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

GUIDE ON IMPORT INSPECTION OF RADIO EQUIPMENTS

Handbook on Implementation Principles

2026

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1. SCOPE AND LEGAL BASIS

This Guide sets out the procedures and principles for carrying out and finalizing the physical inspection of products falling within the scope of the Communiqué on the Import Inspection of Radio Equipment, prepared and administered 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 the inspection guides, instructions issued as a result of company applications, unless otherwise stated, are not case-specific and also apply to other companies in the same situation.

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

2. IMPORT INSPECTION APPLICATIONS

2.1 Application by the Importer Company

Import inspection applications are made, before registration of the customs declaration, within the framework of Article 181(4) of the Customs Regulation, for products within the scope of the "List of Products Subject to Inspection" set out in Annex 1 of the Communiqué.

The arrangement set out in Article 5 of the Communiqué governs the application. 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 application, TAREKS issues the company an application number solely for the purpose of tracking its transactions with the relevant inspection unit.

2.2 Exemptions and Exceptions

The characteristics of applications granted exemption or exception from import inspection are set out in Article 6 of the Communiqué. Accordingly, products bearing an A.TR certificate or an AQAP certificate, returned-goods consignments, and 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 are exempt from physical inspection.

However, pursuant to the last paragraph of Article 6 of the Communiqué, applications bearing an A.TR certificate may, where necessary, also be directed to physical inspection following assessment. In such assessments, in addition to risk analysis, account is also taken of the results of the review of documents submitted by the company in its previous applications, whether it has submitted documents not issued by the party purporting to have issued them, and whether it has made cancelled or duplicate applications.

2.3 Submission of Application Documents

For every application, the documents specified in the first and second items of Annex 2 of the Communiqué must be uploaded to the system. For products directed to physical inspection, the documents specified in the third, fourth, fifth and sixth items of Annex 2 of the Communiqué

must be uploaded in full, electronically, to the Foreign Trade Risk-Based Control System (TAREKS) within twenty working days including the day of application. If such documents are incomplete and the company wishes to continue with the application, the system will grant the company an additional period. If the required documents are not uploaded within the period granted, the application will be automatically concluded by the system as “Rejected: Missing Documents.” Where an application has been concluded by the system as “Rejected: Missing Documents” due to missing documents specified in Annex 2 of the Communiqué, and the company wishes to have it reopened for inspection, the application may be reopened for inspection once only, through the additional-time-request button available in the system.

Where documents that must be uploaded in respect of applications made by users through TAREKS that are subject to physical inspection cannot be uploaded to the system owing to a technical problem, the necessary documents are submitted in person to the relevant Group Directorate. Where an application is submitted in person, the accompanying documents may be delivered by persons authorized under a power of attorney. In that case, a power of attorney evidencing authority to carry out the relevant transactions on behalf of the importer must be submitted. Where no power of attorney is submitted, inspection procedures will not be carried out.

For products covered by a single customs document and subject to a single application made through TAREKS, in application files where:

- more than one HS code is involved;
- products of different kind, origin, brand or model are involved under the same HS code; or
- products with different manufacturers are involved,

it is sufficient to upload documents such as the customs document, invoice and declarations of conformity to TAREKS once, provided that these documents are common to and applicable for each application file concerned.

3. INSPECTION PROCESSES

The inspection process begins when an application submitted through TAREKS by the user authorized to act on behalf of the company is directed to physical inspection. The import inspection process, referred to as physical inspection, is carried out so as to cover some or all of the following steps, in the order listed:

- Verification of TAREKS Application Information
- Scope Check
- Document Check
- Physical Inspection
- Laboratory Testing

First, the TAREKS application information is verified and the scope check is carried out. Once it has been established that the products fall within the scope of the relevant legislation, the information and documents relating to the product are examined within the framework of the relevant legislation. As a result of the risk analysis carried out by TAREKS, products may be

directed straight to testing. Where the inspection unit has reasonable grounds to suspect that products are risky, the inspection may be escalated to a higher stage of review.

3.1 Scope Check

For applications directed by TAREKS to physical inspection, it is checked whether the product falls within the scope of the relevant technical legislation and whether it is among the products targeted for inspection by reference to its HS code. Applications relating to products found to be out of scope are concluded as "Out of Scope: Inspection Result."

Where a company representative declares a product as out of scope through TAREKS, the product is directed to physical inspection on its first import; import of products found to be out of scope is concluded as "Out of Scope: Inspection Result." For subsequent imports of products previously found to be out of scope following inspection, whether the products are directed to physical inspection is determined on the basis of risk analysis.

3.2 Verification of Application Information

The relevant inspection unit checks the consistency between the information declared in the TAREKS application and the documents submitted through TAREKS. Where application information has been declared incorrectly, the application must be cancelled by the inspection unit and resubmitted to the system by the importer company. However, where the brand or model has been inadvertently declared incorrectly, the necessary corrections may be made through the system, without cancelling the application, following consultation with the relevant inspection unit.

3.3 Verification of Application Documents

In order to establish whether the products subject to the application conform to their technical legislation, the information and documents submitted by the company are checked.

