REPUBLIC OF TÜRKİYE
MINISTRY OF TRADE
DIRECTORATE GENERAL FOR PRODUCT SAFETY AND INSPECTION

GUIDE ON IMPORT INSPECTION OF NON-ROAD MOBILE MACHINERY

Handbook on Implementation Principles

2026

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PART I

1. SCOPE AND LEGAL BASIS

This Guide sets out the procedures and principles relating to the pre-authorization for import inspection, the conduct of the inspection process, and the finalization of inspections of products falling within the scope of the Communiqué on the Import Inspection of Non-Road Mobile Machinery (Product Safety and Inspection: 2025/2), prepared and implemented by the Ministry of Trade pursuant to Article 455 of Presidential Decree No. 1 on the Organization of the Presidency, Law No. 7223 of 5/3/2020 on Product Safety and Technical Regulations, the Decision on the Technical Regulations Regime put into effect by Presidential Decision No. 6038 of 14/9/2022, and the Regulation on Technical Regulations in Foreign Trade published in the Official Gazette No. 32281 of 16/8/2023.

With respect to matters not covered in this inspection guide, instructions issued as a result of company applications shall, unless otherwise stated, not be case-specific and shall also apply to other applications in the same situation.

The definitions, principles and provisions set out in this Guide may not be understood or interpreted outside the scope of the legislation on Product Safety and Technical Regulations.

PART II

1. IMPORT INSPECTION APPLICATIONS

1.1. Importer Company's Application for Import Inspection Pre-Authorization

1.1.1. Approval by the Commercial Counsellor's Office/Commercial Attaché's Office

Before submitting the pre-authorization application, which constitutes the first stage of the inspection process to be conducted through the Foreign Trade Risk-Based Control System (TAREKS), the EU Declaration of Conformity and Type Approval Certificate specified in Annex 3 of the Communiqué for the product intended to be imported must be approved by the Commercial Counsellor's Office/Commercial Attaché's Office located in the country of dispatch of the product. The documents are submitted to the Commercial Counsellor's Office/Commercial Attaché's Office by the importer/manufacturer either in person or through the importer's/manufacturer's registered electronic mail (KEP) address. The documents approved by the Commercial Counsellor's Office/Commercial Attaché's Office, or the covering letter confirming such approval, must be submitted to the inspection unit.

**Commercial Counsellor/Attaché approval is not required for products manufactured in the European Union or in Free Zones.*

1.1.2. Pre-Authorization Application through TAREKS

The application for Import Inspection Pre-Authorization is submitted through TAREKS by the user authorized by the importer company, using the “TAREKS Application” section under “E-Transactions” on the Ministry's website. For the application, it is sufficient to select the “Application by Product Group” option under “New Application” within the “Pre-Authorization” sub-heading of “Inspection Application” on the company's screen and to select the pre-authorization document sought (Import Inspection Pre-Authorization).

Where no non-compliance with the relevant technical legislation is identified as a result of the examination of the documents specified in Annex 3 of the aforementioned Communiqué and requested by the inspection unit, as well as the markings required by the legislation, the Import Inspection Pre-Authorization is concluded with a positive result.

Where the product intended to be imported is to be transferred to another importer and the transfer takes place within a customs-controlled area in Türkiye, the pre-authorization may also be transferred. In such case, the transferee company must submit a new pre-authorization application and submit to the inspection unit the transfer agreement between the two companies, the transfer invoice, the transfer documents and the pre-authorization number. Otherwise, the pre-authorization application shall be renewed by the transferee company and the inspection shall be carried out again.

1.2. TAREKS Application

The import inspection of a product for which the pre-authorization has been found appropriate is carried out prior to the registration of the customs declaration within the framework of Article 181(4) of the Customs Regulation.

