

**REGULATION**

From the Ministry of Trade:

**REGULATION ON MARKET SURVEILLANCE OF PRODUCTS PLACED  
ON THE MARKET THROUGH MEANS OF DISTANCE  
COMMUNICATION**

**SECTION ONE  
Preliminary Provisions**

**Objective**

**ARTICLE 1 -** (1) The objective of this Regulation is to establish the principles and procedures governing the requirements of placing on the market and sales offers for products placed or made available on the market through means of distance communication, obligations of the economic operators and various service providers who place or make such products available on the market, as well as the duties, powers and responsibilities of the competent authorities and the market surveillance activities to be carried out in this context.

**Scope**

**ARTICLE 2 -** (1) This Regulation shall apply to all products placed on or made available to the market through means of distance communication, except where specific legislation governs the sale, advertising or promotion of such products via distance communication means.

**Legal Basis**

**ARTICLE 3 -** (1) This Regulation has been issued pursuant to Article 24 of the Product Safety and Technical Regulations Law No. 7223 of 5/3/2020 and Article 33 of the Framework Regulation on Market Surveillance of Products, which was enacted upon the Presidential Decree No. 4269 of 9/7/2021.

**Definitions**

**ARTICLE 4 -** (1) For the purposes of this Regulation, the following definitions shall apply:

- a) Intermediary service provider: A natural or legal person that provides an electronic commerce platform enabling third parties to conduct economic and commercial activities.
- b) Ministry: Ministry of Trade.
- c) Information society service provider: A provider of a service that is typically supplied in exchange for remuneration at the individual request of a recipient, delivered electronically without the parties being physically present.
- ç) Product posing a serious risk: A product that requires urgent intervention by the competent authorities due to an identified risk, provided that the assessment is based on a risk evaluation and takes into account the product's normal and foreseeable use, ensuring that both the probability of a hazard occurring and the severity of the potential harm is considered, including cases where the effects of the risk do not manifest immediately.
- d) Online interface: Any software, including websites, website components, or applications, operated by an economic operator or an intermediary service provider to enable end users to access products.
- e) Distributor: A natural or legal person, other than the manufacturer or importer, who makes a product available on the market as part of the supply chain.
- f) Corrective measure: An action taken by an economic operator either on their own initiative or as directed by a competent authority in an effort to remedy a non-compliance.
- g) Electronic commerce: Any economic or commercial transaction conducted online, without the physical presence of the parties.
- ğ) Electronic commerce medium: Platforms such as websites, mobile sites, or mobile applications where electronic commerce activities take place.
- h) Directorate General: The Directorate General of Product Safety and Inspection.
- i) Recall: All kinds of measures aimed at retrieving a product from end users and returning it to the economic operator.
- j) Fulfillment service provider: A natural or legal person engaged in commercial activities, who provides at least two of the following services—warehousing, packaging, addressing, and dispatching—without assuming ownership of the product, excluding postal services, parcel or package delivery services, other postal operations, or freight transport services.
- ı) Economic operator: The manufacturer, authorized representative, importer, distributor, or any other natural or legal person responsible who is subject to obligations in relation to the manufacture of products, making them available on the market or putting them into service in accordance with the relevant technical regulations.
- k) Manufacturer: A natural or legal person who manufactures a product or has a product designed or manufactured and places it on the market under their own name or trademark.
- l) Importer: A natural or legal person who imports a product and places it on the market.
- m) Media service provider entity: A legal person with editorial responsibility for selecting the content of a radio, television, and on-demand broadcast and determining the format in which such services are provided.

n) End user: A natural or legal person residing or established in Türkiye whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;

o) Market surveillance: Activities carried out and measures implemented by the competent authorities to ensure that products comply with the relevant technical regulations or the requirements set forth in the General Product Safety Regulation, published in the Official Gazette No. 31420 of 11/3/2021, with a view to protecting the public interest within that Regulation.

ö) Making available on the market: The supply of a product for distribution, consumption, or use on the market in the course of a commercial activity, whether in exchange for payment or free of charge.

p) Placing on the market: The act of making a product available on the market for the first time.

r) Postal service providers: Natural or legal persons engaged in the customs clearance and classification of postal items, as well as service providers defined under subparagraph (I) of the first paragraph of Article 3 of the Postal Services Law No. 6475 of 9/5/2013.

s) Risk: The combination of the probability of a hazard occurring and the severity of the potential harm it may cause.