Documents must in principle be submitted in Turkish. However, documents submitted in English may also be accepted. Where deemed necessary, notarized translations of documents may also be requested.

The EU Declaration of Conformity uploaded by the company must contain the elements specified in Annex 1. Where a product is subject to more than one technical regulation requiring an EU Declaration of Conformity, the manufacturer demonstrates that it has fulfilled all applicable rules of those technical regulations for its product by issuing a single EU Declaration of Conformity.

Test reports submitted by companies within the scope of an inspection must be current, must have been issued by accredited laboratories, and must be dated prior to the transport document. The company that has the testing carried out must be the manufacturer or importer of the product. Test reports must contain product-identifying information such as brand, model/serial number. In order to establish a causal connection between the product and the test report, the information on the products or their packaging must, during inspection, match the information in the test report. Where a causal connection between the product and the test report cannot be established, and provided the company agrees, samples must be taken from the products and tested.

Photographs to be uploaded to the system within the scope of a TAREKS application must relate to the imported product and must have been taken **within the customs area**. Where it is established during physical inspection that the photographs uploaded to the system do not match the product, the matter is reported to our Directorate General. Where it is established that photographs have been uploaded to the system for the purpose of abusing the inspection process, this will be taken into account in TAREKS's risk assessment.

Within the scope of a TAREKS application, and without prejudice to the provisions of the relevant technical legislation and special arrangements, and the requirements relating to information that must appear on the packaging, the Turkish-language instructions for use alone may be provided by means of a durable data carrier (such as a QR code).

Where, as a result of the information and documents submitted at the time of 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. If the documents requested are not submitted within the 45-day additional period, running **from the date on which the inspector first requested the document through TAREKS**, the application is concluded as "Rejected: Missing Documents." In the event of missing documents, applications must not be concluded by the inspector as cancelled.

3.4 Physical Inspection

Where the system directs products to physical inspection, the products may be subjected to physical inspection in order to establish a causal connection between the products and the documents uploaded to the system and to resolve any doubts that may arise regarding products directed to document inspection. The details of any findings identified during physical inspection must be recorded in the Physical Inspection/Sampling Record set out in Annex 2.

For applications made before the products have reached the customs area, where the company fails to respond via the inspection message within 5 working days following notification of the inspection schedule planned by the inspection unit, the 45-day additional period is triggered.

For applications directed to physical inspection, persons accompanying the inspection and sampling carried out in the customs area are required to submit a power of attorney evidencing their authority to carry out the relevant transactions on behalf of the importer. **Where a power of attorney is not submitted, inspection procedures will not be carried out.**

All communications with the inspection unit regarding products to be subject to physical inspection must be conducted through the "Inspection Messages" tab. Where company representatives are not present at the scheduled physical inspection time, or the products are not ready, the inspection schedule is rearranged without regard to the original application date. Where the products are not present at the inspection site, the application is concluded as "Rejected: Inspection Result."

During physical inspection, photographs of the product must, where possible, be taken and archived for use where necessary.

Products giving rise to reasonable, well-founded, serious doubt as to their safety may be sent to a laboratory for testing, and action is taken according to the test result. Where the importer company does not accept testing and instead requests, by petition, that the product be treated as non-conforming, the application is concluded as “Rejected: Inspection Result.” Where the importer company objects to the decision to test or to the non-conformity decision made by petition, the matter is referred to the Directorate General.

3.4.1 Marking Check

The CE marking must conform to the form specified in the Regulation on the “CE” Marking, published in Official Gazette No. 31493 of 27/5/2021, and its design may not be altered other than by reducing or enlarging it in accordance with the proportions shown in the diagram. Unless otherwise specified in the relevant technical regulation, it must be at least 5 mm in size and must be affixed to the product or its data plate visibly, legibly and indelibly; where this is not possible or durability cannot be guaranteed owing to the nature of the product, it must instead be affixed to the packaging and to the accompanying documents required by the relevant technical regulation. Where companies declare that, owing to the nature of the product, affixing the CE marking is not possible, inspections continue with reference to the markings found on equivalent products.

Provided that the CE marking is affixed visibly, legibly and indelibly in the locations required by the Regulation to which the product is subject, and appears printed on the same label together with other product information (product image, product characteristics, instructions for use, manufacturer's/importer's address details, other markings, warnings, etc.), a CE marking appearing on a properly affixed paper label is also accepted as conforming. Such marking must give a definite impression that the CE marking was affixed during the manufacturing process. In this context, the presence of the CE marking on the same label together with other product information is deemed to provide sufficient indication that the CE marking was applied during the manufacturing process.

Where the CE marking is not affixed in the size required by the relevant Regulation, taking into account criteria such as the product's design, nature, dimensions and label placement, and provided that no other non-conformity is identified as a result of the inspection and the test reports are satisfactory, the inspection is concluded as “Conditional Acceptance: Warning.” Examples of CE markings that do and do not conform to the graphics and design set out in the Regulation are shown in Annex 3.

However, where all or most of the product information is printed on the product or its packaging, but the CE marking itself has been affixed in the form of a sticker, the inspection is concluded, without any additional period or warning, as “Rejected: Missing Marking.”

The device's identifying information (the manufacturer's name or brand, product model and serial number) must be present on the device.