The provision set out in Article 6 of the Communiqué shall apply to the application to be submitted following pre-authorization. Accordingly, the user authorized to act on behalf of the company submits the application through TAREKS by entering the data relating to the import consignment, using the “Login to E-Signature Applications” section under “E-Signature Applications” on the Ministry's website. Upon submission of the application, TAREKS assigns the company an application number solely for the purpose of tracking its transactions with the relevant inspection unit.

1.3. Exemptions and Exceptions

The characteristics of applications granted exemptions and exceptions from import inspection are set out in Article 7 of the Communiqué. Accordingly, the following are exempt from the inspection process:

- a. products accompanied by an A.TR certificate,
- b. returned-goods consignments,
- c. products specified in Part Five of the Decision annexed to Council of Ministers Decision No. 2009/15481 of 9/9/2009 on the Implementation of Certain Articles of Customs Law No. 4458.

However, pursuant to Article 7(4) of the Communiqué, applications falling within the scope of the provisions referred to above, other than those under items (b) and (c), may, where deemed necessary as a result of the assessment, be directed to the inspection process. In such assessments, in addition to risk analysis, account shall also be taken of matters such as the results of the examination of documents submitted by the company in its previous applications, whether the company has submitted any document not issued by the relevant party, and whether it has made cancelled or duplicate applications.

2. PRE-AUTHORIZATION AND INSPECTION PROCESS

2.1. Inspection Procedures

During the pre-authorization process, the pro forma invoice or invoice, the EU Declaration of Conformity and Type Approval Certificate approved by the Commercial Counsellor/Attaché, and photographs of the product intended to be imported (including general photographs of the product from all angles, photographs of the product's rating plate and all marking information (CE, type approval, warnings, cautions, etc.), and photographs of the product's drive unit) must be uploaded to TAREKS.

A period of 45 days is granted for the upload of additional documents. The brand/manufacturer, model/type/serial number, type approval number and similar particulars identified in the photographs submitted with the pre-authorization application and serving as a reference for the conformity assessment may not subsequently be changed. The inspection unit carries out the inspection of the relevant consignment on the basis of the documents and product photographs, pursuant to the legislation corresponding to the HS Code. (For the conditions applicable to requests for additional documents by the inspection unit, see Article 2.7 of this Guide.)

For a product whose Import Inspection Pre-Authorization has been concluded with a positive result, the application submitted through TAREKS either receives a reference number directly or is directed to the inspection process as a result of risk analysis. The inspection process is carried out so as to cover several of the following:

- Verification of TAREKS Application Information
- Scope Check and/or Document Check
- Physical Examination
- Laboratory Testing

First, the TAREKS pre-authorization and application information is verified. In addition, during the physical examination, it is verified whether the product is the product approved on the basis of the information and documents submitted at the pre-authorization stage. Inspections are carried out for each model of product intended to be placed on the market.

2.2. Cancellation Procedures

Cancellation is a procedure that allows an application to be resubmitted after the correction of material errors identified during the examination of the existing application.

The procedure to be followed for cancellation is set out below:

- Applications without pre-authorization are cancelled by the inspector, and the company is directed to obtain pre-authorization.
- Applications for which the inspection is ongoing may be cancelled only by the inspector, and companies must contact the inspector in order to have such applications cancelled.

Where one or more items of application information have been entered into the system incorrectly or incompletely, the inspector sends the user a message explaining the matter, and the inspection process relating to the application is carried out through to the final stage. Where, as a

result of the inspection, it is established that the import inspection of the product will not be concluded with a positive result, the application is concluded with “Rejection”; in other cases, it is concluded with “Cancellation” in order to allow the company to correct the error.

Where applications relating to a product subjected to inspection by the inspection unit are cancelled due to material errors following completion of the inspection process, the second application shall, taking into account that it constitutes a continuation of the cancelled application, be concluded within the scope of the declaration of conformity submitted with the first application.

2.3. Duplicate Applications

The submission through TAREKS of a new application or the opening of a new application item for a product that is the subject of an application whose inspection has been concluded with a rejection, for the purpose of importing that product, or for a product that is the subject of an application/application item for which the inspection is still ongoing, for the purpose of avoiding inspection, is referred to as a duplicate application.

