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Technical Assistance for Product Safety in E-Commerce

Project Identification No: NEAR/ANK/2022/EA-RP/0213

Contract No: TR2021/W2T2/A03/OT14-1/001

Current Status Analysis Report

Activity 1.1. Analysis of Current Status in Türkiye

3rd Draft

03.02.2025

Ankara, TÜRKİYE



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PROJECT INFORMATION FORM

Project Title:	Technical Assistance for Product Safety in E-Commerce
Contract Number:	TR2021/W2T2/A03/OT14-1/001
Project Value:	2.090.221,00 Euros
Starting Date:	09 September 2024
End Date:	08 September 2026
Duration:	24 Months
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Submitted on:	03.02.2025





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ABBREVIATIONS

- AI:** Artificial Intelligence
- API:** Application Programming Interface
- CAGR:** Compound Annual Growth Rate
- CFCU:** Central Finance and Contracts Unit
- CIMER:** Communication Center of the Presidency of Türkiye
- DSA:** Digital Services Act
- DMA:** Digital Markets Act
- e-MS:** Market Surveillance in the e-commerce area
- EU:** European Union
- GPSR:** General Product Safety Regulation
- ICTA:** Information and Communication Technologies Authority
- IT:** Information Technology
- MS:** Market Surveillance
- MSA:** Market Surveillance Authority
- NLP:** Natural Language Processing
- NGO:** Non-Governmental Organization
- OG:** Official Gazette
- P2B:** Platform-to-Business Regulation
- PGDBIS:** Product Safety Database Information System
- RASFF:** Rapid Alert System for Food and Feed
- REM:** Registered Electronic Mail
- SSI:** Social Security Institution
- s-Commerce:** Social Media Based Commerce
- TAREKS:** Risk-Based Trade Control System
- ÜTS:** Product Tracking System



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1. EXECUTIVE SUMMARY

This report comprehensively analyses the current state of product safety controls in Türkiye's e-commerce sector.

With the rapid growth of online shopping, ensuring that products meet safety requirements has become a significant challenge. The report examines existing practices, the legal frameworks and stakeholder roles in ensuring product safety. It also explores the way Türkiye's regulatory approach aligns with the European Union (EU) one and identifies areas for improvement to meet the digital marketplace's unique challenges in the area of product safety.

The findings highlight Türkiye's progress in aligning its product safety systems with EU legislation, including efforts to adopt legislation such as the new General Product Safety Regulation. Despite these advancements, significant challenges remain, particularly in the areas of resource allocation, technological adaptation and collaboration among stakeholders. The report offers targeted recommendations for strengthening e-market surveillance (e-MS), improving compliance and fostering a safer online shopping environment.

1.1 Summary assessment of the main elements of the report

The rapid growth of e-commerce in Türkiye has transformed the way products are traded and consumed, bringing both opportunities and challenges. The report evaluates Türkiye's efforts to adapt its market surveillance and product safety systems to this evolving landscape. Key areas of focus include the effectiveness of current e-MS practices, the adequacy of legal frameworks and the role of stakeholders such as Market Surveillance Authorities (MSAs), e-commerce platforms and consumer organizations.

Türkiye has made considerable progress in harmonizing its product safety regulations with the EU acquis. Legislation such as the Law 7223/12.03.2020 on Product Safety and Technical Regulations and the Regulation on Market Surveillance of Products Placed on the Market through Means of Distance Communication from 30.10.2024 demonstrate a strong commitment to addressing e-commerce specific challenges. However, issues such as limited budgets, gaps in training and insufficient cooperation among stakeholders hinder the effective implementation of these regulations.

The report emphasizes the importance of leveraging Türkiye's 20+ years of market surveillance experience to address the challenges of e-commerce. Developing risk-based monitoring tools, automating market surveillance processes and improving communication and



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cooperation between stakeholders are essential to create a robust product safety system. These measures will ensure improved consumer protection and trust, enhance market transparency and maintain compliance with international standards, leading to a safe and fair-trade environment and thus, economic development.