The statement indicating the device's intended use must appear on the device, in the instructions for use, and on the packaging (for example: Wireless Headset, Smart Watch, etc.). The intended use may also be indicated other than by a written description, through a visual form (photograph or pictogram) or through terms commonly known to the public (for example: modem, GSM terminal).

Under the RED Directive, the requirement to mark a Notified Body identification number applies only in respect of the Full Quality Assurance module.

Where the required markings are found absent during physical inspection, the application concerned must be concluded as “Rejected: Missing Marking.”

3.4.2 Inspection of Adaptors Supplied with the Product

Even where the main product falls outside the scope of the relevant technical legislation, a test report may be required for adaptors supplied with the product that can be attached to and detached from it (i.e. that are not integral to it), where necessary, and/or the adaptors may be subjected to testing. Accordingly, where an external adaptor is included with the product or in its unit packaging, the marking information on the adaptor will also be checked. Adaptors found non-conforming as a result of this inspection may be found acceptable where it is documented that they have been handled so as to be separated from the main products, and either returned to origin, transited to a third country directly or via a free zone, sold for export, or abandoned to the customs authority where located for disposal by destruction at the owner's expense. Where the products concerned are tested with suitable adaptors and the test is satisfactory, the application is concluded once handling of all products in the application has been carried out. Otherwise, the application is concluded as *rejected*.

Where adaptors supplied together with products directed to testing by TAREKS are also tested and such tests are satisfactory, the inspection is regarded as favourable in this respect without requiring an EU Declaration of Conformity and/or marking information (including the CE marking, brand and model) for the adaptors. Where the tests carried out on the adaptors are unsatisfactory but the tests on the main products are satisfactory, and the importer does not agree to separate testing of the adaptors, or the main products are also found non-conforming because of the adaptors, the handling arrangements set out in Article 4.4.2 apply.

3.4.3 Warnings

During physical inspection, it must be checked whether warnings required to appear on the product or its packaging under the legislation to which the product to be imported is subject are present on the product in the manner required by the relevant legislation. Where warnings required to appear on the product under the relevant technical legislation, or the Turkish-language instructions for use required to accompany the product, are missing or absent, such deficiencies may be permitted to be remedied by handling in the customs area. (See Article 4.4.)

Where devices capable of providing short-message-service functionality lack, on their packaging and in the Turkish-language instructions for use, the statement required under Article 4 of the Regulation on the Use of Turkish Characters in Short Message Services, a handling permit may be granted to remedy the deficiency, provided that a declaration is obtained from the importer company (Annex 4) confirming that the products conform to the Regulation concerned.

3.5 Testing Procedures

Products are sent for testing (subject to the company's consent) where a company has been unable to submit a test report, where inspectors have reasonable grounds for serious doubt regarding the products, or where products are directed straight to testing by TAREKS.

For applications sent for testing, samples are taken from the products by inspectors and sent for testing, with the courier and testing costs borne by the importer. Samples are sent by the relevant inspection unit to one of the designated laboratories, **in rotation and on a sequential basis**. Inspections are concluded according to the test result. The result of a sample taken is valid for all items it represents. The number of samples taken must be kept to a minimum. The number of samples to be taken is determined according to the product's technical legislation; additional samples may be taken where deemed necessary.

During sampling, the necessary information must be recorded on the Physical Inspection/Sampling Record set out in Annex 2, which is signed both by the inspector concerned and by the company's authorized representative. At this stage, the representative's power of attorney is checked, and photographs of the samples taken are taken by the inspection unit. Samples retained by the inspection unit are recorded in the sample register.

Counter-samples are retained by the Group Directorate. The period for objecting to test results is **15 working days**. Where an objection is raised to the test results, the counter-samples are, where possible, sent for retesting to a laboratory different from the one to which the products were originally sent.

For files that the system directs to testing but that cannot be tested owing to testing capacity, product characteristics or the quantity of the product, the process must continue as a review of the test report, and such situations must be reported promptly to our Directorate General together with the relevant HS code and the reason testing could not be carried out.

Where the importer company does not agree to the product being sent for testing, the application will, on the basis of the company's written declaration, be concluded as “Rejected: Inspection Result.”

3.6 Cancellation of Applications

Cancellation is a procedure applicable only to correct material errors identified during the review of an existing application, so as to allow the application to be resubmitted. Applications still under inspection may be cancelled only by the inspector.

Where one or more items of application information other than the brand and model information have been recorded in the system incorrectly or incompletely, a message explaining the matter is sent by the relevant inspection unit through the “Inspection Messages” tab, and the inspection process for the application continues through to its final stage. Where, as a result of the inspection, it is established that the products cannot pass import inspection, the application is concluded as “Rejected”; in other cases, it is concluded as “Cancelled: Inspector Cancellation,” so as to allow the company to correct its error. Such a material error must be noted as an inspector's note when closing the application. Where the brand or model has been inadvertently declared incorrectly in the system, the necessary corrections may be made by the company through the system, following consultation with the relevant inspection unit, without cancelling the application.

Where applications relating to products subjected to inspection by the inspection unit are cancelled, after completion of the inspection process, owing to material errors, inspection procedures for the same consignment are carried out according to the type of inspection assigned by TAREKS.

