

Turkey Announces the Ministry of Industry and Technology Market Surveillance and Inspection Regulation

17 Aug 2021

The Ministry of Industry and Technology Market Surveillance and Inspection Regulation ("**Regulation**") is introduced in the Official Gazette dated 14 July 2021 and numbered 31541.

The Regulation aims to regulate the procedures and principles pertaining surveillance and inspection of the market for placing into and maintaining in the market and putting into service the products under the responsibility of the Ministry of Industry and Technology ("**Ministry**") that fulfill the requirements regarding human health and safety, health and safety at workplace, protection of consumers, protection of the environment, ensuring public safety and other maximum protection of the public interest.

According to the Regulation:

- Market surveillance and inspection is carried out to cover one or more of the following:
 - Examining the marks and/or documents stipulated by the technical regulation,
 - In cases where there is no relevant technical regulation or does not contain provisions on human health and safety, an examination on information and/or documents showing that the product is suitable within the framework of the regulations specified in the general product safety legislation,
 - Sensory examination,
 - Testing and inspection.
- If the inspection personnel deem the test and inspection of the product necessary, they take samples from the inspected product to have all kinds of tests and inspections done.
- For products that cannot be sampled and cannot be transported, test and inspection procedures are carried out under the supervision of inspection personnel, at the location of the product, with the participation of the business operator or its representative, by the designated test, inspection and/or certification body. The absence of the business operator or its representative does not prevent testing and inspection procedures.
- In case the sample is found in conformity as a result of the test and inspection;
 - Test and inspection, transportation, loading and unloading fees belong to the Ministry,
 - In case the sample does not lose its characteristics, the result of the test is notified to the business operator. For samples that are not included in the witness sample within one month from the notification date, the economic operator cannot demand the sample price.

- In case the sample loses its quality, it is disposed of by the testing and inspection institution where the sample is located and the sample cost is paid by the Ministry to the economic operator.
- In case the sample is found violating the requirements as a result of the test and inspection;
 - Sample, test and inspection, transportation, loading, unloading, disposal fees and other related expenses belong to the manufacturer or importer. The costs incurred are recourse to the relevant manufacturer or importer in accordance with the general provisions.
 - In cases where test and inspection service are provided free of charge by the Ministry, the price invoiced by the relevant test and inspection institution for the samples determined to be unsuitable is paid directly to this institution by the manufacturer or importer.
 - In case of a form of nonconformity, the relevant manufacturer or importer is given time to correct the nonconformity and the nonconformity is requested to be eliminated. If the non-compliance is not corrected in due time, necessary sanctions are applied.
 - In case the nonconformity carries a risk, the Ministry takes necessary measures to eliminate the risk, including seizure, withdrawal of the product from the market and stopping its placing on the market.
- The Ministry, regarding the products that are determined to be unsuitable and supplied to the country market through the EU Rapid Alert System for Non-Food Unsafe Products ("**RAPEX**"), without testing and inspection during the inspection process, considering the type of risk included in the RAPEX system notification. may request a defense from the operator. Information and documents related to the product can also be requested in the defense request letter. The economic operator may be requested to implement the measures in proportion to the non-compliances detected as a result of the defense and/or evaluation of the information and documents received from the economic operator. In case the defense, information and documents submitted by the economic operator are not found sufficient for evaluation, market surveillance and inspection activities regarding the product, including test and inspection procedures, are initiated.

Please see this [link](#) for the full text of the Law published in the Official Gazette dated 14 July 2021 and numbered 31541 (only available in Turkish).

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