



**SCREENING CHAPTER 28
CONSUMER PROTECTION AND HEALTH**

AGENDA ITEM V: SALE OF CONSUMER GOODS

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



LEGAL BASIS

- **LAW NO. 4077 ON CONSUMER PROTECTION AMENDED BY LAW NO. 4822 (OG No: 25048, 14 March 2003)**

Came into force on 14 June 2003

- **BY-LAW ON RULES FOR IMPLEMENTATION OF GUARANTEE CERTIFICATE (OG No: 25138 , 14 June 2003)**

Came into force on 14 June 2003

(Law and By-law cover the minimum requirements of Directive 1999/44/EC on Certain Aspects of the Sale of Consumer Goods and Associated Guarantees)



COMPETENT AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE

DG FOR PROTECTION OF CONSUMER AND COMPETITION



LAW ON CONSUMER PROTECTION (ARTICLES 2,3)

SCOPE

All consumer-related practices in good and service markets to which a consumer is a party

DEFINITIONS

- Good
- Consumer
- Seller



LAW ON CONSUMER PROTECTION (ARTICLE 4)

NON CONFORMITY WITH THE CONTRACT :

Good containing material, legal or economic deficiencies as compared to quantity or quality defined by the characteristics specified on the packaging, labelling, presentation, or in the user guide or in the advertisements or notices or in the announcement of the seller or in the standards or technical regulations which decrease or eliminate their value or the expected benefits from them shall be deemed non conformity with the contract.



LAW ON CONSUMER PROTECTION (ARTICLE 4)

- **OPTIONAL RIGHTS OF THE CONSUMER FOR THE GOOD NOT IN CONFORMITY WITH THE CONTRACT:**

- to recede from the contract with a refund,
- replacement of the good with a new one
- a reduction of the price proportional to the defect,
- free of charge repair



LAW ON CONSUMER PROTECTION (ARTICLE 4)

- **DEFECTIVE GOOD:**

Besides optional rights, the consumer shall also be entitled to claim indemnity from the manufacturer/producer, in the event that good is a defective good which causes death and/or injury and/or harm to other goods used.

(Detailed information on defective good was given during the presentation on product liability)

LAW ON CONSUMER PROTECTION (ARTICLE 4)

- NOTIFICATION BY THE CONSUMER:

Within 30 days following the date of delivery of the good

- LIABILITY FOR GOODS NOT IN CONFORMITY WITH CONTRACT :

The manufacturer/producer, seller, dealer, agent, importer and creditor are severally liable for the good which is non conformity with the contract

Unawareness of the non conformity shall not eliminate the liability.

Goods purchased knowing that they are not in conformity with the contract, are not within the scope of Article 4.



LAW ON CONSUMER PROTECTION (ARTICLE 4)

THE STATUTE OF LIMITATIONS :

- Two years for the good
- Five years for immovable properties used for dwelling and vacation purposes
- No statute of limitations for non conformity with the contract hidden by the seller's gross fault or fraud



LAW ON CONSUMER PROTECTION (ARTICLE 13)

- For industrial goods, guarantee certificate should be issued by the manufacturers or importers.
- The seller, dealer or agent is responsible to provide the consumer the guarantee certificate.
- During the guarantee period, the seller is responsible for repairing the good free of charge.



LAW ON CONSUMER PROTECTION (ARTICLE 13)

- **Consumer has optional rights under Article 4 if:**
 - **It is impossible to repair the good impossible or**
 - **he cannot continue utilizing the good due to frequent breakdown during the guarantee period or**
 - **the maximum length of repair period has been exceeded**
- **The seller, dealer, agent, manufacturer/producer and importer shall be severally liable against the consumer for fulfilling the optional rights under Article 4.**
- **No rights for damage or defects caused by the use of good not in compliance with the user guide.**



BY-LAW ON RULES FOR IMPLEMENTATION OF GUARANTEE CERTIFICATE

- **Obligation to Provide Guarantee Certificates**
- **Period of Guarantee and Repair**
- **Mandatory Information to be included in Guarantee Certificates**
- **Authorization**
- **Application**
- **Validity Period of Guarantee Certificates, Endorsement and other Procedures**



BY-LAW ON RULES FOR IMPLEMENTATION OF GUARANTEE CERTIFICATE

- **Cancellation of Guarantee Certificates**
- **Optional Guarantee Certificates**
- **Obligation to Provide After Sales Service**
- **Guarantee Period of Replaced Good**
- **User Fault**
- **Exemption from Guarantee Certificate**



THANK YOU FOR YOUR ATTENTION