Where, while inspection is ongoing, a request arises to transfer the products under inspection to another company, inspection procedures for the application concerned continue on the basis of the existing application; where the products covered by the application are found conforming, upon submission of documents evidencing the transfer, the transferring company's application is concluded as "Cancelled: Inspector Cancellation." Where any doubt arises regarding the transfer transaction, the matter must be reported to our Directorate General.

Requests for cancellation made by companies other than in the circumstances set out above will not be accepted. A request to cancel an application on the ground that the products are to be returned to origin or transited to another country will not be accepted. However, the application is concluded as rejected upon a written petition from the company requesting that the application be concluded as rejected.

3.7 Duplicate Applications

The submission through TAREKS of a new application/item for products the subject of an application whose inspection has been concluded as rejected, in order to enable those products to be imported, or for products the subject of an application/application item still under inspection, for the purpose of avoiding inspection, is referred to as a duplicate application. Such conduct impairs the effective and accurate functioning of risk analysis.

In order to prevent duplicate applications, the following points must be observed in respect of inspection applications in which a material error is identified in the application information:

- once it has been established that the application concerned must be cancelled, the company representatives must be informed immediately by the relevant inspection unit, and the cancellation must be carried out following the inspection process;
- in the inspection message concerned, and in any discussion held upon contacting the company representative, it must be firmly pointed out that no new application should be made for the products subject to cancellation until the cancellation has been confirmed through the system, and that failure to observe this may result in sanctions against the company and the user.

Accordingly, where it is established that a company has made a duplicate application, the inspections must be concluded directly as "Rejected: Misleading Transaction," and the matter must be reported to our Directorate General.

3.8 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 that issued it. Where this is not possible, the issuing body is contacted by e-mail, using the e-mail template set out in Annex 7, and the authenticity of the document is verified. Where the reply received indicates that the documents are false, or not correct, valid or consistent, the document concerned will be treated as not having been issued by the purported issuing party. Where the information requested from the relevant body by e-mail is not received within 20 days, the matter is referred to our Directorate General.

Where it is established that a document submitted to TAREKS was not issued by the party purporting to have issued it, renewal of the document is not requested. The inspection concerned

is concluded directly as “Rejected: Document Not Issued by Purported Issuer,” and the matter is referred to our Directorate General. Administrative sanctions are applied to both the company and the user concerned pursuant to Article 13 of the Communiqué.

Furthermore,

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

Where it is understood that the information or documents submitted in respect of one of the application 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 under the relevant technical legislation.

3.9 Attempts to Mislead the System

Attempts aimed at preventing the accurate functioning of risk analysis are treated as system-misleading transactions; where such attempts are identified, the application concerned must also be concluded as “Rejected: Misleading Transaction.”

4. FINALIZATION OF INSPECTION

4.1 Applications to Be Concluded with Conditional Acceptance

4.1.1 Conditional Acceptance: Minor Deficiency

Unless otherwise specified in the technical legislation, where importer information required to be present with the product/on its packaging cannot be established, the application is concluded as “Conditional Acceptance-Minor Deficiency: Inspection Result,” so as to allow such deficiencies to be identified as remedied or not through market surveillance and inspection activities.

4.1.2 Conditional Acceptance: Further Processing

Pursuant to Article 5(2)(f) of the Framework Regulation on Market Surveillance and Inspection of Products, published in Official Gazette No. 31537 of 10/7/2021, unless otherwise specified in the relevant technical legislation, products obtained by a manufacturer from another manufacturer, or, where the manufacturer is located abroad, imported by the manufacturer, 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. Pursuant to this provision, applications may, “where not considered to have been placed on the market,” be evaluated within the scope of the further-processing procedure.

For an application to be evaluated as further processing, the company carrying out the import must be a manufacturer. Accordingly, in order for further-processing 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 from companies to prove that they are manufacturers, and these documents must be examined to substantiate that the companies are producers. The importer company is asked to submit a capacity report showing that it is a manufacturer, together with the undertaking, a sample of which appears in Annex 5, describing the processes to be carried out on the product and stating that final products conforming to the relevant technical legislation will be placed on the market.

For an inspection to be concluded as further processing, it must be verified from the capacity report whether the manufacturer company in fact produces the final product concerned.

Semi-finished products to be subjected to further processing must, even where **not directed straight to testing** by TAREKS, be sent for testing in accordance with the product's technical legislation, to the extent permitted by the product's structure and characteristics, so as to demonstrate that the product is conforming and safe. For products of a final-product nature that are subject only to a packaging process, the application is subjected fully and completely to all tests required by the technical legislation, even where TAREKS does not direct it straight to testing.

In addition, further-processing requests relating to adaptors and chargers supplied with the product are not considered.

4.1.3 Conditional Acceptance: Warning

Where markings specified in the product's technical legislation (CE marking, etc.) are not affixed in the size specified under the relevant legislation, taking into account criteria such as the product's design, nature, dimensions and label placement, and provided that no other non-conformity is identified as a result of the inspection and the test reports are satisfactory, the inspection is concluded, on a one-time basis only, as “Conditional Acceptance: Warning.” Where the situation giving rise to the warning recurs in subsequent applications, the application is concluded as “Rejected: Missing Marking.”

