

**NATIONAL
MARKET SURVEILLANCE
PROGRAMME
FOR 2016**

TURKEY

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1. GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE

1.1 Identification and competence of national market surveillance authorities

In Turkey, market surveillance is under the responsibility of public authorities which are legally authorized to prepare and implement legislation regarding products. The table below lists these authorities, the product groups for which they are responsible and the contact details in each authority:

MARKET SURVEILLANCE AUTHORITY (MSA)	PRODUCT GROUPS	CONTACT DETAILS
Ministry of Science, Industry and Technology	ATEX products, lifts, aerosol dispensers, pressure equipment, gas appliances, machinery, motor vehicles, explosives for civil use, transportable pressure equipment, hot water boilers, measuring instruments, pre-packaged products, batteries and accumulators	Address: Mustafa Kemal Mahallesi Dumlupınar Bulvarı (Eskişehir Yolu 7.Km) 2151.Cadde No:154 06510 Çankaya /ANKARA Directorate General for Safety and Inspection of Industrial Products Phone: +90 312 201 54 51 Fax: +90 312 201 54 53 Directorate General for Metrology and Standardization Phone: +90 312 231 72 80 Fax: +90 312 231 16 94
Ministry of Customs and Trade (MoCT)	Detergents, toys, chemical products (tattoo inks, cleaning and washing products), childcare products, products in the non-harmonized area such as ready to wear clothing-textile and footwear, decorative articles, furniture, hand tools, gadgets, hobby and sports equipment, kitchen/cooking accessories, lighters, stationery, children's equipment, food imitation.	Address: Mustafa Kemal Mahallesi Dumlupınar Bulvarı TOBB İkiz Kuleler C Blok 06530 Çankaya /ANKARA Head of Department for Market Surveillance and Control Meral KARAASLAN m.karaaslan@gtb.gov.tr 03122016574 Expert Ozan KAYA o.kaya@gtb.gov.tr 03122016679
Ministry of Health (MoH)	Cosmetics, medical devices	Vice President of Audit Services Fatih TAN fatih.tan@titck.gov.tr

		<p>Cosmetics: Head of Department for Cosmetics Inspection Sevil AZAK SUNGUR sevil.azak@titck.gov.tr</p> <p>Trainee auditor Ayşegül ÖZGEN aysegul.ozgen@titck.gov.tr</p> <p>Medical devices: Head of Department for Inspection of Medical Devices Cengiz YİĞİT cengiz.yigit@titck.gov.tr</p> <p>Unit Supervisor Dilek GÖKCEK dilek.gokcek@titck.gov.tr</p>
Ministry of Food, Agriculture and Livestock (MoFAL)	Foodstuffs, food contact materials, feed, fertilizers, plant protection products, medical products for veterinary use.	<p>Deputy Director General Muharrem SELÇUK muharrem.selcuk@tarim.gov.tr</p> <p>For Foodstuffs, food contact materials: Head of Department for Food Control and Laboratory Services Dr. Neslihan ALPER neslihan.alper@tarim.gov.tr</p> <p>Engineer Dr. Ahmet BOSTAN ahmet.bostan@tarim.gov.tr</p> <p>For fertilizers: Faruk AKCA faruk.akca@tarim.gov.tr İsmail ACUN ismail.acun@tarim.gov.tr</p>

Ministry of Environment and Urbanization (MoEUP)	Construction products, solid fuels	<p>Construction Products:</p> <p>Directorate General for Professional Services Construction Products Department Market Surveillance Branch Address: Haymana yolu 6 km. Golbasi / Ankara, http://www.csgb.gov.tr/gm/mesleki_hizmetler</p> <p>Head of Department for Market Surveillance Levent Ozdemir levent.ozdemir@csb.gov.tr</p> <p>Branch Manager Akif ERIKAN akiferikan@csb.gov.tr</p> <p>Solid Fuels:</p> <p>Köksal ERCİYAS koksal.erciyas@csb.gov.tr Göksel MERİÇ goksel.meric@csb.gov.tr</p>
Information and Communication Technologies Authority	Radio and telecommunication terminal equipment.	<p>ICT Chief Expert Dr. Nur SAYGI nsaygi@btk.gov.tr</p> <p>ICT Expert Özkan ÖNCÜ ooncu@btk.gov.tr</p> <p>Technical Expert Mehtap Çirkin mcirkin@btk.gov.tr</p>
Ministry of Labour and Social Security	Personal protective equipment	<p>Head of Department Yavuz Selim EKER yavuz.eker@csgb.gov.tr Tel: 0312 296 7642 Fax:0312 215 5028</p>
Ministry of Transport, Maritime Affairs and Communications	Recreational crafts, marine equipment	<p>Yakup KOCAMAN yakup.kocaman@udhb.gov.tr</p> <p>M. Türker EKİNCİ mturker.ekinci@ekonomi.gov.tr</p>
Tobacco and Alcohol Market Regulatory	Tobacco products and ethyl alcohol	<p>Ismail AKAOGLU ismail.akaoglu@tapdk.gov.tr</p>

