**GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE**

**Identification and Responsibilities of National Market Surveillance Authorities**

In Türkiye, market surveillance is under the responsibility of public authorities which are legally authorized to prepare and implement legislation regarding products. The table below lists these authorities and the product groups for which they are responsible:

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| **MARKET SURVEILLANCE AUTHORITY (MSA)** | **PRODUCT GROUPS** |
| Ministry of Industry and Technology | ATEX products, lifts, aerosol dispensers, pressure equipment, gas appliances, machinery, motor vehicles, explosives for civil use, , hot water boilers, measuring instruments, pre-packaged products, batteries and accumulators |
| Ministry of Trade  | Detergents, toys, chemical products (tattoo inks, cleaning and washing products), childcare products, products in the non-harmonized area such as ready to wear clothing-textile and footwear, decorative articles, furniture, hand tools, gadgets, hobby and sports equipment, kitchen/cooking accessories, lighters, stationery, children’s equipment, food imitation. |
| Ministry of Health  | Cosmetics, medical devices |
| Ministry of Agriculture and Forestry | Foodstuffs, food contact materials, feed, fertilizers, plant protection products, medical products for veterinary use, Tobacco products and ethyl alcohol |
| Ministry of Environment, Urbanization and Climate Change  | Construction products, solid fuels |
| Information and Communication Technologies Authority | Radio and telecommunication terminal equipment. |
| Ministry Labour and Social Security | Personal protective equipment |
| Ministry of Transport and Infrastructure | Recreational crafts, marine equipment, transportable pressure equipment |
| Energy Market Regulatory Authority | Fuels |

These authorities carry out market surveillance activities with the personnel in the central and/or – if any – provincial units or with the personnel of other authorities through protocols concluded for cooperation. While the central units mainly deal with policy development, determination of strategy, programming, planning, and monitoring of market surveillance activities, inspections in the field are usually carried out by the inspectors assigned to the provincial/regional directorates.

**General Description of Market Surveillance Activities and Relevant Procedures**

The general objectives of market surveillance activities in Türkiye are to protect the health and safety of humans, animals, plants and the environment, to ensure that economic operators fulfil their legal obligations for placing safe and compliant products on the market and also to raise the product safety awareness level of commercial enterprises and regulating these enterprises.

The Framework Law (No. 7223 on the “Product Safety and Technical Regulations”) and the “**The Framework Regulation on Market Surveillance and Inspection of Products**”, which is the secondary legislation of the afore-mentioned law, constitute the legal basis for market surveillance activities. The Law lays down the duties and responsibilities of producers, distributors, conformity assessment bodies, notified bodies and MSAs with regard to product safety. The Law mainly incorporates the general principals of the New Approach and General Product Safety.

According to the Framework Law, producers are obliged to place only safe products on the market. The Law also defines the “market surveillance” as a public authority activity and empowers MSAs for conducting these activities and imposing measures to ensure the removal of non-compliant products from the market.

MSAs carry out both proactive and reactive controls. Most of the inspections are carried out according to annual programmes. In addition to these programs, MSAs also perform reactive market surveillance which starts by an outside source such as complaints from consumers, accidents, reports from the media, notifications under RAPEX etc. MSAs investigate the situation as soon as possible and impose measures if necessary. In order to inform MSAs about accidents and injuries arising from products, National Accident/Injury Database (UKAY) was established by the Ministry of Health, in accordance with the objectives of “Türkiye’s National Market Surveillance Strategy” for years 2012–2014, and protocols between the MSAs and the Ministry of Health were signed for information exchange.

Visual check is the first step of market surveillance activities. This is accompanied by checks of markings and/or relevant documents required under specific product legislation. If the inspector decides on further and detailed investigation of the safety of the product, he takes samples from the product for laboratory analysis.

Following these checks, if the product is found non-compliant, the competent authorities may request the economic operator to eliminate the nonconformities detected, request the economic operator to take the measures specified in the Law, take the necessary measures to prohibit or restrict the supply of the product to the market if the nonconformities persist, or to ensure that the product on the market is recalled or withdrawn from the market. In addition, the competent authorities are authorised to impose administrative fines under Article 20 of the Law when they deem necessary.

The economic operator who takes the necessary actions either on his own or upon the request of a competent authority, shall announce the information on these actions and the risks that the product presents in an effective way and shall take into consideration the accessibility of the persons with disabilities.

**TÜRKİYE’S QUALITY INFRASTRUCTURE AND NOTIFIED BODIES**

With its large market and growing industry, Türkiye has integrated its technical legislation in the area of technical barriers to trade and quality infrastructure into those of major trading partners, especially the European Union (EU). This integration was strengthened with a Customs Union with the EU in 1995, and later on, with the perspective of full membership of EU. This status requires Türkiye to align itself with the technical legislation of the EU and promotes cooperation between the two Parties in the area of standardisation, accreditation, metrology and conformity assessment.

In this context, Türkiye transposes EU’s harmonization legislation on products and quality infrastructure. Up to now, Turkey has transposed the rules of the EU on CE marking, notified bodies, market surveillance and mutual recognition in the non-harmonized area as well as (approximately 250 pieces) the EU sectorial legislation to its legal order. For example, Türkiye has transposed nearly all EU Directives requiring CE marking on products.

In 2006, Türkiye and the EU signed a new agreement providing for the assignment of Turkish conformity assessment bodies and recognition of the testing and certification issued by the conformity assessment bodies in Turkey. In this line, statements were signed by the Parties confirming that Türkiye ‘slegislation and implementation were equivalent to those of the EU and that Türkiye could designate notified bodies in the relevant sectors. (*Until now 62 notified bodies were designated by* Türkiye *regarding 14 New Approach Directives. The list of these bodies can be obtained from the EU’s NANDO web site:* https://webgate.ec.europa.eu/single-market-compliance-space)

Conformity Assessment Association (UDDer) has been established under the leadership of Ministry of Trade with support of other public and private sector institutions, civil society organizations, taking the role to gather up all responsible parties in the field of conformity assessment upon itself.

 UDDer’s aims are; supporting development and publicity of conformity assessment in our country, conducting studies in order to make conformity assessment activities recognized in domestic and international level, ensuring coordination between public and private bodies in this field, higher education institutions, chambers of commerce, trade associations and other civil society organizations. UDDer members consist of public bodies and institutions which prepare the legislation and audit, and conformity assessment bodies which operate within this legislation and support the implementation of it.

In addition, being a full member of the International Laboratory Accreditation Cooperation (ILAC), Turkish Accreditation Agency (TURKAK) is also a member of European co-operation for Accreditation (EA) and has signed multilateral agreements (MLAs) with the national accreditation bodies of the EU member states. Therefore, certificates issued by Turkish conformity assessment bodies accredited by TURKAK should be deemed equal to those issued by conformity assessment bodies established and accredited in the EU Member States.

As to another important pillar of the quality infrastructure, both CEN and CENELEC (European standardization institutions) have granted “full membership” status to Turkish Standards Institute (TSE), taking effect on 1 January 2012. TSE, being an affiliate member to both institutions had already harmonized 96% of the EN standards. TSE has also been a member of the two largest standardization organizations carrying out standard development activities at international levels, International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC), since 1955 and 1956 respectively.