4.1.4 Conditional Acceptance: Accessories/Parts

Where information and documents are submitted showing which main product the accessories/parts sought to be imported under Communiqué No. 8 on the Import Inspection of Radio Equipment will be used in — in other words, establishing the causal connection between the main product and the accessory/part — together with the EU Declaration of Conformity for the final product, and provided no other non-conformity is identified in the products, the application is concluded as “Conditional Acceptance – Accessories/Parts: Inspection Result.”

4.2 Applications to Be Concluded as Rejected

Where a violation of the relevant legislation is identified as a result of the inspection, the application is concluded as “Rejected: Inspection Result.” The reason for non-conformity must be recorded in detail as an inspector's note on the application, and must also be communicated to the user via the message set out in Annex 6. The customs authority is notified of the matter by a letter stating the ground for rejection, and the customs authorities will not permit import of the product concerned.

Where the products require testing and the importer company does not agree to have the products tested and instead requests, by petition, that they be treated as non-conforming, the application is concluded as "Rejected: Inspection Result."

Where, in TAREKS applications, companies have entered information for more than one product (brand-model-quantity, etc.) collectively within a single item, and it is established that the application item includes both products to be concluded as rejected and products whose import may be permitted, a new TAREKS application is arranged for the conforming products, and, once the new application has been made, the existing application is concluded as "Rejected: Inspection Result." A new TAREKS application may be made only for the conforming products. Where it is established that a new application has been made for non-conforming products, the relevant products will be treated in accordance with the principles governing duplicate applications.

For applications directed to physical inspection through TAREKS and still under inspection, where it is established that inspection has been avoided through unlawful means such as the use of an improper TPS number or unauthorized transit trade, the application concerned must, taking into account the fact that the products subject to the application are not present at customs and such avoidance conduct, be concluded as "Rejected: Misleading Transaction," and our Directorate General must be informed of the matter promptly.

Where it is established, for reasons such as an incomplete order or the products not yet having reached the customs area, that the products are not present in the customs area at the time of inspection, the application item concerned must be concluded as "Rejected: Inspection Result," as no determination or examination could be carried out on the products.

4.3 Conformity Inspection Results

#	Inspection Result	Explanation
1	Accepted: Inspection Result	Where no violation of the relevant technical legislation is identified as a result of the physical inspection, the application is concluded as "Accepted: Inspection Result."
2	Out of Scope: Inspection Result	Where it is established that the products do not fall within the scope of the relevant technical legislation and/or are not among the products targeted for inspection by reference to their HS code, the application is concluded as "Out of Scope: Inspection Result."
3	Conditional Acceptance-Minor Deficiency: Inspection Result	To ensure that deficiencies identified during inspection are remedied immediately upon completion of import procedures, and in any event before the product is placed on the market,

#	Inspection Result	Explanation
		applications are concluded as "Conditional Acceptance-Minor Deficiency: Inspection Result."
4	Conditional Acceptance-Further Processing: Inspection Result	Applications in which the documents required to convert semi-finished products intended for further processing into final products after being placed on the market have been obtained are concluded as "Conditional Acceptance-Further Processing: Inspection Result."
5	Conditional Acceptance-Warning: Inspection Result	Where the conformity markings required to appear on the product are not affixed in the size required, provided no other non-conformity is found, the application is concluded as "Conditional Acceptance-Warning: Inspection Result."
	Conditional Acceptance-Accessories/Parts: Inspection Result	Where information and documents showing which main product the accessories/parts to be imported will be used in — in other words, establishing the causal connection between the main product and the accessory/part — together with the EU Declaration of Conformity for the final product, are submitted, and provided no other non-conformity is identified in the products, the application is concluded as "Conditional Acceptance-Accessories/Parts: Inspection Result."
6	Rejected: Inspection Result	Where a violation of the relevant legislation is identified as a result of the inspection, the application is concluded as "Rejected: Inspection Result."
7	Rejected: Missing Documents	Where the documents requested are not submitted within the period granted during inspection, the inspection is concluded as "Rejected: Missing Documents."
8	Rejected: Missing Marking	Where the conformity markings required under the relevant legislation are not present on the

#	Inspection Result	Explanation
		product, the application is concluded as “Rejected: Missing Marking.”
9	Rejected: Test Result	Applications sent for testing during inspection whose test result is unsatisfactory are concluded as “Rejected: Test Result.”
10	Rejected: Document Not Issued by Purported Issuer	Applications in which a document established during inspection not to have been issued by the party purporting to have issued it was uploaded are concluded as “Rejected: Document Not Issued by Purported Issuer.”
11	Rejected: Misleading Transaction	Where it is established that a duplicate transaction has been carried out, or an attempt has been made to prevent the accurate functioning of risk analysis, the application concerned is concluded as “Rejected: Misleading Transaction.”
12	Cancelled: Inspector Cancellation	Applications with no non-conformity, but in which information inadvertently declared incorrectly by the company must be corrected, are concluded as “Cancelled: Inspector Cancellation.”