1.2 Key findings

- **Significant E-Commerce Growth:** Türkiye's e-commerce sector has expanded dramatically, increasing the complexity of ensuring product safety and regulatory compliance. The sector now accounts for a growing retail market share, making effective e-MS practices more critical than ever.
- **Regulatory Alignment with the EU:** Türkiye has made significant strides in aligning its product safety legal framework with the EU acquis. Notable examples include the implementation of Law No. 7223/12.03.2020 on Product Safety and Technical Regulations and its implementing Regulations of Framework Regulation on Market Surveillance of Products from 10.07.2021 and the Regulation on Market Surveillance of Products Placed on the Market through Means of Distance Communication from 30.10.2024, which transpose EU Regulation 2019/1020/EU of the European Parliament and of the Council of 20 June 2019 on Market Surveillance and Compliance of Products. However, further work is needed to address gaps in enforcement and implementation.
- **Türkiye's Market Surveillance Experience:** With over two decades of experience in market surveillance, Türkiye has established a strong foundation in ensuring product safety. This expertise includes implementing EU-aligned horizontal and sector-specific regulations, conducting risk-based inspections and fostering collaboration among authorities. Building on this experience is critical to addressing the unique challenges of e-commerce and enhancing e-MS practices.
- **Challenges in Market Surveillance:** MSAs face constraints in resources, personnel and technological capacity, which limit their ability to conduct effective market surveillance. These issues are compounded by the dynamic and fragmented nature of the e-commerce sector, where products are frequently added, removed and modified.
- **Stakeholder Collaboration:** There is a pressing need to enhance coordination and data sharing among MSAs, e-commerce platforms and consumer organizations.



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Improved collaboration will enable faster identification and resolution of product safety issues and foster greater accountability across the sector.

- **Opportunities for Improvement:** The report identifies key opportunities to enhance product safety in Türkiye's e-commerce sector. These include the development of risk-based monitoring tools, the automation of inspection and notification processes and the integration of advanced IT systems to streamline e-MS activities. Additionally, raising awareness among consumers and businesses about product safety regulations will further strengthen product compliance.
- **Opportunities in the use of IT Solutions:** Most MSAs use IT solutions to manage traditional MS activities, using coordination solutions (PGDBIS, TAREKS, etc.). Therefore, they already identified the requirements and priorities within their perspective. Also, the availability of e-commerce-based IT solutions (ETBIS, ESBIS, MERSIS, etc.) provides a pathway to establish a semantic network of activities and dataspace possibility.

This report serves as a foundation for future efforts to address the unique challenges of e-MS in Türkiye. By implementing the recommendations outlined in this analysis, Türkiye can build a more effective and responsive product safety system, ensuring that only safe products reach consumers while fostering a fair and competitive digital marketplace.

This report also establishes a foundation for strengthening the legal framework governing product safety and market surveillance in the rapidly growing e-commerce sector. By conducting a thorough analysis of the existing legal provisions and identifying gaps and challenges, the report outlines practical and targeted recommendations for legislative amendments and the development of more robust regulatory measures. These recommendations aim to ensure a safer digital marketplace, improve compliance mechanisms and enhance consumer protection, while also contributing to fair trade practices.



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2. INTRODUCTION

Product safety is fundamental to protecting consumers and building trust in the marketplace. In the fast-paced world of e-commerce, where products are rapidly distributed across borders, ensuring safety becomes even more crucial. Unsafe products not only pose risks to consumer health and well-being but also undermine confidence in online shopping and present significant challenges for businesses and regulatory authorities alike.

E-commerce in Türkiye has witnessed a remarkable transformation over the last decade. As one of the fastest growing digital economies in the region, Türkiye has also embraced the online shopping trend, with a significant portion of its population now turning to e-commerce platforms for their purchasing needs. The combination of technological advancements and a young, dynamic and tech-savvy population has made Türkiye a growing market for digital retail.

However, with this rapid growth, a number of challenges arise in ensuring product safety and providing a strong market surveillance and control mechanism. As the e-commerce sector expands, the variety of products available to consumers increases, making it even more important to ensure that these products comply with the relevant technical regulations. Türkiye, like many countries, faces the challenge of monitoring and supervising a broad online marketplace where sellers range from established brands to individual entrepreneurs.

As expressed above, the rapid rise of e-commerce brings with it new challenges and increases the factors to be considered for both consumers and authorised institutions. This study aims to compile information on how market surveillance is carried out and its effectiveness in the e-commerce environment and aims to examine in detail the existing structures and practices in Türkiye in this field.