ş) Technical regulation: Mandatory legislation, including administrative provisions, that defines one or more of the characteristics and processing or manufacturing methods of a product, or associated terminology, symbols, packaging, marking, labeling or conformity assessment procedures.

t) Conformity marking: A marking indicating that a product complies with the applicable technical regulation.

u) Non-compliance: A failure to meet the requirements specified in the relevant technical regulation governing the product, the General Product Safety Regulation, the Framework Regulation on Market Surveillance of Products or the foregoing Regulation.

ü) Means of distance communication: Any means or medium that enables the conclusion of contracts without physical presence, including letters, catalogs, telephone, fax, radio, television, electronic mail messages, short message service and the internet.

v) Product: Any substance, preparation or good.

y) Product safety contact point: The electronic communication address designated by the intermediary service provider for its electronic commerce platform, enabling competent authorities and the Directorate General to submit requests and allowing end users to directly and promptly contact the provider regarding product safety matters.

z) Competent authority: A public entity responsible for drafting, implementing, or enforcing technical regulations concerning products or conducting inspections thereof.

aa) Authorized representative: A natural or legal person established in Türkiye who has been explicitly designated in writing by the manufacturer to fulfill, on its behalf, specific obligations under Law No. 7223, the Framework Regulation on Market Surveillance of Products, the foregoing Regulation, and other applicable legislation.

## **SECTION TWO**

### **Placing and Making Available on the Market Through Means of Distance Communication, and Providing Information on Products in Sales Offers**

#### **Placing and making available on the market through means of distance communication**

**ARTICLE 5 -** (1) In order for a product to be placed on or made available to the market through means of distance communication, it must comply with the applicable technical regulations or the General Product Safety Regulation.

(2) Products offered for sale by an economic operator through means of distance communication, including promotional items provided to facilitate the sale, shall be deemed to have been made available on the market if the sale targets end users residing in Türkiye.

(3) An economic operator shall be deemed to target end users residing in Türkiye when conducting sales through means of distance communication if at least one of the following conditions is met:

a) Offering Turkish language option,

b) Offering an option for the price to be displayed in Turkish Lira,

c) Accepting payments in Turkish Lira,

ç) Offering an option for delivery to addresses in Türkiye is provided,

d) Physical shipments are made to end users in Türkiye,

e) For online sales, the domain name is registered in a geographic region that allows shipping to Türkiye.

(4) A product covered by the legislation listed on the Ministry's website may only be made available on the market through means of distance communication if there is an economic operator established in Türkiye.

(5) The economic operator referred to in the fourth paragraph shall cover the following, in the respective order:

a) A manufacturer established in Türkiye,

b) Where the manufacturer is not established in Türkiye, the importer,

c) Authorized representative established in Türkiye designated, in writing, by the manufacturer to fulfill the obligations set forth in Article 8 hereof,

ç) Where none of the economic operators specified in subparagraphs (a), (b), or (c) are established in Türkiye, a fulfillment service provider established in Türkiye that assumes the obligations set forth in Article 9.

#### **Providing information on products in sales offers**

**ARTICLE 6 – (1)** An economic operator shall include the following information in their sales offers for a product they have placed on or made available to the market through means of distance communication, in a manner that is easily visible and clearly legible, alongside their own name, registered trade name, postal address and email address:

a) The name, registered trade name or trademark as well as the postal address and email address of the manufacturer established in Türkiye,

b) In the event that the manufacturer is not established in Türkiye, the name and registered trade name as well as the postal address and email address of the importer,

c) Where neither a manufacturer nor an importer is established in Türkiye, for products covered by the legislation listed on the Ministry's website, the name and registered trade name as well as the postal address and email address of the economic operator specified in subparagraphs (c) or (d) of the fifth paragraph of Article 5 hereof,

ç) Warnings and safety information in Turkish as well as conformity markings, that must be affixed to the product, its packaging or accompanying documents as required by technical regulations,

d) All kinds of information used for describing the product, including the product photograph and type, as well as other relevant details necessary to identify it.

(2) The economic operator shall provide the information specified in the first paragraph verbally for sales conducted via voice communication and in writing for sales conducted via written communication, ensuring that end users are informed before purchasing the product.

### **SECTION THREE**

#### **General Obligation for Placing or Making a Product Available on the Market, Obligations of the Authorized Representative, Fulfillment Service Provider and Intermediary Service Provider and the Obligation to Cooperate**

##### **General obligation for placing or making a product available on the market**

**ARTICLE 7 - (1)** The obligations of economic operators under Law No. 7223, the General Product Safety Regulation and the Framework Regulation on Market Surveillance of Products shall also apply to products placed on or made available to the market through means of distance communication.

