



**SCREENING CHAPTER 28
CONSUMER AND HEALTH PROTECTION**

**AGENDA ITEM I: GENERAL PRINCIPLES OF
CONSUMER POLICY**

**Country Session: The Republic of TURKEY
6-7 July 2006**



LEGAL BASIS

1. CONSTITUTION
2. LAW NO. 3143 ON THE ORGANIZATION AND DUTIES OF THE MINISTRY OF INDUSTRY AND TRADE (OG No:18639, 18 January 1985)
3. LAW NO. 4077 ON CONSUMER PROTECTION (OG No: 22222 , 08 March 1995)
AS AMENDED BY LAW NO. 4822 (OG No: 25048, 14 March 2003)
4. LAW NO. 4703 RELATING TO THE PREPARATION AND IMPLEMENTATION OF THE TECHNICAL LEGISLATION ON THE PRODUCTS (OG No: 24459, 11 July 2001)



ARTICLE 172 OF THE CONSTITUTION

- **THE STATE TAKES MEASURES TO PROTECT AND TO ENLIGHTEN CONSUMERS,**
- **THE STATE PROMOTES CONSUMERS' INITIATIVES TAKEN TO PROTECT THEMSELVES.**



COMPETENT AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE

DG FOR PROTECTION OF CONSUMER AND COMPETITION



DIRECTORATE GENERAL FOR PROTECTION OF CONSUMER AND COMPETITION WITHIN THE MINISTRY OF INDUSTRY AND TRADE (Established in 1993)

Main functions of the General Directorate:

- **Formulating consumer policy and preparing legislative initiatives,**
- **Enforcing consumer protection legislation,**
- **Encouraging volunteer organizations aimed at devising consumer- related policies,**
- **Promoting consumer information and education,**
- **Strengthening the system for individual consumer advice.**



ADMINISTRATIVE CAPACITY OF THE DIRECTORATE GENERAL

- The total staff of the Directorate General is 114**
- 1 General Director and 4 Deputies of General Director**
- 5 Heads of Unit**
- 7 Branches**
- 24 Experts and Assistants of Expert**
- 27 Controllers and Assistants of Controller**



PROVINCIAL DIRECTORATES

- **Established in 81 provinces.**
- **A unit in each provincial directorate is responsible for the protection of consumers' economic interests.**



LAW ON CONSUMER PROTECTION

- **LAW NO: 4077 ON CONSUMER PROTECTION CAME INTO FORCE ON 8 SEPTEMBER 1995**
- **LAW NO: 4822 AMENDING THE LAW ON CONSUMER PROTECTION CAME INTO FORCE ON 14 JUNE 2003**



OBJECTIVE OF THE LAW ON CONSUMER PROTECTION

- To protect health, safety and economic interests of consumers,
- To build consumer awareness,
- To indemnify losses incurred by consumers,
- To protect consumers against environmental hazards,
- To promote consumer initiatives aimed at protecting consumer interests,
- To encourage volunteer organizations aimed at devising consumer-related policies.



CONTENT OF THE LAW ON CONSUMER PROTECTION

- | | |
|---|---|
| <ol style="list-style-type: none">1. Defective good2. Defective service3. Obligation to sell4. Unfair terms in contracts5. Instalment sales6. Time-share vacations7. Package tours8. Campaign sales9. Doorstep sales10. Obligations of the seller/supplier in doorstep sales | <ol style="list-style-type: none">11. Distance contracts12. Consumer credits13. Credit cards14. Periodicals15. Subscription agreements16. Price label17. Guarantee certificates18. Introductory and user guide19. After-sales services20. Commercial advertisement and notices |
|---|---|



CONTENT OF THE LAW ON CONSUMER PROTECTION

21. Board of Advertisement

22. Hazardous and dangerous good and services

23. Supervision of good and service

24. Consumer awareness

25. Consumer Council

26. Arbitration Committee for Consumer Problems

27. Consumer Courts

28. Suspension of production, sales and recall of good

29. Goods that appear different than they are

30. Penalty provisions

31. Authority, objections and statute of limitations in penalties

32. Supervision

33. Laboratory

34. Revenues



IMPLEMENTING BY-LAWS

- **By-law on Labels, Tariff and Price Lists (OG No: 25137, 13.06.2003)**
- **By-law on the Application Principles and Methods for Doorstep Sales (OG No: 25137, 13.06.2003)**
- **By-law on the Application Principles and Methods for Contracts Relating to Immovable Used in Timeshare Basis (OG No: 25137, 13.06.2003)**
- **By-law on Liability for Damages Resulted from Defective Good (OG No: 25137, 13.06.2003)**
- **By-law on the Application Principles and Methods for Campaign Sales (OG No: 25137, 13.06.2003)**



IMPLEMENTING BY-LAWS

- **By-law on After Sales Services of Industrial Goods (OG No: 25138, 14.06.2003)**
- **By-law on the Implementing Rules of Guarantee Certificate (OG No: 25138, 14.06.2003)**
- **By-law on Rules and Procedures Regarding Commercial Advertising and Notices (OG No: 25138, 14.06.2003)**
- **By-law on Council of Consumer (OG No: 25186, 01.08.2003)**
- **By-law on the Rules and Procedures Regarding Distant Contracts (OG No: 25137, 13.06.2003)**
- **By-law on the Implementing Rules of Introductory Users Guide (OG No: 25138, 14.06.2003)**



