



**SCREENING CHAPTER 28  
CONSUMER AND HEALTH PROTECTION**

**AGENDA ITEM II: GENERAL PRODUCT SAFETY**

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

## LEGAL BASIS

- Law No. 4703 of 11 January 2002 on the Preparation and Implementation of the Technical Legislation on Products (OG No: 24459, 11.07. 2001 );
  - Transposed Council Directive 92/59/EEC of 29 June 1992 on general product safety (GPSD),
  - But not new GPSD No. 2001/95 yet.

## LEGAL BASIS

- Law No. 4703 not only lays down the rules relevant to general product safety, but also those relating to horizontal aspects of all technical regulations including:
  - Sectoral New Approach directives,
  - Sectoral Old Approach directives,
  - and those in the non-harmonised areas.

## OBJECTIVE AND SCOPE

- The objective of Law No. 4703 is to lay down the rules and procedures for placing on the market, conformity assessment and market surveillance of products and their notifications.
- and it covers the requirements for placing on the market of products, the obligations of the producers and the distributors, conformity assessment bodies, notified bodies, market surveillance, prohibition of the placing on the market of products, withdrawal and disposal of products and their notifications.



## IMPLEMENTING BY-LAWS OF LAW NO. 4703:

- By-law on the Notification of the Technical Legislation and Standards Between Turkey and the European Union (OG No: 24715, 03.04.2002 )
- By-law on the Affixing and Use of the CE Conformity Marking on the Products (OG No: 24643, 17.01.2002 )
- By-law on the Market Surveillance of the Products (OG No: 24643, 17.01.2002 )
- By-Law on Conformity Assessment Bodies and Notified Bodies (OG No: 24643, 17.01.2002 )

- According to the Law;  
“**Producers** shall place on the market **only safe** products.”

### **Who is the “producer”?**

- “Any real or legal person who produces, manufactures, reconditions the product or presents himself as the producer by affixing to the product his name, trade mark or other distinctive mark;
- when the producer is established abroad, the authorised representative and/or the importer; and also
- other real or legal persons in the supply chain, insofar as their activities may affect the safety properties of a product placed on the market.”



## Safe products?

A product which ensures a high level of protection in respect of the essential requirements, taking into account;

- the characteristics of the product, including its composition, packaging, instructions for assembly and maintenance;
- the effects it will have on other products, where its use with other products is foreseen;
- the instructions concerning its placing on the market, labelling, use and disposal and other information provided by the producer,
- the categories of consumers at risk using the product.

## Presumption of safety?

- Products in compliance with the relevant technical regulations shall be deemed safe.
- In the absence of a relevant technical regulation, safety of a product shall be assessed in accordance with
  - the national or international standards,
  - the codes of good practice in the sector concerned or
  - the state of art and technology or
  - the safety, which consumers may reasonably expect.



- Producers shall take appropriate measures
  - to provide consumers with the necessary information regarding the risks in the product,
  - to mark the product in such a way that its characteristics can be identified;
  - to sample test of marketed products, if necessary,
  - to investigate complaints and
  - to keep distributors informed of the results of such monitoring, including withdrawal from the market and disposal of the products in question to avoid these risks.



- Distributors, within the limits of the information they have,
  - shall not place the products on the market which they know as unsafe,
  - they shall inform the related people about the risks of products and the measures necessary to avoid these risks.
- Distributors shall be assumed as the producer if he does not inform the competent authority of the identity of the producer and/or of the person from whom he supplied the product.



## Competent authority?

- Law No. 4703 does not give a specific name of a public authority,
- It refers to “competent authority” which means any public body which is legally authorized for preparing and implementing the legislation relating to the products, and for implementing the provisions of this Law for the products under its responsibility,
- In other words, public bodies which are already authorised by other laws.



**(NON-EXHAUSTIVE LIST)**

<b>PRODUCT GROUPS</b>	<b>COMPETENT AUTHORITY</b>
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, electrical materials, textiles and footwear, etc.	Ministry of Industry and Trade
Foodstuffs, feed products, fertilisers, medicinal products	Ministry of Agriculture and Rural Affairs
Radio and telecommunications terminal equipment	Telecommunications Authority
Personal protective equipment	Ministry of Labour and Social Security
Tobacco and tobacco products, alcoholic beverages, ethyl alcohol	The Tobacco and Alcohol Authority



## Competent authority for general product safety?

### Ministry of Industry and Trade

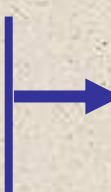
is competent for the consumer products of which there is no specific legislation; since it is the responsible authority for the implementation of the Law No. 4077 on Consumer Protection.



## MARKET SURVEILLANCE

- If a product is found unsafe after the market surveillance, the competent authority shall take the measures below;
  - a) prohibition of the placing on the market of the product,
  - b) withdrawal of the marketed products,
  - c) whole or partial disposal of the products when necessary,
  - d) announcement of the necessary information relating to the measures laid down in the paragraphs (a), (b) and (c) to the persons at risk by publishing this information in two daily newspapers and two television channels.

## By-law on Market Surveillance of Products

- 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



## TWINNING PROJECT ON THE REINFORCEMENT OF INSTITUTIONAL CAPACITY FOR ESTABLISHING A PRODUCT SAFETY SYSTEM IN TURKEY

- Twinning partner: The Netherlands
- Duration of the project: 18 months (09/2006-02/2008)
- 2 objectives of the project:
  - Analysis of the legislative, administrative and technical infrastructure of current market surveillance system in Turkey: the problems, insufficiencies (if any) and bottlenecks, which could also help in preparations for joining the RAPEX system.
  - Establishment of a rapid and functioning information exchange system, parts of which could later be used as input to the RAPEX connection.





## **The Coordination Board on Market Surveillance;**

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



## What is next?

Technical studies on the revision of Law No. 4703 in order to reflect new GPSD No. 2001/95 are under progress.

It is expected that the Law amending Law No. 4703 will be enacted by the end of 2007.



**THANK YOU FOR YOUR ATTENTION**