2.1 Background Data

As it is known, within the framework of the Association Council Decisions (1/95 ACD, 2/97 ACD, 1/2006 ACD) establishing and implementing a Customs Union between Türkiye and the EU, both the EU's horizontal legislation and system on product safety and the sectoral product legislation falling within the competence of the competent authorities have been harmonised by Türkiye since 1996 and especially after 2001 intensively. In this respect, within the scope of the product safety system in Türkiye, it is regulated that the products to be placed on the market shall be monitored whether they meet the minimum safety requirements in terms of human health and safety, animal and plant life and health, environmental and consumer



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protection; in this respect, only safe products, in compliance with applicable technical regulations, may be placed on the market. In this context, the Ministry of Trade carries out intensive activities within the scope of coordination of product specific legislation and market surveillance activities and co-operation with the relevant parties, in particular publishing the horizontal legislation and ensuring a well-functioning quality infrastructure system in Türkiye.

In this context, the establishment and implementation of an effective market surveillance system is among the important duties of public institutions regarding product safety. Within the scope of the publication of the horizontal legislation in Türkiye (Framework Law 4703 /11.01.2002 on the Preparation and Implementation of Technical Legislation on Products, and its Implementing Regulations) as of 2001 and the work carried out by the competent authorities in this field, market surveillance continues to develop today, despite its difficulties.

As mentioned in the introduction of the report, with the increase in electronic commerce in the last 10 years, the importance of surveillance activities to be carried out on e-platforms is also revealed.

Analysing the outcomes of the Market Surveillance Coordination Board meetings, as well as the annual market surveillance reports prepared by the Ministry of Trade within the scope of its coordination role, it can be concluded that e-Market Surveillance (e-MS) activities are facing certain limitations, while some fundamental needs in this field, such as available resources (in terms of budget, personnel and equipment) increasing communication and cooperation between actors and development of an effective e-MS mechanism based on risks analysis, are still to be addressed.

As digitalization advances, the EU approach is to develop horizontal regulations covering various aspects of digital services, rather than vertical ones, specific for each product group. Consequently, e-MS related obligations might not be included in sector specific regulations but rather covered by digital services legal documents. One of this project's objectives is to assess how these regulations impact product safety and market surveillance in Türkiye and identify any potential legislative gaps.

A key objective of the "Technical Assistance for Product Safety in E-commerce" project, launched in September 2024, is to identify specific needs in the area of product safety, particularly on digital markets. To achieve this, a current status analysis will be conducted as a priority and a report will be prepared. The findings from this analysis will guide the identification of needs and the execution of subsequent studies based on established priorities.

We hereby present our report, which includes conclusions of the current status analysis, for your consideration.



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2.2 Purpose of the Report

One of the main responsibilities of all governments is product safety, since this is essential to protect consumers from harm, ensuring that goods meet established safety requirements to prevent injuries, illnesses or accidents. It also fosters trust in the market, enhances brand reputation and supports compliance with legal regulations, ultimately contributing to sustainable economic growth and public well-being.

E-commerce plays an important role in today's dynamic economic structure. However, despite certain conveniences provided by this trend, various challenges arise that public institutions need to address. In particular, it is of critical importance whether the products offered to the market meet the minimum safety requirements in terms of human health and safety, environmental and consumer protection. In this context, effective market surveillance is mandatory both for the protection of consumers and for the creation of a healthy trade environment.

As it is known, the legal infrastructure required for product safety and market surveillance has been in place in Türkiye since 2001, and has been implemented by the relevant competent authorities under the coordination of the Ministry of Trade. The most recent law and its related implementing regulations in this field have been prepared and published by the Ministry of Trade, in line with the developments of EU rules, needs and experiences. Law No. 7223/12.03.2020 on Product Safety and Technical Regulations establishes the legal framework for product safety and inspection in the field of electronic commerce.

While e-MS activities are overseen by competent authorities, additional challenges have emerged that go beyond the issues typically faced during physical market inspections. These challenges require specific interventions to ensure the effectiveness and efficiency of e-MS practices. To address these needs, a thorough understanding of the current situation is crucial as a foundation for developing targeted solutions.

