

**NATIONAL
MARKET SURVEILLANCE
PROGRAMME
FOR 2015**

TURKEY

Content

1. GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE.....	3
1.1 Identification and competence of national market surveillance authorities	3
1.2 Coordination and cooperation mechanisms between national market surveillance authorities.....	6
1.3 Cooperation between national market surveillance authorities and customs.....	7
1.4 RAPEX and ICSMS information systems	8
1.5 General description of market surveillance activities and relevant procedures.....	8
1.6 Cooperation with other Member States and third countries.....	10
1.7 Evaluation of market surveillance actions and reporting.....	10
1.8 Horizontal activities planned for the relevant period.....	11

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	<p>Address: Mustafa Kemal Mahallesi Dumlupınar Bulvarı (Eskişehir Yolu 7.Km) 2151.Cadde No:154 06510 Çankaya /ANKARA</p> <p>Directorate General for Safety and Inspection of Industrial Products</p> <p>Phone: +90 312 201 54 51 Fax: +90 312 201 54 53</p> <p>Directorate General for Metrology and Standardization</p> <p>Phone: +90 312 231 72 80 Fax: +90 312 231 16 94</p>
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.	<p>Address: Mustafa Kemal Mahallesi Dumlupınar Bulvarı TOBB İkiz Kuleler C Blok 06530 Çankaya /ANKARA</p> <p>Market Surveillance and Control Departments</p> <p>Head of Department: Meral KARAASLAN m.karaaslan@gtb.gov.tr 03122016574</p> <p>Expert : Ozan KAYA o.kaya@gtb.gov.tr 03122016679</p>
Ministry of Health (MoH)	Cosmetics, medical devices	<p>Cosmetics:</p> <p>Head of Cosmetics Inspection</p>

		<p>Department: Sevil AZAK SUNGUR, sevil.azak@titck.gov.tr</p> <p>Trainee auditor: Ayşegül ÖZGEN, aysegul.ozgen@titck.gov.tr</p> <p><u>Medical devices:</u> Head of the Department of Inspection of Medical Devices: Fatih TAN, fatih.tan@titck.gov.tr</p> <p>Unit Supervisor: Dilek GÖKCEK, dilek.gokcek@titck.gov.tr</p>
<p>Ministry of Food, Agriculture and Livestock (MoFAL)</p>	<p>Foodstuffs, food contact materials, feed, fertilizers, plant protection products, medical products for veterinary use.</p>	<p>Deputy General Director: Muharrem SELÇUK muharrem.selcuk@tarim.gov.tr</p> <p>For Foodstuffs, food contact materials: Head of Food Control and Laboratory Services Department: Ms. Dr. Neslihan ALPER neslihan.alper@tarim.gov.tr</p> <p>Engineer Mr. İzzet ÖLMEZ izzet.olmez@tarim.gov.tr</p> <p>For fertilizers: Faruk AKCA faruk.akca@tarim.gov.tr</p> <p>İsmail ACUN ismail.acun@tarim.gov.tr</p>

<p>Ministry of Environment and Urbanization (MoEUP)</p>	<p>Construction products, solid fuels</p>	<p>Construction Products: General Directorate of Professional Services Construction Products Department Market Surveillance Branch Address: Haymana yolu 6 km. Golbasi / Ankara, http://www.cs.gb.gov.tr/gm/mesleki_hizmetler Head of Department: Levent Ozdemir (levent.ozdemir@csb.gov.tr) Branch Manager: Akif ERIKAN (akiferikan@csb.gov.tr) Solid Fuels: Köksal ERCİYAS, koks.erciyas@csb.gov.tr Göksel MERİÇ, goksel.meric@csb.gov.tr</p>
<p>Information and Communication Technologies Authority</p>	<p>Radio and telecommunication terminal equipment.</p>	<p>Dr. Nur SAYGI, ICT Chief Expert nsaygi@btk.gov.tr Özkan ÖNCÜ, ICT Expert ooncu@btk.gov.tr Mehtap Çirkin, Technical Expert mcirkin@btk.gov.tr</p>
<p>Ministry of Labour and Social Security</p>	<p>Personal protective equipment</p>	<p>Mustafa Birbenli Head of Department mbirbenli@csb.gov.tr Tel: 0 312 296 66 85 Fax:0312 215 50 28</p>
<p>Ministry of Transport,</p>	<p>Recreational crafts, marine</p>	<p>Yakup KOCAMAN,</p>

Maritime Affairs and Communications	equipment	yakup.kocaman@udhb.gov.tr M. Türker EKİNCİ, mturker.ekinci@ekonomi.gov.tr
Tobacco and Alcohol Market Regulatory Authority	Tobacco products and ethyl alcohol	Ismail Akaoglu (ismail.akaoglu@tapdk.gov.tr)
Energy Market Regulatory Authority	Fuels	Mustafa Sezgin Head of Group +90 312 201 4310 msezgin@epdk.org.tr

These authorities carry out market surveillance activities with 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 in every four months, chaired by 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-TÜDEF) 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, Undersecretary, chairman of the board) in the “Market Surveillance and Product Safety Assessment Board”, 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 on section 1.7, 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 within close cooperation with the customs. The legislation (namely Communiques) for product groups which are to be checked at the import stage is prepared and put into force by Ministry of Economy. However inspections at the import stage are carried out by several competent authorities including the Ministry of Economy. The Communiques mainly list the products to be inspected, sets the authority that performs inspections and responsibilities of customs and the relevant authority. The lists of the products are determined either by the Ministry of Economy itself or together with the relevant authorities carrying out import controls.

