at 1-100t/y

The deadline extensions have generally been welcomed by industry and stakeholders as they provide more time to get organised, select a lead registrant, negotiate access to data needed for registrations (typically obtained from EU REACH lead registrants or consortia) and prepare the joint submission for the MoEUCC.

Turkish authorities have stated that they expect companies that have not already done so to “fall in line” and use the additional time efficiently and comply with the requirements of the KKDIK regulation. Furthermore, the authorities have said that they expect larger companies to take up lead registrant positions and start joint registration processes quickly, and that the postponement will not lead to more delays in the registration process.

Following the deadline postponements, it is expected that much of the lead registrant and joint submission-related work will be concluded for many substances by the first deadline of 31 December 2026, while most registrants are expected to register by the second (31 December 2028) and last deadline (31 December 2030). This will stretch the transitional registration activities seven years beyond the original timeline.

Process review

As a result of the postponement of the registration deadlines, along with various adjustments to the legal text (such as the revision of Article 12 concerning the “joint submission of data by multiple registrants” whereby select institutions in Turkey will now participate in the joint submission process), the Turkish authorities, together with select academia, are reviewing the practicalities of the joint submission process. As a result of this review, the authorities disabled certain functionalities of the KKS chemical registration system in February pertaining to KKDIK registration. Submissions will continue once the authorities are ready. Our current understanding is that the authorities are not looking to make significant changes to the joint submission process, despite some persistent rumours to the contrary. Also, further delays to the registration deadlines are not expected.

For the time being, there is an ongoing dialogue between the industry and Turkish authorities, primarily through

industry associations, to get clarity on the developments of the joint submission process and to safeguard efforts that have already been made for preparing and submitting KKDİK registrations. Companies that submitted a registration by the original registration deadline (covering some 2,400 substances) should not be penalised for being on time with their registration just because most of the industry was not. Where possible, changes to the joint submission process should not be implemented retroactively.

The ongoing uncertainty is not good, and it risks the loss of further momentum in the registration process, contrary to the goals of the Turkish authorities. If the industry is to have enough time to prepare joint submissions for the first extended registration deadline of 31 December 2026, the Turkish authorities will need to raise their game and provide practical information and guidance for the industry to follow while opening up the KKS system for submission of registrations as soon as possible.

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