In order to prevent duplicate applications, the following procedures shall be followed in respect of inspection applications where a material error is identified in the application information:

- once it has been established that the application concerned must be cancelled (by the inspector, through a company application, or, where necessary, following an exchange of views with the user), the company/user must be informed immediately by the inspector by e-mail, and the cancellation must be carried out after the inspection process has been completed;
- in the e-mail message concerned, and in any contact made with the user, it must be firmly pointed out that no new application should be made until the cancellation has been confirmed through TAREKS, and that failure to observe this may result in sanctions against the importer company and the user.

Where a duplicate application is submitted for a product for which the inspection is still ongoing, it shall first be checked whether the company/user has submitted a “written cancellation application prior to the duplicate application.”

Where a duplicate application is submitted for a product whose inspection has been concluded with a rejection, the matter shall be referred to the Ministry by the inspection unit together with its explanations.

2.4. Scope Check

At the pre-authorization stage, it is first checked whether the product falls within the scope of the relevant Regulations, and the inspection relating to a product found to be out of scope is concluded promptly. However, where an application is directed to the inspection process despite having been assessed as out of scope at the pre-authorization stage, the application is concluded as “Out of Scope: Inspection Result” promptly and on a priority basis, irrespective of the application date.

For an application relating to a product found to be out of scope at the pre-authorization stage to be concluded as “Out of Scope: Inspection Result” following pre-authorization, it is considered sufficient for a causal link to be established, in any manner, between the information appearing on the product or its packaging and the information contained in the documents accompanying the product.

*Concrete pumps under HS Code 8413.40.00.00.00, where imported as vehicle-mounted equipment without self-propulsion, shall be inspected solely pursuant to the Machinery Safety Regulation (2006/42/EC).

2.5. Additional Periods Granted During the Verification of Application Documents

Where additional information or documents are requested during the pre-authorization approval process, the period specified in Article 2.1 applies.

Where, as a result of the information and documents submitted at the time of the TAREKS application and the examinations carried out on the product, the need for further investigation arises, or where the documents and information submitted by the importer at the time of application do not relate to the product (and it is concluded that the company did not intend to mislead the inspection units), the company is asked to complete the documents relating to the product within an additional period of **45** days. Where the additional period granted, and the documents requested within that additional period, are not submitted, a message is sent to the user by the inspection unit stating that the inspection will be concluded as “rejected.”

2.6. Request for Reassessment of a Product Whose Physical Inspection Concluded in Rejection

Requests by the importer for an application whose physical inspection was concluded as rejected to be reopened for inspection are made to the inspection unit or to the Ministry, and, where the assessment carried out concludes that reopening the application for inspection is appropriate, the application concerned is reopened for inspection. However, no additional 45-day period is granted for applications reopened for inspection; the importer is asked to submit any missing documents within 15 working days following the inspection unit's contact with the company. Otherwise, the inspection is concluded as rejected.

2.7. Matters Relating to the Declaration of Conformity and Test Reports

A test report is requested in the following cases:

- where the product displays characteristics giving rise to suspicion that it poses a serious risk or hazard with respect to the provisions governing the essential safety requirements set out in the relevant Regulation;
- where the product-identifying information (brand, model, etc.) shown on the EU Declaration of Conformity does not match the product;
- where the directives and/or standards referred to in the EU Declaration of Conformity have been updated;