This study aims to explore the interaction and operational dynamics between e-commerce platforms and market surveillance authorities. It will assess whether and how e-MS activities are currently being conducted and evaluate their implementation processes, identify challenges encountered and analyse their impact on regulatory compliance and market safety. Additionally, the study seeks to pinpoint problems arising in these processes and propose actionable solutions to enhance e-MS systems. Ultimately, the study's findings aim to contribute to strengthening the evaluation of these processes and improving the overall functionality and integration of existing systems for more robust market surveillance in the e-commerce sector.



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The study also aims to conduct due diligence on the current situation in order to develop strategies for the protection of consumer rights and to improve consumer organisations involvement, with the purpose to increase consumer knowledge and awareness in this field. It also addresses MSAs and e-commerce platforms and providers, in order to also improve their competence and awareness. We also provide training for MSAs, platforms and consumers' organisations in this respect, and this report will contribute to the development of adequate training programs.

During this study, particular attention is paid to the existing relevant legislation and the effectiveness of its implementation, as a basis of the regulatory framework update (act. 2.1).

Finally, the findings of the study, reflected by the conclusions and recommendations of this report, will constitute the foundation for the design and the development of the software foreseen under activity 2.2, as a tool to be used by MSAs for enhancing the effectiveness of their efforts to ensure that only safe products have access to Türkiye's markets.

2.3 Scope and objectives

The main objective of the study is to assess product safety within the context of e-commerce in Türkiye. It aims to analyze the interactions between e-commerce organizations, consumers and public sector actors involved in market surveillance activities, with a particular focus on evaluating the safety measures and surveillance processes for e-commerce activities.

In this context, the scope is to evaluate the way e-MS is currently being carried out by the MSAs, the functioning of the existing inspection mechanisms in the e-commerce environment and the challenges encountered, as well as to identify the best solutions to overcome these challenges. In the exchange of views with market surveillance authorities (MSA's), e-commerce platforms and consumer organisations, issues such as internal control mechanisms, data sharing, complaint management and adequacy of the legislation were discussed.

In the light of the information evaluated from different perspectives of the parties, this report contains various information in terms of taking a snapshot of the current status as well as determining what will be done in the coming period.



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3. METHODOLOGY OF ASSESSMENT

Within the scope of activity 1.1 of the "Technical Assistance for Product Safety in E-commerce" project, it was aimed to collect data using two different methods.

Firstly, with the desk study method, data were collected to express the current situation and a general view was provided.

Secondly, focus group discussions were organised. For more meaningful and effective discussions and also as a starting point, questionnaires were prepared and shared beforehand with the relevant institutions and organisations in order to enable them to evaluate the questions in advance and prepare an institutional response.

Finally, a SWOT analysis was used in order to correctly understand the weakness of the current system, the threats it faces, but also its strengths and the improvement opportunities, to make useful and usable recommendations.

Thus, our aim was to carry out a study in a way that would enable the situation of each field to be addressed and analysed separately for MSA's, consumer organisations and e-commerce platforms, addressing fundamental issues in a comprehensive manner, while also making the most efficient use of time.

Following the answers received, focus group discussions were held with the 9 MSA's, all of these with the participation of the Ministry of Trade.

Consequently, information on the current status of e-MS activities carried out on e-commerce platforms has been compiled, the current status has been described and the evaluation of the project team has been reflected in this report, also taking into account the experience gained within the scope of the market surveillance activities carried out in Türkiye for more than 20 years, starting with the Law No. 4703/2001 on the Preparation and Implementation of Technical Legislation on Products.

In this study, a mixed research method is adopted in order to develop an in-depth understanding of the status of the safety and market surveillance of products traded through e-commerce platforms. The flowchart below synthetically illustrates the research methods used by the project team:



