

**Seventh Intergovernmental Group of Experts on
Consumer Law and Policy
Room XIX, Palais des Nations, Geneva
3-4 July 2023**

Consumer Product Safety

Contribution

Consumer Protection Commission

Turkey

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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Intergovernmental Group of Experts on Consumer Protection Law and Policy Seventh session

Geneva, 3 and 4 July 2023

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Consumer Product Safety

Türkiye and the European Union (EU) established a Customs Union (CU) in 1995. The scope of the CU covers trade in industrial products and processed agricultural products between Türkiye and the EU, and also entails alignment by Türkiye with EU policies with regard to technical legislation of products. Within this context, Türkiye has transposed the horizontal legislation of the EU on CE marking, notified bodies, market surveillance, general product safety and mutual recognition in the non-harmonized area to its legal order; as well as the EU vertical legislation regarding the products.

In Türkiye, The Ministry of Trade - DG Product Safety and Inspection (the DG) is responsible for transposing the horizontal legislation of the EU, in particular those in the field of product safety. Besides, the DG coordinates the transposition work of the vertical legislation among the 8 competent authorities and the market surveillance in Türkiye. In this background, Türkiye has aligned its product safety system with the EU.

In order to realize its responsibilities stemming from aforementioned CU, Türkiye has revised its current legislation on general product safety and further amends its legislation on consumer protection. As such, Türkiye has implemented Law No. 4703 between 2002 to 2021; which harmonised the EU's horizontal legislation and provided the national legal basis for the harmonisation of the EU's vertical technical legislation. Then, parallel to the revision process in EU, Türkiye published The Law on Product Safety and Technical Legislation No. 7223, repealing Law No. 4703. The Law on Product Safety and Technical Legislation No 7223 entered into force on March 2021. The Law 7223 transposes the general principles of the EU product safety legislation. The basis and starting point of the Law No. 7223 is technical regulations. According to Law No. 7223, **all products should be safe and in compliance with the relevant technical regulation or regulations.**

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Briefly, the highlights of the Law No. 7223 are explained below:

- Online trade has been included within the scope of the Law.
- Traceability principle has been introduced to maintain the responsible economic operator for the unsafety/non-compliance.
- The roles and responsibilities of the economic operators: manufacturer, importer, authorized representative and distributor has been separately defined.
- The recall of the unsafe products from the end user has been set.
- Product liability principle has been covered.
- Effective notification of the public regarding unsafe products has been set as one of the key principles of the product safety system.
- By aiming deterrence regarding the breach of consumer/product safety rules, administrative fines have been updated.

After the Law 7223, the secondary legislation had to be updated in line with the EU acquis. Below you will find the chart regarding the updates of the secondary legislation.

Former law (4703)	Law in Force (7223)
• CE Marking Regulation	• CE Marking Regulation (Updated) • Conformity Assessment Procedures Regulation (Updated)
• Conformity Assessment Bodies and Notified Bodies Regulation	• Conformity Assessment Bodies and Notified Bodies Regulation (Updated)
• The Regulation on Mutual Recognition in the Non-Harmonized Area	• The Regulation on Mutual Recognition in the Non-Harmonized Area (Updated)
• Regulation on Market Surveillance and Inspection	• The Framework Regulation on Market Surveillance and Inspection of Products (Updated) • The Draft Regulation on Market Surveillance of products placed on the market through means of distance sales (New)
• The Regulation Related to Recording and Notification of the Results and Measures of Market Surveillance	• The Regulation Related to Recording and Notification of the Results and Measures of Market Surveillance (Same)
• Regulation on the Notification of Technical Regulations of Standards between Türkiye and the European Union	• The Draft Regulation on the Notification of Technical Regulations in the Non-Harmonized Area (Updated) • The Draft Regulation on Standardization (The Ministry of Industry and Technology) (Updated)
	• The Regulation on General Product Safety (New)

*(green color means: in force; brick red color means: draft)

As a part of technical legislation harmonization under CU, Türkiye has the right to appoint notified bodies. In this respect, Türkiye has designated 60 notified bodies, 2 technical assessment bodies, and 5 recognized third party organization under 14 EU technical legislations.

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Regulation on General Product Safety

As mentioned above, according to Law No. 7223, all products should be safe and in compliance with the relevant technical regulation or regulations. For the products where there are no technical regulations then general product safety principle applies.

Türkiye prepared the “Regulation on General Product Safety” in line with the 2001/95/EC General Product Safety Directive of the European Union. The Regulation entered into force on March 2021. With this Regulation Türkiye aims to cover the products which do not have any technical legislation on its own or the products which have technical legislation but the technical legislation does not contain any provision regarding the human health or safety, or do not have provisions regarding specific safety requirements. **The target is to cover all the products under the safety umbrella and not leave any product outside the legal scope so that the consumer protection will be realized as a whole and there will be no shortfall for the products in the means of consumer protection.**

Additionally, Türkiye closely follows the developments in the European Union and is currently working on the final Regulation on General Product Safety (EU) 2023/988 published on 23.05.2023 on the Official Journal of the EU with aim of full harmonization

Consumer protection in electronic commerce (Building trust in digital markets through enhanced consumer protection on online platforms)

With the Law No. 7223, online trade has been included within the scope of the technical legislation on product safety. With this starting point **Türkiye, also aims to cover the products on the digital markets.** By this means, Türkiye has prepared the draft “Regulation on Market Surveillance of Products Placed on the Market Through Means of Distance Communication”. The aforementioned Regulation is soon to be put into force.

Consumer protection and the transition to clean energy

Lastly, Türkiye established an “Expertise Working Group on Harmonization of the Technical Legislation on Sustainable Products”, aiming to be up on EU’s plans in the field of sustainable products and technical legislations, form a policy in this line, and to seek for further options in harmony with the EU politics with the vision of not to harm the integration established between Türkiye and the EU by the CU.

The Working Group held its first meeting on 20.10.2022. With the participation of the representatives from public and private sector institutions several meetings have been held. Under the aforementioned Working Group, **experts are studying on the solutions for the green and digital transformation of the technical legislation.** The main study topics of the Expertise Working Group are: eco-design of the products, batteries and waste batteries, construction materials, energy efficiency, textiles, wastes, ozone-depleting substances etc.