- where the standards declared in the EU Declaration of Conformity have been amended because they no longer cover the product;
- where it is established that the EU Declaration of Conformity was issued at a date later than the transport document (bill of lading, CMR, TIR carnet).
- As a rule, the EU Declaration of Conformity and test reports must be issued before or on the same date as the transport document (bill of lading, CMR, TIR carnet). This is because the declaration of conformity, based on the relevant testing and certification processes, must be issued by the manufacturer as one of the conditions for placing the product on the market and as part of the production process.
- As a rule, the standards referred to in the documents submitted for the product under inspection must be current. However, where they are not current, and the product meets the requirements of the older standard, confirmed by test reports prepared under the older standard, and, without any part/design/component having been changed, current test reports also confirm that the product meets the requirements of the current standard, then current test reports issued after the date of the transport document (bill of lading, CMR, TIR carnet) are also accepted. Where it cannot be established from the reports submitted that no part/design/component of the product has changed, this must be confirmed in writing by the testing body/notified body that issued the initial report.
- EU Declarations of Conformity that need to be reissued owing to material errors are accepted, provided the above conditions are met, even where issued after the date of the transport document (bill of lading, CMR, TIR carnet).
- As a rule, the standard(s) referred to in the documents submitted must be current. However, where the relevant standard in the document is not current, provided that the product conforms to the non-current standard, conformity with the revised part is not addressed in the test report, and the revised part of the standard is not applicable to the product under inspection, the body that issued the test report is asked to substantiate that the test report submitted for the product subject to import inspection does not cover the current standards and that the criteria relating to the difference between the current standards and the standards in the existing test report are, in substance, not applicable to the imported product.
- Where this is substantiated in writing, the inspection is completed on the basis of the non-revised standards in the existing report.
- Where this is not substantiated in writing, the matter is examined by the inspection unit concerned at the importer's request. Where the examination establishes that the difference between the standards is not applicable to the product, the import inspection is completed taking into account the existing test reports.

Where the standard declared in the EU Declaration of Conformity or test report submitted by the importer changes after the inspection has begun, and the changed standard is more favourable to the importer, the new standard is taken into account.

2.8. Importer's Request for Testing

Where an importer is unable to submit the required documents for a product not directed to testing by TAREKS and requests testing, the product may, provided the inspection unit's

existing technical capacity is sufficient or through a body considered suitable by the inspection unit within the country, be tested under the supervision of the inspection unit. Regardless of the result of this test, the costs of testing are paid by the importer.

Furthermore, where an identical example of a product subject to import inspection and assessed for conformity under Module B has been subjected, by a notified body, to a conformity assessment procedure domestically or in the customs area, the EU Declaration of Conformity, test report, EU Type-Examination Certificate resulting from that procedure are accepted, even where dated after the bill of lading, provided that confirmation on the matter is obtained from the notified body.

2.9. Declarations of Equivalence

For products requiring a notified body certificate, declarations of equivalence issued by the manufacturer or by the notified body regarding the equivalence of different brands/models are not accepted. Declarations made by the manufacturer regarding the equivalence of different brands/models of a product not requiring a notified body certificate are also not accepted. However, for a product not requiring a notified body certificate, declarations of equivalence issued by an accredited body under the relevant standard, or by a notified body designated under the relevant regulation, are accepted.

2.10. Documents Not Issued by the Purported Issuing Party

Where the authenticity of a document submitted within the scope of import inspection is doubted, its authenticity is investigated through the website of the body named on the document. Where this is not possible, or where authenticity cannot be confirmed through the website (bearing in mind that the website may not have been updated), the issuing body is in every case contacted by e-mail to verify the authenticity of the document. Where the information requested from the relevant body by e-mail is not received within 20 (twenty) days, the matter is referred to the Ministry.

Where it is established that the document is not correct, renewal of the document is not requested; the inspection is concluded directly as rejected, and the matter is referred to the Ministry.

Furthermore,

- if the original document exists on the relevant body's website, this must be stated in the letter sent to the Ministry;
- if contact is made with the relevant body by e-mail, the entire original document or its cover page must be requested and submitted as an attachment to the letter reported to the Ministry;
- if the correct document or cover page cannot be obtained, this must be stated in the letter addressed to the Ministry.