Import controls of “**radio and telecommunication terminal equipment**”, “**toys**”, “**personal protective equipment**”, “**construction products**”, “**batteries and accumulators**”, “**medical devices**”, “**footwear**”, “**agricultural products (marketing quality checks)**” and “**cotton**” are carried out by the Ministry of Economy through TAREKS (Risk-Based Trade Control System), the electronic and risk-based system.

Furthermore, the product groups such as “**machinery**”, “**low voltage equipment**”, “**electromagnetic compatibility**”, “**pressure equipment**”, “**simple pressure vessels**”, “**transportable pressure equipment**”, “**appliances burning gaseous fuels**”, “**lifts**”, “**hot-water boilers**” “**some industrial raw materials**” and “**intermediate goods**” are checked at the import stage by Turkish Standards Institution also via TAREKS. The import controls for these product groups were included in TAREKS in 2013, since then the controls have been handling electronically and based on risk analysis.

Although import controls of these products are mainly based on controls of conformity documents, test reports and physical controls, in case of risk, tests might also be carried out.

On the other hand, the industrial products which are originated from EU countries (also 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.)”, “and 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 child-care and stationary products are checked by Ministry of Customs and Trade. Safety checks for agricultural products and foodstuff at import stage is performed by the Ministry of Food Agriculture and Livestock.

1.4 RAPEX and ICSMS information systems

Although Turkey has not yet participated in the product notification systems of the European Union, the preparatory work for this participation was finalized. Turkey published the “Regulation on Recording and Notification of The Results and Measures of Market Surveillance” and established administrative infrastructure for the notification of dangerous products. Ministerial contact points were determined together with the Ministry of Economy as the national contact point for the notifications and national MS Database have been put into use in 2013. Market surveillance authorities submit information about unsafe and non-compliant products which they have found in the Turkish market. This information is shared with the department responsible for border 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 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, takes samples from the product for laboratory analysis.

After these investigations, 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 2001 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 the Law regulates such as penalties, conformity assessment, competency of the authorities engaged in market surveillance. Therefore, in order to revise the aforementioned law, a draft law was prepared, namely “The

Draft Law on Product Safety and Technical Regulations” which has been submitted to several governmental bodies, NGOs and the European Commission for review.

Within this context, the aim of the Draft law is that the products placed on the market, imported to the market and thus made available on the market shall be 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 the Draft lays down rules and procedures to establish this, 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

Under the protocol signed with China, a notification mechanism between Turkey and China was established for unsafe/non-compliant products with Chinese origin which have been detected in the Turkish market. These products are notified to the Chinese side to be checked/stopped at the export stage. Lastly, in a meeting held on 10-11 April 2014 in China, it has been decided to determine implementation details in order to make the mechanism effective and permanent.

Turkey participates as an observer to 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, annual market surveillance reports are prepared in the light of the information gathered from market surveillance authorities. The report mainly includes data about the number of inspected products, number of products being subject to tests, budget allocated for market surveillance purposes, number of inspectors utilized for market surveillance etc. and provides a comparison of the enforcement of MSAs. The report is also 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.

2013 Market Surveillance Report was prepared in 2014. The report, among other information, also sets the data about the budget allocated for market surveillance in each authority, number of inspectors assigned for market surveillance and the laboratory infrastructure of MSAs.

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

MSA	Total Amount Spent for MS (TL)		Annual Variation (%)
	2012	2013	
Ministry of Science, Industry and Technology	18.976.851	26.468.258	39,48
Ministry of Customs and Trade	2.864.524	1.873.060	-34,6
Ministry of Environment and Urbanization (Construction Products)	4.792.080	7.152.264	49,3
Ministry of Labour and Social Security	209.603	265.828	26,8
Ministry of Health (Cosmetics and Medical Devices)	4.068.150	5.095.500	25,2
Ministry of Transport, Maritime Affairs and Communications	99.000	102.000	3
Tobacco and Alcohol Market Regulatory Authority	103.700	494.670	377
TOTAL	31.113.908	41.451.580	33,2

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

MSA	Number of Inspection Staff*		
	2011	2012	2013
Ministry of Science, Industry and Technology	408	522	600
Ministry of Customs and Trade	88	75	196
Ministry of Environment and Urbanization (Only Construction Products)	407	380	365
Ministry of Labour and Social Security	24	32	32
Ministry of Health (Only Medical Devices)	-	139	135
Ministry of Transport, Maritime Affairs and Communications	51	22	22
Tobacco and Alcohol Market Regulatory Authority	9	9	10
Information and Communication Technologies Authority	24	24	24

*indicates the number of inspectors who are 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, Information and Communication Technologies Authority and Ministry of Science, Industry and Technology (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. The effective use of information technologies
4. Increasing the awareness about 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 will be 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.