

Turkey Announces the Law on Product Safety and Technical Regulations

7 Apr 2020

The Law on Product Safety and Technical Regulations numbered 7223 (the "Law") was published in the Official Gazette dated 12 March 2020 and numbered 31066. The law aims to ensure safety of products and their compliance with technical regulations, to determine the principles regarding market surveillance and inspection, to regulate the duties of competent authorities as well as the obligations of commercial operators and conformity assessment bodies.

The Law mainly regulates the following subjects.

- Procedures and principles of technical regulations,
- Product safety,
- Product liability compensation,
- Obligations of manufacturers, authorized representatives, importers, and distributors,
- Conformity signs and documents, conformity assessment processes, qualifications and duties of conformity assessment bodies,
- Procedures and principles regarding the inspection of products, duties, powers and responsibilities of competent authorities in market surveillance and inspection,
- Recall of products,
- Sanctions and penalties

to be applied in cases of violation of the Law.

Scope

The Law covers all products placed or intended to be placed on the market, released to the market or put into service. Within the scope of the Law, the products exported or intended to be exported to European Union member states are also deemed to be placed on the market. If there is a specific law pertaining to a product, the provisions of the Law will be applied to such product when there is no provision in the specific law.

Products that are exported or intended to be exported to countries other than European Union member states are outside the scope of the Law. However, it is still mandatory that those products are safe, are not subject to adulteration and marking, labeling and certification of those products are done in a manner that will not mislead the buyer

Technical Regulations and Product Safety

According to the Law, products must comply with the technical regulations prepared by the competent authorities. Moreover, products must be safe as well. Under the system introduced by the Law, the products that comply with the provisions of technical regulations regarding human health and safety will be considered safe, until proven otherwise. In cases where there is no technical regulation or but the technical regulation does not contain provisions on human health and safety, the evaluation of safety of a product will be made according to the general product safety legislation. The general product safety legislation will be issued by Turkey's Ministry of Commerce.

Product Liability Compensation

As per the Law, in the event that a product damages a person or a good, the manufacturer or importer of such product is held liable to compensate the damages incurred by the injured party, if the injured party can prove the causal link between the non-compliance and damages. The first requirement to hold the manufacturer or importer liable is the non-conformity of the product; whereas non-conformity is defined as the product not being in conformity with the relevant technical regulation or the general product safety legislation.

The Law also regulates the cases where economic operators are discharged from administrative sanctions and compensation liability.

Obligations of the Manufacturer

The Law imposes certain obligations on manufacturers, authorized representatives appointed by manufacturers, importers and distributors. Some of the important obligations imposed on manufacturers under the Law can be exemplified as follows:

- To supply to the market only those products that are in conformity with the technical regulations or general product safety legislation,
- When required by legislation, to issue the technical file, to conduct conformity assessment procedures,
- In proportion to potential risks carried by products, to test the products by taking samples from them, to make examinations, keep records of complaints, non-conforming products and re-called products, inform the distributors about the monitoring activity,
- To ensure that the products carries the model, batch, serial number required by the legislation or other information in order to be distinguished,
- To take the necessary precautions against risks that the products may carry and to provide the necessary information to end users in order to avoid such risks,
- To bring the product to conformity in the event that the manufacturer learns or should have known about the non-conformity of the product supplied to the market, and if necessary, to immediately take the necessary corrective measures in order to stop the supply of the product on the market or to withdraw or re-call the product,
- To inform the competent authority in cases where the product carries a risk, especially about the issues that pose a risk to health and safety, the corrective measures taken and their results.

Administrative Fines

Administrative fines that vary between 50,000 Turkish Liras to 500,000 Turkish Liras are set forth to be applied for those who act against the provisions of the Law. In addition, the Law also stipulates administrative fines in amounts corresponding to certain percentages of the FOB value or to a certain multiple of the total sample price, in case of violation of certain provisions of the Law.

Effect and Interim Provisions

The Law has abolished the Law on the Preparation and Implementation of Technical Legislation of Products numbered 4703.

Until the application legislation of the Law is put into effect, the application legislation of the Law numbered 4703 and provisions of technical regulations put into effect based on the Law numbered 4703, which are not against the Law will continue to apply.

Until a new decision is put into effect by the President, the Technical Regulations Regime Decision dated 28 January 2013 and numbered 2013/4284 on compliance controls of the products subject to foreign trade that is put into effect by the Council of Ministers will continue to apply.

The Law will enter into force one year after its publication date, which is 12 March 2020.

Please see this [link](#) for the full text of the Law published in the Official Gazette dated 12 March 2020 and numbered 31066 (only available in Turkish).

Related Practices

- [Product Liability and Consumer Protection](#)

Related Attorneys

- [DR. E. SEYF? MORO?LU, LL.M.](#)