4.4 Requests for Handling

Handling requests are considered only where they do not require a technical intervention such as impact or notching. For products whose non-conformities can be remedied in the customs area, and which fail to conform to their technical legislation only in respects such as the Turkish-language instructions for use, labelling, marking (other than brand, model and the CE marking), or packaging, requests for correction that pose no concern from the standpoint of health, safety, environmental protection or the accurate information of consumers are notified in writing to the relevant inspection unit.

Where such a handling request is found appropriate, the company is granted a handling period of up to 30 days. Handling procedures are carried out in an area under the control of the customs directorate. Where the handling process is completed within, or upon expiry of, the 30-day handling period, the company must submit a written petition to the relevant inspection unit stating that the deficiencies have been remedied. Following submission of the petition, and pending verification by the inspection units, through examination in the customs area, that the

handling process has been carried out in conformity with the relevant technical legislation, the application must not be concluded until the handling process has been completed. Where it is established that the necessary corrections have been made, the application is concluded as "Accepted: Inspection Result." Handling carried out through the customs authority without application to the relevant inspection unit will not be accepted.

4.4.1 Requests for Handling of the CE Marking

For products bearing the CE marking, provided the conditions listed in the first paragraph of Article 5, "Obligations of the Manufacturer," of the Regulation on the "CE" Marking are met and no manifest non-conformity is identified in the products, requests for handling of the CE marking may be evaluated for companies able to substantiate, through a trademark registration certificate and a technical file for products establishing that they are the manufacturer.

4.4.2 Requests for Handling of Adaptors

Handling of adaptors from products found non-conforming due to adaptors supplied with the product is permitted subject to the following conditions:

- that it be documented, pursuant to Article 181(4)(ç) of the Customs Regulation, that the non-conforming adaptors to be separated from the products subject to the application have been returned to origin, transited directly or via a free zone to a third country, sold under an export commitment, or abandoned, at the owner's expense, to the customs authority where located for disposal by destruction; and
- that the products be tested with suitable adaptors and obtain a satisfactory result.

4.5 Objection to Inspection Results

Applications concluded as rejected owing to failure to submit documents in time, or in respect of which the company objects on the ground that the inspection was concluded as rejected by the inspector (e.g. the possibility that a marking, brand, model, etc. was present but overlooked, or an out-of-scope request), may be reopened for inspection. Accordingly, companies may, only once, object to the inspection result of an application concluded as rejected within 1 year, through the objection button available on TAREKS. The period for objecting to test results is 15 working days.

No additional 45-day period will be granted for applications reopened for inspection; the importer will be asked to submit any missing documents, the objection petition, a technical file where requested, and any other requirements, without delay. Companies may not, under any circumstances, object to applications concluded as "Rejected: Document Not Issued by Purported Issuer" or "Rejected: Misleading Transaction." However, for applications concluded as "Rejected: Missing Documents," the missing documents; for applications concluded as "Rejected: Missing Marking," documents such as images, designs or diagrams showing the location of the missing marking; and, in all cases, the objection petition, other documents, and any additional documentation requested by the inspector — and, for applications closed as "Rejected: Test Result," the petition requesting retesting — must be uploaded to the system within no more than 15 working days. Applications of companies that fail to fulfil their obligations within this period will again be concluded as rejected, and a further objection through the system will not be permitted.

Where, despite an objection lodged through the system within 1 year, the application is again concluded as rejected, a request that the application be reopened for inspection so as to enable the company to remedy the deficiencies may, on a one-time basis only, be considered by the Directorate General. No additional 45-day period will be granted for applications reopened for inspection under this provision; the importer will be asked to submit any missing documents within 15 working days.

4.6 Requests for Transit of Products Found Non-Conforming

Where companies wish to have products covered by an application concluded as "Rejected" as a result of inspection transited, such requests require the favourable opinion of our Directorate General pursuant to Article 181(4)(ç) of the Customs Regulation. Companies in this situation must apply in writing to our Directorate General; in their applications they must state the country to which the product will be sent in transit, declare that the product conforms to the legislation of the country concerned, and complete in full the documents set out in Annex 7, in accordance with the "Transit Permit" heading under the "Help" tab of TAREKS. Where products are to be returned to origin, the favourable opinion of our Directorate General is not required.

Maximum care must be exercised in transactions carried out in relation to the possibility that non-conforming products intended for transit trade may, in whole or through splitting of the consignment, be sought to be placed on the market in our country in the name of the company concerned and/or different companies so as to become subject to inspection, and our Directorate General must be informed promptly of applications giving rise to suspicion.

Where it is established that inspection has been avoided through unlawful means such as unauthorized transit trade, the application concerned will, taking into account the fact that the products subject to the application are not present at customs and such avoidance conduct, be concluded as "Rejected: Misleading Transaction."

5. INDIVIDUAL PRINCIPLES REGARDING PRODUCTS

5.1 Import Inspection Process for Products Sought to Be Imported for Replacement Purposes (SWAP)

Where a mobile phone, smart watch or motherboard sought to be imported for replacement purposes does not bear the CE marking on the product or its packaging, the importer company must declare that:

* the swap products sought to be imported are brought in, other than for sale, to replace irreparably faulty products or as a spare part for such products; and

* the devices sought to be imported have the same brand and model information as the faulty, irreparable devices.