Authority		
Energy Market Regulatory Authority	Fuels	Head of Group Mustafa Sezgin +90 312 201 4310 msezgin@epdk.org.tr

These authorities carry out market surveillance activities with the personnel in the central and/or – if any – provincial units or with the personnel of other authorities through protocols concluded for cooperation. While the central units mainly deal with policy development, determination of strategy, programming, planning, and monitoring of market surveillance activities, inspections in the field are usually carried out by the inspectors assigned to the provincial/regional directorates.

1.2 Coordination and cooperation mechanisms between national market surveillance authorities

Although MSAs continue with the work of inspection themselves, there is still a strong need especially for a more effective implementation of these activities and for collaboration and cooperation regarding matters in general. For this purpose, the Ministry of Economy has been assigned as the coordinating body for market surveillance.

The Ministry of Economy carries out this duty through two different mechanisms:

1. Market Surveillance Coordination Board (MSCB)

The MSCB convenes every four months, chaired by the Director General of Product Safety and Inspection of the Ministry of Economy, with representatives at the level of Director General from all MSAs. Representatives from producer (The Union of Chambers and Commodity Exchanges of Turkey-TOBB) and consumer (Federation of Consumer Associations-TUDEF) organizations and Association of Conformity Assessment (UDDER) regularly participate in board meetings as observers. The duties of the Board are as follows:

- Ensuring coordination between MSAs for the effectiveness of market surveillance activities;
- Proposing solutions to the problems faced by MSAs regarding market surveillance;
- Monitoring the preparation and implementation of technical legislation on products;
- Taking advisory decisions on market surveillance, when necessary;
- Preparing annual action plans on the issues that require cooperation, and monitoring the work carried out within the framework of these plans.

2. Market Surveillance and Product Safety Assessment Board

MSAs are represented at the highest level (Minister, Chairman of the Board) in the “Market Surveillance and Product Safety Assessment Board” chaired by the Minister of Economy and established in accordance with the Prime Ministry Circular No. 2011/12, published in the Official Gazette No. 28046, dated 06/09/2011.

The Board convenes at least once a year under the coordination of the Minister of Economy in order to:

- evaluate the annual action plans prepared by MSCB;
- define the measures to be taken and the main goals and strategies for the effective implementation of import controls and market surveillance;
- take high level decisions and;
- ensure cooperation and coordination between relevant institutions.

Detailed information on the Board's last meeting held on 4 November 2014, can be found in section 1.8, entitled "Horizontal activities planned for the relevant period".

1.3 Cooperation between national market surveillance authorities and customs

Import controls are used as an effective and rapid way of ensuring product safety through close cooperation with the customs. The legislation, mainly composed of communiqués for product groups which are to be checked at import stage, is prepared and put into force by the Ministry of Economy. The Communiqués of Product Safety and Inspection are revised annually by taking into account the issues arising from the implementation process or proposals gathered from the public and private sector bodies. In this respect, inspections at import stage are carried out by several competent authorities including the Ministry of Economy. The communiqués mainly list the products to be inspected, set the authority, in charge of the inspections and define the responsibilities of customs and relevant authorities.

The Ministry of Economy is responsible for the conformity checks at import stage of certain industrial goods such as toys, medical devices, telecommunication products, personal protective equipment, batteries, accumulators, footwear, machinery, lifts, pressure vessels, electrical equipment, gas appliances, and also some industrial inputs.

Import controls of these product groups are carried out through the "Risk-Based Trade Control System (TAREKS)" for more than five years. Import checks of these products are mainly based on controls of conformity documents, test reports and physical verification basically focusing the marking.

Through TAREKS, import controls are concluded electronically without paper documentation. Thus, this system reduces bureaucratic procedures as well as the number of documents to be submitted.

