



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM : MARKET SURVEILLANCE IN TURKEY

**Country Session: The Republic of TURKEY
20 - 24 February 2006**



LEGAL BASIS FOR MARKET SURVEILLANCE

- The Law No. 4703 on the Preparation and Implementation of Technical Legislation on Products

(published in the OG No. 24459, dated 11.7.2001 - in force since 11.1.2002)

- Regulation on Market Surveillance of Products

(published in the OG dated 17.1.2002 and No. 24643 - in force since 11.1.2002)

- Product legislation
- Administrative legislation by public authorities



LAW NO. 4703

- **Article 3 (s): “Definition of market surveillance”**
- **Article 10: “General principles”**
 - ✓ Conditions for the usage of facilities of other testing, inspection and/or certification bodies by market surveillance authorities
- **Article 11: “Sanctions for unsafe products”**
 - ✓ Prohibition of placing on the market of products
 - ✓ Withdrawal of marketed products
 - ✓ Whole or partial disposal of unsafe products



LAW NO. 4703

- **Article 3 (s): “Definition of market surveillance”**

“ the action which is carried out by the public authorities in order to check or have it checked whether the product is in conformity with the relevant technical regulation and with the requirements related to safety at the stage of placing on the market or distribution of the product concerned or when it is on the market”



LAW NO. 4703

▪ Article 10: “General principles”

“ ... Public authorities, may use, when deemed necessary, the facilities of testing, inspection and/or certification bodies, which have not been involved in the conformity assessment procedures of the product subject to market surveillance. The final decision, however, belongs to the public authorities. In case that the facilities of testing, inspection and/or certification bodies are used and the product is found not to be safe, the producer shall pay the costs of testing and inspection.”



LAW NO. 4703

▪ Article 11: “Sanctions for unsafe products”

- ✓ In case that there are definite indications that a product is unsafe, the public authority shall temporarily prohibit the placing on the market of the product.
- ✓ If the product concerned is found to be unsafe after the checks, the public authority shall
 - prohibit the placing on the market of the product,
 - withdraw the marketed products and
 - ensure whole or partial disposal of the products in case where it is impossible to render them safe



Regulation on Market Surveillance of Products

- Obligations of producers and distributors (Articles 6-7)
- General principles for market surveillance (Article 8)
- Tasks and obligations of public authorities (Article 9)
- Sanctions for unsafe products (Articles 10-11)
- Establishment, tasks and working principles of the Coordination Board on Market Surveillance (Articles 12-14)
- Annual reports (Article 15)
- Product conformity and safety checks at external borders (Article 17)
- Confidentiality of information (Article 18)