IMPLEMENTING BY-LAWS

- **By-law on the Rules and Procedures on Package Tour Contracts (OG No: 25137, 13.06.2003)**
- **By-law on Unfair Terms in Consumer Contracts (OG No: 25137, 13.06.2003)**
- **By-law on Arbitration Committee for Consumer Problems (OG No:25186, 01.08.2003)**
- **By-law on Board of Advertisement (OG No: 25186, 01.08.2003)**
- **By-law on Rules and Procedures for Early Repayment Discount for Consumer Credits and Calculations of Annual Cost Rate (OG No:25186, 01.08.2003)**



COMMUNIQUES

- **Communiqué on the Usage of Research Results of Media Measures in Commercial Advertisements and Notices (OG No: 23481, 02.10.1998)**
- **Communiqué on Broadcasting Educational, Enlightening and Informative Programmes for Consumers by Television and Radio Broadcasters (OG No: 24304, 31.01.2001)**



THE BODIES ESTABLISHED UNDER THE LAW ON CONSUMER PROTECTION

- **CONSUMER COUNCIL**
- **BOARD OF ADVERTISEMENT**
- **ARBITRATION COMMITTEES FOR CONSUMER PROBLEMS**
- **CONSUMER COURTS**



CONSUMER COUNCIL

(Article 21)

- **Takes advisory decisions,**
- **Represents consumers' interests,**
- **Ensures participation of consumer organisations in decision-making process,**
- **Convenes once a year.**



CONSUMER COUNCIL

(Article 21)

- **94 representatives from 50 bodies including public institutions, universities, professional chambers and consumer organisations.**
- **The number of representatives from public institutions and universities cannot exceed 50% of the total number of the Council members.**



BOARD OF ADVERTISEMENT (Article 17)

- **To set up the principles for commercial advertisements and notices,**
- **To examine and monitor commercial advertisements and notices,**
- **In cases of infringement;**
 - **to issue precautionary suspension of the advertisements and notices for a three-month period and/or**
 - **to suspend and/or**
 - **to take corrective measures and/or**
 - **to impose administrative fines and penalties.**



BOARD OF ADVERTISEMENT (Article 17)

- **Convenes at least once a month,**
- **Representatives from public organisations and NGOs,**
- **Consists of 29 members representing public institutions, universities, professional chambers and consumer organizations,**
- **2/3 of members from NGOs and 1/3 of members from public institutions.**



ARBITRATION COMMITTEES FOR CONSUMER PROBLEMS (Article 22)

- **Established for effective enforcement of consumer protection rules,**
- **Out of court settlement body,**
- **Settles disputes between consumers and suppliers,**
- **Located in 81 provinces and 850 districts (Totally 931),**
- **Takes binding decisions for disputes up to about 725 YTL (app. 365 Euro),**
- **Takes decisions that would be submitted as evidence in consumer courts,**
- **Composed of 5 members.**



CONSUMER COURTS (Article 23)

- **Established for effective enforcement of consumer protection rules**
- **Take decisions on any disputes regarding the enforcement of the Law on Consumer Protection,**
- **Jurisdiction of each consumer court is determined by the Supreme Board of Judges and Public Prosecutors,**
- **Legal actions brought by consumers, consumer organizations or the Ministry before consumer courts are exempt from any duties and charges.**



CONSUMER COURTS (Article 23)

- **The fees of expert witnesses in the lawsuits filed by consumer organizations are paid by the Ministry.**
- **A simple trial procedure is applied at consumer courts.**
- **Consumers can also file lawsuits to the district court where he/she is domiciled.**
- **For the protection of the collective interests of consumers, the Ministry or consumer organizations can file lawsuits for issuing precautionary injunctions to terminate the violation.**



CONSUMER COURTS (Article 23)

- **22 Consumer Courts are established in 8 provinces;**
 - **8 in Ankara (16.700 cases in 2005),**
 - **6 in İstanbul (6.596 cases in 2005),**
 - **3 in İzmir,**
 - **1 in Bursa,**
 - **1 in Kayseri,**
 - **1 in Antalya,**
 - **1 in Konya,**
 - **1 in Adana.**

In other provinces, General Civil Courts are provisionally authorized to act as a consumer court until the establishment of specialized consumer courts.



ENFORCEMENT (ARTICLE 27)

In order to implement the Law on Consumer Protection, the inspectors and controllers of the Ministry and any other personnel to be designated by the Ministry and by the municipalities for this purpose shall be authorized to inspect and investigate any place such as factories, shops, offices and warehouses where goods are stored and/or sold or where services are provided.



BUDGET ALLOCATED FOR ARBITRATION COMMITTEES FOR CONSUMER PROBLEMS

**APPROXIMATELY 2.327.500 YTL (1.093.134 EURO) WAS
ALLOCATED FOR STRENGTHENING THE CAPACITY OF THE
ARBITRATION COMMITTEES FOR CONSUMER PROBLEMS IN
2005**

BUDGET OF THE DG: 1.198.000 YTL (561.321 EURO)



PROJECT WITHIN THE SCOPE OF PRE-ACCESSION FINANCIAL PROGRAMME

PROJECT TITLE:

Strengthening of the capacity of Turkey in its efforts in the full alignment, enforcement and implementation of consumer protection

TWINNING PARTNERS:

- **The General Directorate for Consumer Protection and Competition within the Ministry of Industry and Trade of the Republic of Turkey, TURKEY**
- **The German Federal Ministry of Consumer Protection, Food and Agriculture, GERMANY**



THANK YOU FOR YOUR ATTENTION