Swap products are distinguished from products placed on the market by checking the condition of the packaging, the presence of an information card indicating that the product is for replacement purposes, and the absence of items such as a charger and instructions for use inside the packaging. Where the packaging, instructions for use and charging unit are present in a form suitable for placing the product on the market, it will not be accepted as a swap product.

Where swap products are directed to testing by the system, inspection is instead carried out as a check of markings and documents, without testing the products. In order to substantiate

that the products concerned are for replacement purposes, the customs declaration or invoices for the products claimed to be swap products must bear the notation “for replacement purposes.”

5.2 Import Inspection Process for Display/Demonstration Products (DEMO)

Because RF, EMC and SAR testing cannot be carried out on display (DEMO) devices owing to their being disabled from SIM card use, even where applications are directed to inspection by testing/examination, provided there is a visible marking indicating that the products will not be placed on the market or put into service, and it is established that the device is disabled from SIM card use, the applications are concluded as *Conditional Acceptance: Inspection Result.*

5.3 Import Inspection Process for Vehicle Spare Parts

Where a document can be submitted substantiating that products within the scope of the Regulation, sought to be imported as vehicle spare parts, will be used in technical service, the markings on the product are conforming, and there is no other matter contrary to the legislation, the application is concluded as *Conditional Acceptance: Inspection Result.*

6. ANNEXES

Annex 1 — Sample EU Declaration of Conformity

EU DECLARATION OF CONFORMITY

1. Product model/type, batch or serial number of the product

2. Name and address of the manufacturer or its authorized representative.

3. The statement: “This Declaration of Conformity is issued under the sole responsibility of the manufacturer.”

4. Object of the declaration (may include a sufficiently clear colour image where necessary for identification enabling traceability of the product)

5. A statement that the object of the declaration described above conforms to the relevant legislation, and the name of the legislation concerned

6. References to the relevant harmonized standards used, or references to other technical specifications in relation to which conformity is declared.

7. Additional information:

Signed for and on behalf of:

(place and date of issue)

(name, position) (signature)

Annex 2 — Physical Inspection/Sampling Record

IMPORT INSPECTIONS

PHYSICAL INSPECTION/SAMPLING RECORD

Date: .../.../....

Application Date/Number:

Importer's Name / Tax Number:

Location of the Products:

Findings Identified During Physical Inspection (manufacturer/importer information, brand/model, marking, presence of warnings, type of product, etc.)

Example 1: The product bears CE marking, brand/model and manufacturer information, and these are conforming. Importer information is missing.

Example 2: The product bears the CE marking, but its design is non-conforming.

If a sample was taken;

Total number of samples taken:

Number of counter-samples taken:

I confirm the accuracy of the information stated above. I accept that the samples taken/examined under this record represent all of the relevant products within the scope of the above application, and that the results are binding. I undertake that all costs arising from testing will be borne by us, and I accept that the inspection will be concluded according to the test result. I accept that we may object to the test result only within 15 working days following notification of the inspection result to us, and I undertake that, if we do not collect the sample by the end of the objection period, we will assert no claim of any kind in respect of the samples concerned.

Company Representative

Name and Surname:

Signature:

Date:

Trade Inspector / Assistant Trade Inspector

Name and Surname:

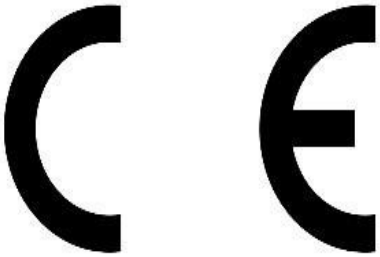
Signature:

Date:

Annex 3 — Examples of Non-Conforming CE Marking

Use of a font other than the typeface specified in the Regulation

A conspicuous gap between the letters C and E



A significant difference in size between the letters C and E

Annex 4 — Sample Undertaking Regarding Turkish-Character Compliance for Devices with SMS Capability

TO THE PRODUCT SAFETY INSPECTIONS GROUP DIRECTORATE

.../.../202...

We declare and undertake that our … mobile telephones (model …, quantity …), covered by our e-application No. … dated …/…/20…, and by the invoice No. … dated …, sought to be imported, conform to the provisions of the Regulation on the Use of Turkish Characters in Short Message Services, published in Official Gazette No. 27230 of 16/05/2009. We declare and undertake that we accept full legal responsibility in this regard.

In this connection, we respectfully request that we be issued a handling letter to enable us to add the information specified in Article 4(2) of the Regulation concerned.