On the other hand, industrial products which are originating from EU countries (including the products coming from EU countries but originating from third countries) along with an A.TR document principally are not subject to import controls through TAREKS unless they are considered risky.

Furthermore controls on "wastes", "chemicals (hazardous, ozone depleting, etc.)", "scrap metals", "solid fuels" are performed at customs points by the Ministry of Environment and Urbanization.

“Narcotic drugs”, “psychotropic substances” and “pharmaceuticals” are checked by the Ministry of Health at the import stage. Some consumer products are checked by the Ministry of Customs and Trade. Safety checks for “agricultural products and foodstuff” at import stage are performed by the Ministry of Food Agriculture and Livestock. Agricultural products and foodstuff imported from Japan are also subject to radiation controls at import stage by Turkish Atomic Energy Authority. Besides “forestry materials” are checked by the Ministry of Food Agriculture and Livestock and the Ministry of Forestry and Water Affairs.

1.4 RAPEX and ICSMS information systems

Although Turkey has not yet participated in the product notification systems of the European Union, the necessary administrative and technical infrastructure has been established. In this context, Turkey published the “Regulation on Recording and Notification of the Results and Measures of Market Surveillance” and prepared the notification system for dangerous products. The Ministry of Economy has been assigned as the national contact point for the notifications, and Ministerial contact points have been determined. Besides, a national MS database has been put into use. Through this database, market surveillance authorities submit information about unsafe and non-compliant products they have detected in the Turkish market. This information is shared with the department responsible for import checks and also with the European Commission, if necessary.

1.5 General description of market surveillance activities and relevant procedures

The general objectives of market surveillance activities in Turkey are to protect the health and safety of humans, animals, plants and the environment, to ensure that economic operators fulfil their legal obligations for placing safe and compliant products in the market and also to raise the product safety awareness level of commercial enterprises and regulating these enterprises.

The Framework Law (No. 4703 on the “Preparation and Implementation of the Technical Legislation on Products”) and the “Regulation on Market Surveillance of Products”, which is the secondary legislation of the afore-mentioned law, constitute the legal basis for market surveillance activities. The Law lays down the duties and responsibilities of producers, distributors, conformity assessment bodies, notified bodies and market surveillance authorities with regard to product safety. The Law mainly incorporates the general principals of the New Approach and General Product Safety.

According to the Framework Law, producers are obliged to place only safe products in the market. The Law also defines the “market surveillance” as a public authority activity and empowers market surveillance authorities (MSAs) for conducting these activities and imposing measures to ensure the removal of unsafe products from the market.

MSAs carry out both proactive and reactive controls. Most of the inspections are carried out according to annual programmes. In addition to these programs, MSAs also perform reactive

market surveillance which starts by an outside source such as complaints from consumers, accidents, reports from the media, notifications under RAPEX etc. MSAs investigate the situation as soon as possible and impose measures if necessary. In order to inform MSAs about accidents and injuries arising from products, National Accident/Injury Database (UKAY) was established by the Ministry of Health, in accordance with the objectives of “Turkey’s National Market Surveillance Strategy” for years 2012–2014, and protocols between the MSAs and the Ministry of Health were signed for information exchange.

Visual check is the first step of market surveillance activities. This is accompanied by checks of markings and/or relevant documents required under specific product legislation. If the inspector decides on further and detailed investigation of the safety of the product, he takes samples from the product for laboratory analysis.

Following these checks, if the product is found unsafe, MSA imposes measures, which fit to the specific nature of the case, mentioned below:

- prohibition of the placing on the market of the product,
- withdrawal of products placed on the market,
- if it is possible, warning the producer to recover the unsafety of a product within a given period
- whole or partial disposal of the product in case it is impossible to recover the unsafety or the unsafety is not recovered by the producer.

According to Law No:4703 and “Regulation on Market Surveillance of Products”; the measures mentioned above should also be announced to the persons at risk by 2 national newspapers and 2 national television channels or by the local televisions, newspapers and direct informing methods, depending on the characteristics and size of persons affected by the risk.

The Framework Law has been in force since 2002 and today there is a need to revise the Law, taking into consideration the updates of the EU acquis, namely, the Regulations 764/2008, 765/2008 and the Decision 768/2008. Furthermore, throughout its enforcement period, the competent authorities declared their views on some issues regulated by the Law such as penalties, conformity assessment, competency of authorities engaged in market surveillance. Therefore, in order to revise the aforementioned law, the Draft Law on Product Safety and Technical Regulations has been prepared and submitted to related governmental bodies, NGOs and the European Commission for review.