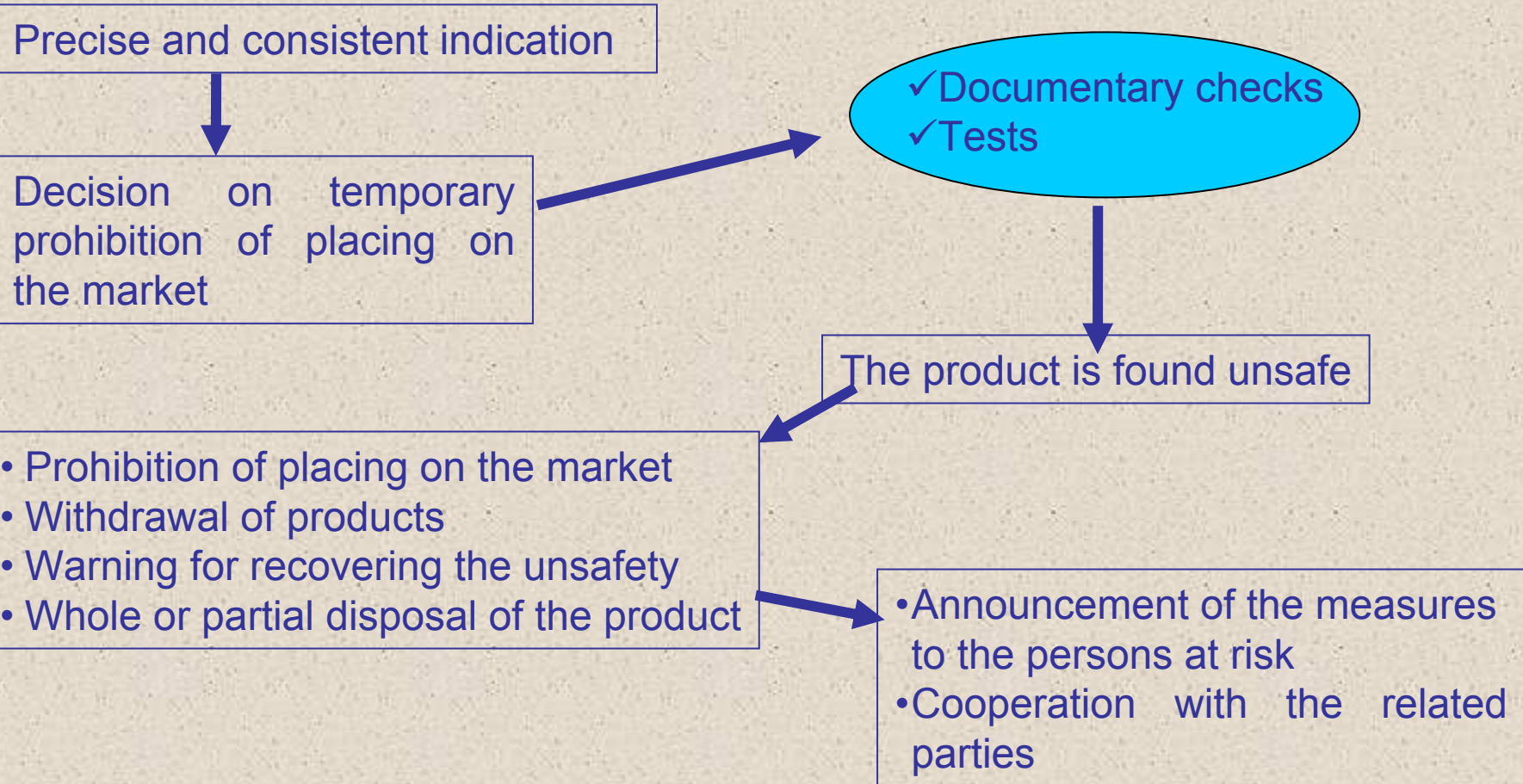


Regulation on Market Surveillance of Products (Articles 8 and 9)

- Who?
 - ✓ Public authorities responsible for market surveillance
- When?
 - ✓ At the stage of placing on the market or distribution of products
 - ✓ When the product is on the market
- Where?
 - ✓ Commercial and storage premises
 - ✓ Work places and other premises where products are put into service
- How?
 - ✓ Regular checks
 - ✓ Random and spot checks
 - ✓ Complaints, accidents etc.
 - ✓ Visual checks (Marks, labelling etc.)
 - ✓ Documentary checks
 - ✓ Tests, if required



Regulation on Market Surveillance of Products (Articles 10 and 11)





RESPONSIBLE AUTHORITIES

PRODUCT GROUPS	RESPONSIBLE AUTHORITY
Cosmetics, toys, medical devices, medicinal products, detergents	Ministry of Health
Machinery, explosives for civil use, motor vehicles, lifts, household appliances, gas appliances, pressure equipment, measuring instruments, cableway installations, electrical materials, textiles and footwear, other machinery, agricultural or forestry tractors etc.	Ministry of Industry and Trade
Foodstuffs, feed products, fertilisers, medicinal products	Ministry of Agriculture and Rural Affairs
Construction products	Ministry of Public Works and Settlement
Radio and telecommunications terminal equipment	Telecommunications Authority
Personal protective equipment	Ministry of Labour and Social Security
Recreational craft, marine equipment	Undersecretariat of Maritime. Affairs
Tobacco and tobacco products, alcoholic beverages, ethyl alcohol	The Tobacco and Alcohol Authority
Fuels, oil, gas	EPDK
Dangerous substances	Ministry of Environment and Forestry



COORDINATION AT 3 LEVELS

- Coordination within the Public Authorities

- ✓ Central units

- ✓ Provincial/Regional Directorates

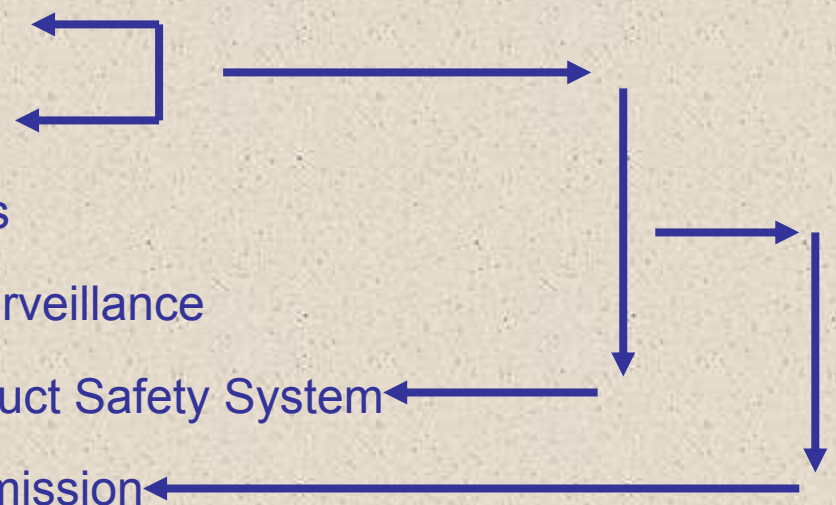
- Coordination among Public Authorities

- ✓ Coordination Board on Market Surveillance

- ✓ Exchange of information via Product Safety System

- Coordination with the European Commission

- ✓ Twinning Project for establishing a PSS in Turkey: One of the expected results is to introduce a standardised information system, which could help in preparations for joining the RAPEX system





Regulation on Market Surveillance of Products (Articles 12-14)

The Coordination Board on Market Surveillance;

- ensures co-ordination among Public Authorities
- suggests solutions for the removal of problems which the Public Authorities face during market surveillance
- monitors the preparation and implementation of the technical legislation by the Public Authorities
- where necessary, takes advisory decisions relating to the market surveillance



Regulation on Market Surveillance of Products (Article 15)

Annual Reports

“Public Authorities shall prepare annual reports including results of their market surveillance activities....”



Regulation on Market Surveillance of Products (Article 18)

Confidentiality of Information

“ The information obtained during market surveillance must be confidential unless the health and safety of groups at risk is subject to serious and immediate danger.”



ACTIVITIES FOR MARKET SURVEILLANCE

- Administrative structure: Personnel (number, training etc) and laboratory infrastructure
- Cooperation with related parties: Seminars and workshops for the private sector and consumers
- Effective market surveillance: Risk analysis
- Electronic communication: Information exchange network



THANK YOU FOR YOUR ATTENTION