Annex 5 — Further-Processing Undertaking

TO THE MINISTRY OF TRADE

Pursuant to the Communiqué on the Import Inspection of Radio Equipment (Product Safety and Inspection: 20…/8), we undertake and confirm that we will bring the … brand … model products we wish to import into their final form, in conformity with the relevant technical legislation, within 6 months at the latest; that we will not, in any manner whatsoever, transfer them to third parties within the period specified; and that we will not offer the products for sale on the domestic market before they have reached their final form. We further undertake and confirm that, should we act to the contrary, we will, pursuant to Article 13(1)(d) of the Decision on the Technical Regulations Regime put into effect by Presidential Decision No. 6038 of 14/9/2022, pay, for recording as budgetary revenue, the Turkish Lira equivalent of 60% of the CIF value of the imported product concerned, calculated at the Central Bank of the Republic of Turkey's foreign-exchange selling rate on the date such amount is notified to us by our competent tax office, and that we will make this payment in accordance with the provisions of Law No. 6183 of 21/7/1953 on the Procedure for Collection of Public Receivables; and that, if it is established by the relevant competent body that the imported consignment finalized within the specified period does not conform to the provisions of the Regulation concerned, we accept the obligations and sanctions set out in Law No. 7223 of 5/3/2020.

Name of the Importer

Authorized Signature

Date

Address:

Name of tax office:

Tax registration number:

Date and number of the customs declaration:

CIF value of the imported product:

Photographs of the imported product and its finalized form:

Annex 6 — Sample Inspector Rejection Message

As a result of the review carried out, the application has been concluded as "Rejected: ..." on the grounds of ... . You have the right to have the products returned to origin, transited directly or via a free zone to a third country, sold under an export commitment, or abandoned, at the owner's expense, to the customs authority where located for disposal by destruction. Where an objection is lodged through the objection button available in the system and the objection petition is promptly forwarded to the relevant Group Directorate, your objection to the inspection result may be considered. The period for objecting to test results is 15 working days.

Annex 7 — Transit Permit Documents

Where products are found, as a result of inspections carried out under the Product Safety and Inspection (PSI) Communiqués, not to conform to their technical regulation and/or not to be safe, the matters that must be addressed and the conditions that must be met in the application made by the importer to our Ministry for the products to be transited to a third country are as follows:

1)

Transit is not permitted to member countries of the European Union (EU) Common Market, to member countries of the European Free Trade Association (EFTA), to the Turkish Republic of Northern Cyprus, or to free zones.

2)

The opinion of the relevant institutions, bodies and Directorates General may be sought regarding the countries to which transit is to take place, in view of developments in the international trade environment.

3)

The application to be submitted to the Ministry by the importer company for the products concerned to be transited must include the following:

- a) The table set out in Annex 7A, duly completed;
- b) A declaration and undertaking that the product sought to be transited conforms to the legislation of the country to which it is to be transited (Annex 7B);
- c) The bonded-warehouse declaration, bill of lading, sample invoice and other documents;
- d) A specimen signature circular and/or power of attorney showing that the person making the application has authority to sign and/or represent the company.

4)

Where the products concerned are transferred by the importer company to another company, the application to be submitted to the Ministry by the transferee company for the products to be transited must include the following:

- a) The table set out in Annex 7C, duly completed;
- b) The invoice and other documents evidencing that the products have been acquired by transfer;
- c) A declaration and undertaking that the product sought to be transited conforms to the legislation of the country to which it is to be transited (Annex 7D);
- d) The bonded-warehouse declaration, bill of lading, sample invoice and other documents;
- e) A specimen signature circular and/or power of attorney showing that the person making the application has authority to sign and/or represent the company.

5)

In order for the transferee company to obtain a transit permit, it must be registered in the Foreign Trade Risk-Based Control System (TAREKS).

6)

The transit permit request submitted to the Ministry is concluded favourably once it has been confirmed that the specified conditions are met. In this connection, notice that the transit permit has been granted is given to the relevant customs authority and to the company.

7)

In addition, in order to prevent attempts to place transited products back on the market in our country, notification is made to the Directorate General of Customs and to the Directorate General for Trade Research and Risk Assessment so that these products may be monitored for a period of at least 3 months.

8)

In order to prevent transited products from subsequently being reimported into our country through the system, information relating to the transit transaction is entered into TAREKS.

TO THE MINISTRY OF TRADE

(Directorate General for Product Safety and Inspection)

As a result of the inspection carried out under Communiqué No. … on Product Safety Inspection, application No. …, made through the Foreign Trade Risk-Based Control System by … company for products under HS code … described as …, has been concluded as rejected.

Pursuant to Article 181(4)(ç) of the Customs Regulation, we wish to transit the products that received a rejected inspection result to … (country name). We declare and undertake that the products concerned conform to the legislation of … (country name), to which they are to be transited.

We respectfully submit this for your action and consideration.

Name/Title of the Importer or its Representative

Company Seal

Authorized Signature(s)

Date

TO THE MINISTRY OF TRADE

(Directorate General for Product Safety and Inspection)

As a result of the inspection carried out under Communiqué No. … on Product Safety Inspection, application No. …, made through the Foreign Trade Risk-Based Control System by … company for products under HS code … described as …, has been concluded as rejected. The products concerned were transferred and delivered by the said company to … company under transfer invoice No. … .

Pursuant to Article 181(4)(ç) of the Customs Regulation, we wish to transit the products that received a rejected inspection result to … (country name). We declare and undertake that the products concerned conform to the legislation of … (country name), to which they are to be transited.

We respectfully submit this for your action and consideration.

Name/Title of the Transferee Company or its Representative

Company Seal

Authorized Signature(s)

Date