

## The “Communiqué on the Import Inspection of Radio Equipment” and the “Communiqué on the Import Inspection Regarding Certain Products Required to Have the "CE" Mark” were published in the Official Gazette.

*6 Apr 2023*

The Communiqué on the Import Inspection of Radio Equipment (Product Safety and Inspection: 2023/8) ("**Radio Import Communiqué**") and Communiqué on the Import Inspection Regarding Certain Products Required to Have the "CE" Mark (Product Safety and Inspection: 2023/9) ("**CE Communiqué**"), published by the Ministry of Commerce ("**Ministry**") on 31 December 2022 and entered into force as of 1 January 2023, cover the products subject to the Release for Free Circulation and does not cover the goods exported and returned in accordance with the Outward Processing Regime.

The General Directorate of Product Safety and Inspection of the Ministry is entitled to take measures and make arrangements towards the implementation of the issues in the aforementioned communiqués.

Within the scope of the Radio Import Communiqué, all transactions regarding the import inspection of the radio equipment will be carried out via the Risk Based Control System for Foreign Trade ("**TAREKS**") according to the risk analysis.

As to CE Communiqué, all transactions related to the import inspection of the products listed in Annex-2 and covered by the regulations set forth under Annex-1 titled "Regulations Regarding the Products Inspected in Imports" of the communiqué will be carried out via TAREKS according to the risk analysis.

### **The common principles under the Radio Import Communiqué and the CE Communiqué are as follows:**

The companies wishing to import the products within the scope of the communiqué should be identified in TAREKS within the framework of the Communiqué on the Risk Based Control System for Foreign Trade (Product Safety and Inspection: 2011/53) and at least one user ("**User**") who will carry out transaction on behalf of the company in TAREKS should be authorized.

The User will make the application by submitting the information and documents related to the import batch through the section of "Risk Based Control System for Foreign Trade (TAREKS) Application" in the "E-Transactions" part of the Ministry's website or through TAREKS via e-Government.

Upon the application, TAREKS will issue an application number to the company in order for the company to follow its transactions before the relevant inspection unit.

The User is responsible for correct, complete and timely submission of the declared information and documents.

As per paragraph 4 of Article 181 of the Customs Regulation, the inspections within the scope of the communiqué will be carried out before the registration of the customs declaration.

The "out of scope" declaration regarding the import batch subject to the application is made by the importer to the relevant customs office.

The products directed to virtual inspection are determined according to the risk analysis within the framework of the information declared by the Users via TAREKS

The User makes inquiries regarding the inspection process and its result on TAREKS.

In addition, notifications regarding the inspection process and its result will be sent to the electronic mail address declared by the Users.

In case it is detected that the product is contrary to the legislation during the inspection, the situation is notified to the relevant customs office in writing.

In addition, within the scope of both communiqués, there are various exemptions and exceptions.

**The different principles under the Radio Import Communiqué and the CE Communiqué are as follows:**

As per the Radio Import Communiqué, for all products declared being encrypted through TAREKS within the scope of the Regulation on the Principles and Procedures for Coded or Encrypted Communications of Public Entities and Real or Legal Persons published in the Official Gazette dated 23 October 2010 and numbered 27738, the "institutional approval" obtained from the Information and Communication Technologies Authority ("ICTA") is uploaded to TAREKS in electronic environment.

In addition, as per the Radio Import Communiqué, the importer is responsible pursuant to the Law on the Product Safety and Technical Regulations to ensure that the products it imports, whether or not they are inspected under the communiqué, are safe and in compliance with all relevant legislation including the Radio Equipment Regulation (2014/53/EU).

As per the Radio Import Communiqué, the devices that are capable of providing "short message" service among the products listed in Annex-1 of the communiqué must comply with the Regulation on the Use of Turkish Characters in Short Message Services published by the ICTA. In addition, the importer will submit the electronic identification information (IMEI numbers) to the ICTA electronically together with the customs declaration within fifteen days following the import of the devices.

As to CE Communiqué, the importer is responsible pursuant to the Law on the Product Safety and Technical Regulations to ensure that the products it imports, whether or not they are inspected under the communiqué, are safe and in compliance with all relevant legislation including the regulations to which the products covered by the communiqué are subject.

**Sanctions under the Radio Import Communiqué and the CE Communiqué are as follows:**

Pursuant to both communiqués, Law No. 7223, Customs Law No. 4458, the relevant provisions of the Decision of the Regime of the Technical Regulations and other relevant legislation shall apply to those who act contrary to the communiqué and those who make false and misleading declarations, use or submit false documents or falsify documents.

**Transition period under the Radio Import Communiqué and the CE Communiqué are as follows:**

As per both communiqués, import of the products for which a transport document has been issued in the country of origin in order to be shipped to Turkey for the purpose of import before 1 January 2023, or import of the products which have been submitted to the customs authorities in accordance with the customs legislation, will be concluded in accordance with the former repealed communiqués until 28 February 2023 (including this date), provided that

there is a request of the importer on this issue.

You can access the full text of the Radio Import Communiqué via [this link](#) and of CE Communiqué via [this link](#).

---

## Related Attorneys

- [BURCU TUZCU ERS?N, LL.M.](#)
- [CEYLAN NEC?PO?LU, Ph.D, LL.M.](#)

---

Moroglu Arseven | [www.morogluarseven.com](http://www.morogluarseven.com)