##### **Obligations of the authorized representative**

**ARTICLE 8 - (1)** In addition to the obligations specified in Law No. 7223 and the Framework Regulation on Market Surveillance of Products, and without prejudice to the obligations set forth in the relevant technical regulations, the authorized representative shall, where no manufacturer or importer is established in Türkiye for the product group covered by the legislation listed on the Ministry's website, include their name, registered trade name or trademark, and contact information, including their address, on the product itself, or where that is not feasible, on the product packaging or an accompanying document by ensuring that the mentioned information is indicated in a manner that does not mislead the end user, is non-removable, easily visible, and clearly legible.

##### **Obligations of the fulfillment service provider:**

**ARTICLE 9 - (1)** The fulfillment service provider shall be considered a distributor if their activities do not affect the product's safety and if they are not defined as the manufacturer, importer, or authorized representative, and it shall be held responsible for the obligations imposed on distributors under the applicable technical regulations.

(2) Where a fulfillment service provider places their trademark or brand name on the product, alters the product in a way that affects its compliance with the relevant technical regulations, or their activities affect the product's safety, they shall be regarded as the manufacturer and held responsible for the obligations imposed on the manufacturer under the applicable technical regulations.

(3) Under the fifth paragraph of Article 5 hereof, in the absence of a manufacturer, importer, or authorized representative for the product group listed on the Ministry's website, the fulfillment service provider shall fulfill the responsibilities outlined below:

a) Without prejudice to the obligations set forth in the relevant technical regulations, they shall include their name, registered trade name or trademark, and contact information, including their address, on the product itself, or where that is not feasible, on the product packaging or an accompanying document by ensuring that the mentioned information is indicated in a manner that does not mislead the end user, is non-removable, easily visible, and clearly legible.

b) Where required by the applicable technical regulations, they shall confirm that a declaration of conformity or a performance declaration, and the technical file have been prepared, retain the declaration of conformity or the performance declaration to be submitted to the competent authority for the duration specified in the relevant technical regulation, or in the absence of a specified period, for the duration specified in Law No. 7223, and submit the technical file to the competent authority upon request.

c) Upon request by the competent authority, they shall provide all necessary information and documents in Turkish or another language accepted by the authority to demonstrate the product's compliance.

ç) They shall inform the competent authority if they find out or should have known that the product poses a risk.

d) In case of a non-compliance, they shall cooperate with the competent authority upon its request to immediately implement the required corrective measure for remedying the non-compliance in question. Where they find out or should have known that the product poses a risk, in the event that it is not feasible to remedy the non-compliance, they shall cooperate with the competent authority to eliminate the risk posed by the product, either at the authority's request or on their own initiative.

**Obligations of the intermediary service provider:**

**ARTICLE 10 -** (1) The intermediary service provider shall design and arrange their online interface in a way that enables economic operators to provide the information specified in the first paragraph of Article 6 hereof, for each product placed on or made available to the market through means of distance communication, ensuring that this information is either visible in the product offer or easily accessible by other means to the end users.

(2) The intermediary service provider shall fulfill the content removal requests and other requests submitted by the competent authorities within twenty-four hours, informing the requester promptly about the outcome of the actions taken.

(3) In the event that the intermediary service provider becomes aware of the non-compliance of a product available on the market, they shall take immediate action to remove the product's content from the electronic commerce medium or block access to the content, and shall inform the competent authority.

(4) Competent authorities may request intermediary service providers to prevent the infringing content from appearing again on their online interfaces in the future.

(5) In accordance with the second and fourth paragraphs hereof as well as subparagraph (b) of the first paragraph and the fourth paragraph of Article 12, the intermediary service provider shall designate a product safety contact point to address the requests from the competent authorities and the Directorate General, ensuring that end users can directly and quickly get in touch with them regarding product safety matters. The intermediary service provider shall notify the competent authorities and the Directorate General of the contact information for the designated product safety contact point, and ensure that end users can easily access it using the online interface.

(6) The intermediary service provider shall, upon finding out that a product has been recalled due to non-compliance, promptly send an email to all end users who purchased the product through their online interface, containing the information related to the product recall as specified in the announcement issued by the economic operator under Article 19 of Law No. 7223. The intermediary service provider shall also provide the same information through their online interface.