Within this context, the aim of the draft law is to ensure that the products placed on the market, imported to the market and thus made available on the market are safe and in compliance with the related technical regulations. Besides, the draft law strengthens the responsibilities of the public authorities for an effective market surveillance and for this purpose lays down rules and procedures, openly stating the obligations of the Parties such as traceability. The draft law is at the last stage of preparation and is planned to be submitted to the Prime Ministry in the near future.

1.6 Cooperation with other Member States and third countries

Turkey participates as an observer in joint actions organised by PROSAFE.

1.7 Evaluation of market surveillance actions and reporting

To rate performance of inspection activities carried out by MSAs and to compare this data with the previous years' performance, "Market Surveillance Report" is prepared annually in the light of the information gathered from market surveillance authorities. The report mainly includes administrative and technical data about the number of inspected products, number of products subjected to tests, budget allocated for market surveillance purposes, number of inspectors assigned for market surveillance etc. and aims at reflecting the yearly progress. The report is published and distributed to MSAs, producer and consumer organizations, accreditation and standardization bodies etc. to increase the visibility of market surveillance activities in Turkey. The report is also made public via the web site of the Ministry of Economy.

The 2014 Market Surveillance Report was prepared in 2015. The report, among other information, sets the data about the budget allocated for market surveillance by each authority, number of inspectors assigned for market surveillance and the laboratory infrastructure of MSAs.

The budgets of MSAs allocated for their market surveillance activities in the last two years and annual variation percentage rate, are displayed in the table below:

MSA	Total Amount Spent for MS (TL)		Annual Variation (%)
	2013	2014	
Ministry of Science, Industry and Technology	26.468.258	36.450.553	37,71
Ministry of Customs and Trade	1.873.060	1.358.000	-27,4
Ministry of Environment and Urbanization (Construction Products)	7.152.264	7.816.692	9,2
Ministry of Labour and Social Security	265.828	1.233.127	363,8
Ministry of Health (Cosmetics and Medical Devices)	5.095.500	4.244.400	-16,7
Ministry of Transport, Maritime Affairs and Communications	102.000	135.360	32,7
Information and Communication Technologies Authority	411.602	353.658	-14
TOTAL	41.358.512	51.591.790	24,7

The following table indicates the total number of inspectors for the last three years:

MSA	Number of Inspection Staff*		
	2012	2013	2014
Ministry of Science, Industry and Technology	522	600	613
Ministry of Customs and Trade	75	196	92
Ministry of Environment and Urbanization (Construction Products)	380	365	363
Ministry of Labour and Social Security	32	32	33
Ministry of Health (Cosmetics and Medical Devices)	139	135	145
Ministry of Transport, Maritime Affairs and Communications	22	22	37
Information and Communication Technologies Authority	24	24	25
TOTAL	1194	1374	1308

*indicates the number of inspectors carrying out the actual inspections.

Ministry of Food, Agriculture and Livestock, Ministry of Health, Ministry of Environment and Urbanization, Ministry of Labour and Social Security, Ministry of Science, Industry and Technology and Information and Communication Technologies Authority (for only legal metrology field) have their own laboratories. These laboratories perform the tests required by the relevant legislation and are used for market surveillance purposes. There are also a large number of private or public laboratories operating in the market where the tests required by the legislation are performed, besides these authorities and product groups.

1.8 Horizontal activities planned for the relevant period

In its last meeting held on 4 November 2014, “Market Surveillance and Product Safety Assessment Board” adopted “Turkey’s National Market Surveillance Strategy” for the years 2015–2017 to keep pace with the changing and improving conditions in market surveillance system in Turkey.

The Document lists 6 strategic objectives to be achieved in the following years. These objectives are:

1. Strengthening the legislative and administrative infrastructure
2. Increasing the effectiveness of inspections
3. Effective use of information technologies
4. Increasing awareness of product safety
5. Ensuring the active participation of stakeholders
6. The development of cooperation in the international arena

To reach these objectives, specific goals were also laid down in the Document. For achieving these goals working groups were established.

The Document is one of the opening criteria for EU-Turkey negotiations under Chapter 1-Free Movement of Goods and will also be sent to the European Commission.