

## Questionnaire screening EU customs acquis

### ***1. How are Turkish goods defined (as opposed to non-Turkish goods)?***

Turkish goods refer to “the goods in free circulation” which are defined in Article 3/6 of Customs Law as:

“...without prejudice to special provisions of the international agreements to which Turkey is a party,

- 1) goods that enter into the Customs Territory of Turkey subject to the procedure of release for free circulation and
- 2) goods considered to be of Turkish origin in accordance with the provisions of Articles 18 and 19, without taking into consideration whether the input used for their production is domestic or not.”

On the other hand, Articles 18 and 19 of Customs Law are related to the definitions of “originating products”.

Article 18: goods obtained or produced wholly in one country

Article 19: goods produced in more than one country.

### ***2. Does the law know the concept of 'customs status'? If so, please give a description.***

The concept of “customs status” is defined in Article 3/7 of the Customs Law:

**Article 3/7:** “customs status” means the status of goods as released for free circulation in the Customs Territory of Turkey or not.

In addition to Article 3/7, “losing free circulation status” is defined in Article 78:

**Article 78:** Goods released for free circulation shall lose this status where;

- (a) The declaration for release for free circulation is invalidated,
- (b) The customs duties payable on the goods which are exported after an operation under the inward processing procedure applying the drawback system, are repaid or remitted,
- (c) The customs duties of defective goods or goods which fail to comply with the terms of the contract pursuant to the Article 213 are repaid or remitted,
- (d) In accordance with the Article 214, the customs duties are repaid or remitted because of the exportation, re-exportation or assignment of a customs-approved treatment or use.

**3. Are there ways to maintain the status of Turkish good when the goods (temporarily) leave the customs territory? If so, what are these (presumption, status documents, procedures, etc.)?**

The Article 37/4 of the Customs Law is the legal base for presumption of maintaining the status of Turkish goods which refers to “goods in free circulation”, when the goods (temporarily) leave the Customs Territory of Turkey.

**Article 37/4:** Paragraphs 1 to 3 and Articles 38 to 50 shall not apply to goods which have temporarily left the Customs Territory of Turkey while moving between two offices in that territory by sea or air, provided that carriage has been effected by a direct route and by regular air service or shipping line without a stop outside the Customs Territory of Turkey. This provision shall not apply to goods loaded in foreign ports or airports or at free ports.

**4. Which international transit procedure(s) is/are applicable in Turkey?**

TIR Convention  
ATA / İstanbul Convention  
NATO Convention

**5. Please give a description of the national transit procedure applicable in Turkey and indicate whether it is based on the Community transit procedure.**

According to Article 84/1 of Customs Law, “the movement under the customs supervision, within the Customs Territory of Turkey from one point to another, of the goods whose customs formalities of exportation are completed, and of the goods not in free circulation, which have not been subject to import duties and other charges or to commercial policy measures, shall be subject to the provisions of transit procedure.”

This procedure is not based on Community transit procedure. However, there are some similarities (i.e. formalities at departure/destination).

According to the provisions of Customs Law and Implementing Regulation of Customs Law:

Formalities at customs office of departure:

- presentation, acceptance, registration,
- control of documents,
- inspection of goods,
- identification measures/seals,
- time limit and route to arrive at destination,
- release of goods,
- discharge of transit procedure.

Formalities en route:

- presentation of documents on request,
- in case of unforeseeable circumstances or force majeure, the nearest customs office shall be informed without delay.

Formalities at customs office of destination:

- presentation of documents and goods,
- registration,
- customs control,
- completion of the transit operation,
- return of copy 5 to departure.

The forms used for declaration are transit declaration (copies 1, 4, 5) and summary declaration. The summary declaration is used for goods carried out by sea or air from a Turkish port to another Turkish port or to a port outside the Customs Territory of Turkey.

The guarantee system covers three types of guarantee for transit. These are;

- a) guarantee for a single transit operation,
- b) comprehensive guarantee for a number of transit operation, and
- c) global guarantee for a number of transit operation.