(7) The intermediary service provider shall maintain orderly records of the name, registered trade name or trademark, and contact details of the previous and, if applicable, the subsequent economic operator in the supply chain, as well as other information facilitating product traceability, keep these records for at least ten years from the date the product was placed on or made available to the market through their online interface, and submit them to the competent authority upon request.

(8) The intermediary service provider, in addition to operating an electronic commerce medium where others conduct financial and commercial activities, shall be considered an economic operator if they act as manufacturer, importer, authorized representative, distributor or fulfillment service provider.

**Obligation to cooperate**

**ARTICLE 11 -** (1) Upon the request of the competent authority,

a) Information society service providers shall cooperate to facilitate the removal of risks posed by a product electronically placed on or made available to the market through their services, or where this is not possible, to mitigate such risks.

b) Intermediary service providers shall cooperate to facilitate the removal of risks posed by a product electronically placed on or made available to the market through their services, or where this is not possible, to mitigate such risks.

c) Postal service providers shall cooperate to facilitate the inspection of the contents of packages in terms of product safety.

## **SECTION FOUR**

### **Duties, Powers, and Responsibilities of the Competent Authorities**

**ARTICLE 12 -** (1) The competent authority shall

a) Conduct inspections to establish whether products placed on or made available to the market through means of distance communication comply with safety requirements and the applicable technical regulations. In these inspections, products purchased anonymously via the internet, radio, television, or other means of distance communication by a natural or legal person assigned by the competent authority shall be used as samples. The competent authority shall ensure that economic operators implement appropriate and proportionate corrective measures to remedy non-compliances identified as a result of inspections.

b) Notify the intermediary service provider via electronic mail or other means of communication using the contact details available on the website, such as communication tools, domain names, and IP addresses, to have the content removed in the event that a non-compliant product placed on or made available to the market is being promoted or sold online. Where the content is not removed within twenty-four hours or it is found out that despite having been removed within twenty-four hours, the same product was later listed on the system again, the competent authority shall decide to restrict access to the content related to the non-compliant product and notify the Information and Communication Technologies Authority for the implementation of this decision. The same procedure shall apply if the website is directly owned by the economic operator.

The access restriction decision issued in accordance with this paragraph shall be implemented through URL-based access blocking and similar methods.

c) Request the media service provider to prohibit the promotion and sale in cases where a non-compliant product placed on or made available to the market is promoted or sold via television or radio. The media service provider shall cooperate with the competent authority to ensure the prohibition of the promotion and sale. The competent authority shall notify the Radio and Television Supreme Council (RTÜK) of the decision to prohibit the sale.

ç) Investigate whether products identified as non-compliant during market surveillance activities, as well as non-compliant products identified by other countries and recorded in international platforms and databases, are available on the Turkish market through means of distance communication.

(2) The competent authority shall issue a warning to the economic operator who has violated Article 6 hereof, either electronically or in writing, to remedy the non-compliance.

(3) In the event that the economic operator fails to remedy the non-compliance within two business days following the warning issued under the second paragraph, or that the competent authority is unable to get in touch with the economic operator, the competent authority shall take action in accordance with the Article 16, paragraph four under the Law No. 7223.

(4) If the competent authority concludes, based on its risk assessment, that a violation of Article 6 constitutes an indication of a serious risk, it may decide to temporarily prohibit the placement and availability on the market of the relevant product through means of distance communication until the inspection conducted pursuant to Article 21 of the Framework Regulation on the Market Surveillance of Products has been finalized. Based on this decision, the competent authority may request the intermediary service provider or the economic operator to remove the content related to the product from the online interface.

(5) The competent authority shall be entitled to require the intermediary service provider or the economic operator to display a warning message to end users in a clearly visible manner on the online interface until the risk indication has been eliminated.

(6) The duties, powers, and responsibilities of the competent authority set forth in Law No. 7223 and the Framework Regulation on the Market Surveillance of Products shall also apply to products placed on or made available to the market through means of distance communication.

## **SECTION FIVE**

### **Sanctions and Final Provisions**

#### **Administrative Sanctions**

**ARTICLE 13 -** (1) Administrative sanctions stipulated under Law No. 7223 and the applicable legislation shall be imposed on those who act in violation of the provisions of the foregoing Regulation and those who fail to fulfill their obligations.

#### **Effective Date**

**ARTICLE 14 -** (1) This Regulation shall enter into force on April 1, 2025.

#### **Enforcement**

**ARTICLE 15 -** (1) The provisions of this Regulation shall be enforced by the Minister of Trade.