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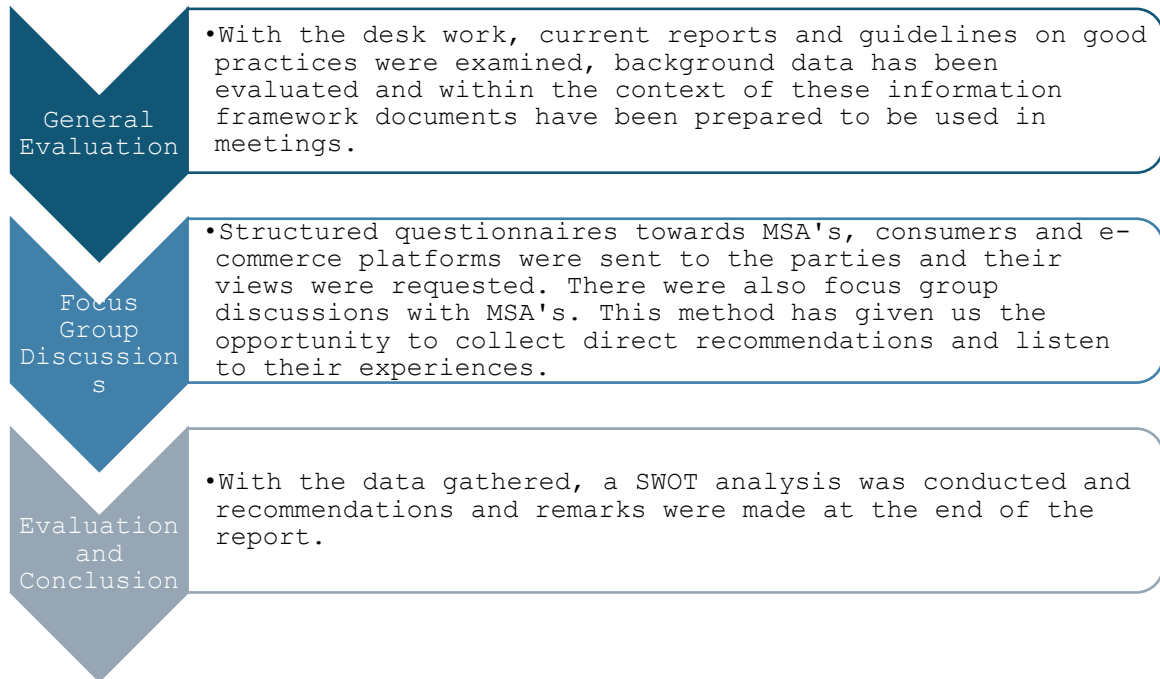


Fig.1: Current Status Analysis Research Methods Flow Chart





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4. CURRENT STATUS ANALYSIS

4.1 General View

4.1.1. E-Commerce in Türkiye

World e-commerce volume¹, which was 1.336 billion USD in 2014, reached approximately 6 billion USD in 2023. This development volume is in question for EU countries as well as all countries of the world. In the e-Commerce Outlook in Türkiye Report published by the Republic of Türkiye - Ministry of Trade (Ministry of Trade, 2024), it is stated that the volume of e-commerce in Türkiye increased by 115.15% in 2023 compared to the previous year, reaching 1.85 trillion TL (77.89 billion USD) and the number of transactions increased by 22.25% to 5.87 billion. However, the compound growth rate of e-commerce volume between 2019 and 2023 was 92.17%. On the other hand, the e-commerce volume is projected to reach TL 3.39 trillion (USD 82.39 billion) and the number of transactions to reach 6.67 billion in 2024. Although Türkiye 's e-commerce volume is lower than many countries, it is observed that Türkiye has an important place in the ranking of e-commerce growth rates (**Fig. 2**). According to another evaluation result, it is predicted that the likely e-commerce growth between 2025 and 2029 will be 10.22% on average annually, which is higher than many countries (Statista, 2024).