Inspection of the product covered by an import inspection application directed to inspection is carried out separately for each item. Where it is understood that the information or documents submitted in respect of one of the items have been tampered with, or that a transaction of doubtful authenticity has taken place, action is taken under the above provisions **solely in

respect of the item or items in question**, while inspection of the other item(s) is completed with respect to conformity with the relevant technical legislation.

2.11. Inspection of a Product That Cannot Be Imported in a Single Shipment and/or Whose Conformity Assessment Can Only Be Carried Out After Installation

For products within this scope, import of the disassembled product parts may be possible, provided that the technical file and parts list for the product are submitted to the Ministry before the product is brought into Türkiye's customs territory; the documents submitted are forwarded to the inspection unit for review; the inspection unit forms a sufficient view that inspection procedures can only be carried out after installation; the technical file for the product conforms to the relevant technical legislation; and the outcome of the review is reported to the Ministry. Subsequently, where the disassembled product parts are directed to physical inspection at the import stage, it is checked whether the product covered by the application concerned appears in the parts list submitted at the outset, and, once it is established that it does, the inspection is concluded as "Accepted: Inspection Result."

The import inspection of a product imported in a single shipment, or imported in different shipments but sought to be released into free circulation under a single declaration, whose inspection must be carried out after installation, may be carried out in accordance with the above, as applicable.

2.12 Further-Processing Procedure

As is known, pursuant to Article 5 of the Framework Regulation on Market Surveillance and Inspection of Products (2019/1020/EU), published in Official Gazette No. 31537 of 10/7/2021, unless otherwise specified in the relevant technical legislation, products obtained or imported by an economic operator from another economic operator for the purpose of carrying out a further process such as assembly, packaging, processing or labelling are not considered to have been placed on the market. In addition, pursuant to Article 13 of the Machinery Safety Regulation (2006/42/EC), published in Official Gazette No. 27158 of 3/03/2009, manufacturers are required, in order to certify the conformity of machinery with the provisions of that Regulation, to apply one of the conformity assessment procedures specified in the relevant article; for applications made by companies to be evaluated within the scope of further processing, the company carrying out the import must be a manufacturer. Accordingly, in order for such requests made by companies to be found appropriate, a capacity report, industrial registry certificate and, where available, descriptive documents relating to production and to the final products must be requested to prove that they are manufacturers, and these documents must be examined to substantiate that the companies are producers. In addition, where the product to be subjected to further processing is in its final form, the safety of the products concerned must be confirmed by an EU Declaration of Conformity.

Accordingly, for an inspection to be concluded as "Conditional Acceptance-Further Processing: Inspection Result," it must be verified by the inspection unit, on the basis of the industrial registry certificate, capacity report and, where available, descriptive documents relating to production and to the final products, whether the importer company in fact produces the final product concerned, following which the importer company must submit an undertaking stating that it will fulfil the requirements set out below and containing the wording that "conformity assessment procedures will be carried out on the final product resulting from further processing

in accordance with the requirements of the relevant technical legislation, and that it accepts full responsibility for any consequences should this not be done":

- that non-conformities and/or deficiencies with respect to the requirements of the relevant technical legislation, identified during inspection, will be remedied by the manufacturer, after the product has been released into free circulation, by carrying out a further process such as "assembly, packaging, processing or labelling, etc.";
- that all conformity assessment procedures for the final product — testing, certification, marking, etc. — will be carried out, or arranged to be carried out, by the manufacturer performing the further processing, in its own name;
- that the final product will be placed on the market under the name and brand of the manufacturer concerned.

2.13 Inspections of Used Goods

For inspections of used goods, pursuant to Article 4(1) of Law No. 7223, where a written declaration is obtained from the importer company or its authorized representative confirming that a product arriving from an EU member state (with a country of dispatch that is an EU member) has not been modified and that the product is safe, the legislation applicable in the EU under the original manufacturing conditions will apply, where such legislation exists; where no applicable legislation exists, obtaining the declaration concerned will be considered sufficient. For imports from non-EU member states, or for products that have been modified, current legislative requirements will apply.