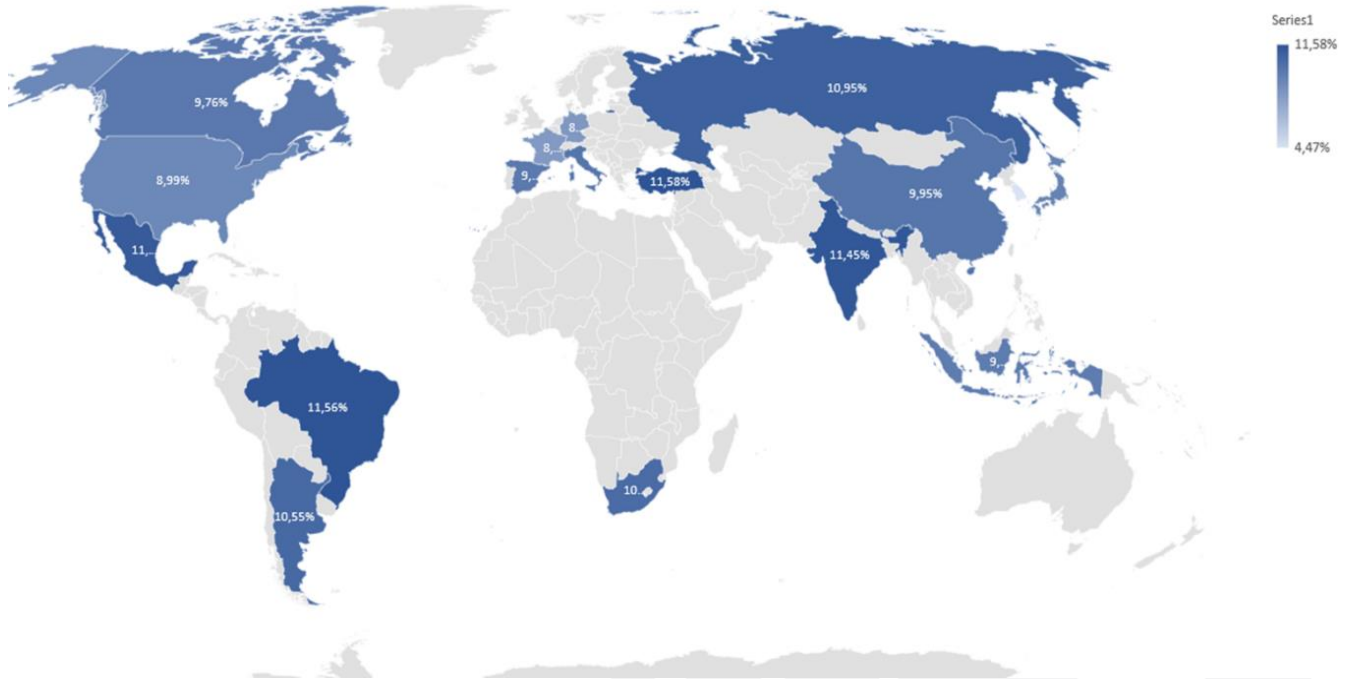


Fig. 2: Retail e-commerce sales compound annual growth rate (CAGR) from 2024 to 2029, by country²

¹ Source: Statista, <https://www.statista.com/markets/413/e-commerce/>)

² Source: Statista, Global: e-commerce retail sales CAGR 2024-2029 | Statista



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When the share of sectors in Türkiye's e-commerce volume is analysed, it is observed that the products subject to e-commerce are mainly white goods and small household appliances, electronics and consumer products such as clothing, shoes and accessories (**Fig. 3**)

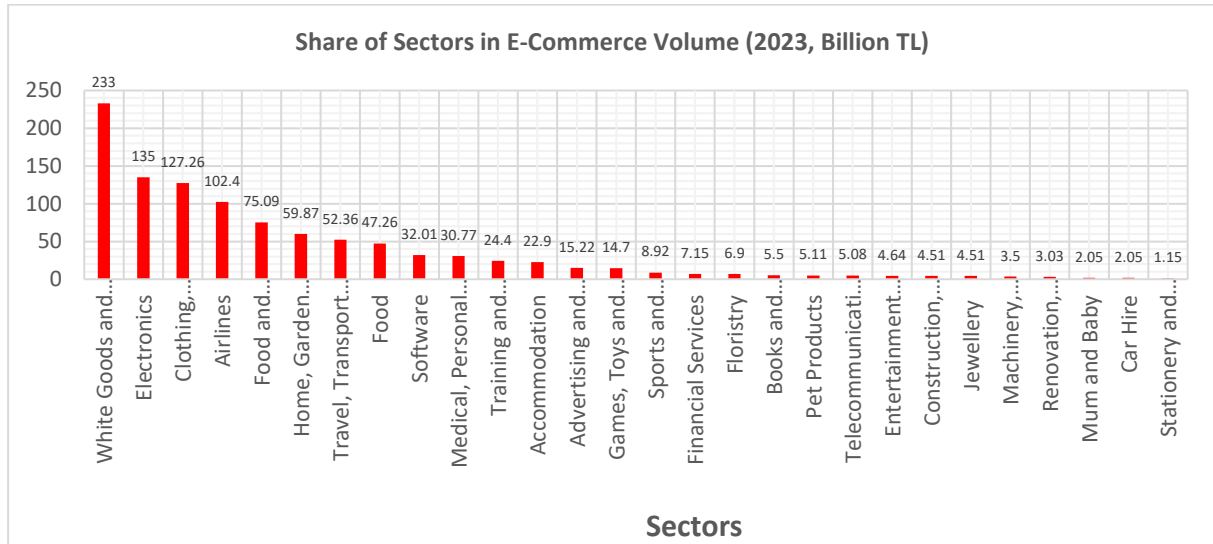


Fig. 3: Share of Sectors in E-Commerce Volume (2023, Billion TL) (Source: Republic of Turkey Ministry of Trade, E-Commerce Outlook Report in Turkey, E-Commerce Information Platform, 2024)

Additionally, the information of the three marketplaces with the highest number of sales in Türkiye was obtained from SimilarWeb.com, and an opinion on the Turkish marketplace was formed by averaging these data. According to the data obtained, mobile devices are used by 62.8% of the users to access the marketplace. On the other hand, it is observed that male users use the marketplace more with a rate of 66.33%. Moreover, when the distribution of users accessing the marketplace is analysed according to age criteria, it is seen that the 25-34 age range ranks first with 29% (**Fig.4**). Also, considering the 3rd Quarter covering the months of June - September 2024, it was determined that these most visited platforms were visited a total of 681 million times, a person visited an average of 7 pages during each visit, and these visits lasted approximately 8 minutes (SimilarWeb, 2025).



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Demographic Information of E-Commerce Platform Users

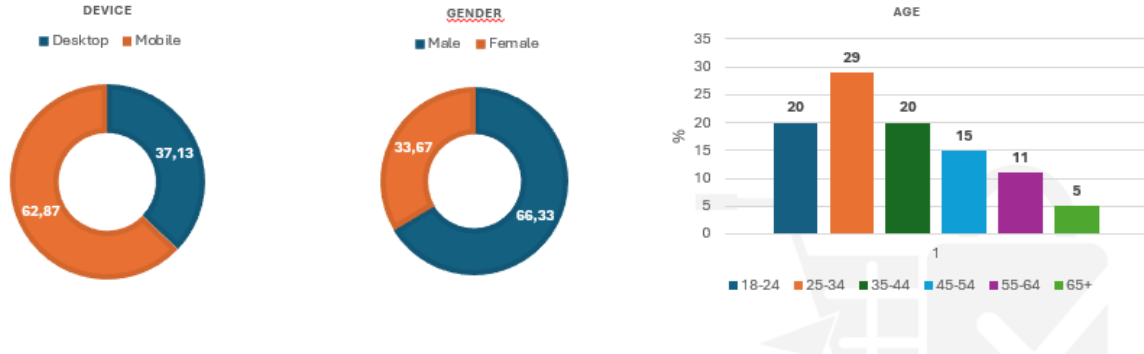


Fig.4 Demographic Information of E-Commerce Platform Users 2025³

4.1.2. Legal Framework

Türkiye has been advancing its regulatory framework for product safety and market surveillance to safeguard the health and safety of its citizens while protecting the environment. and supporting trade and economic development. This has been achieved by adopting best practices and aligning with EU regulations and standards.

In this context, Law No. 7223 on Product Safety, supported by secondary regulations such as product specific technical regulations, the Regulation on General Product Safety and the Framework Regulation on Market Surveillance, incorporates key aspects of the EU legal framework, including the 2001/95/EC General Product Safety Directive, the 2019/1020 Market Surveillance Regulation and Regulation 765/2008 on Accreditation and Market Surveillance Requirements.

Provisions on product safety in e-commerce, as outlined in the EU Regulation 2019/1020 on Market Surveillance, have been transposed into the Turkish Regulation on Market Surveillance of Products Placed on the Market Through Means of Distance Communication, dated 30 October 2024 and set to take effect on 1 April 2025.

Additionally, the Ministry of Trade is working on aligning with the EU Regulation 2023/988/EU on General Product Safety (replacing 2001/95/EC General Product Safety Directive), which also addresses digital and e-commerce considerations. Furthermore, Law No. 6563, dated 23 October 2014, governs e-commerce activities in Türkiye, and secondary regulations issued under this law establish the obligations for service providers (SPs) and intermediary service providers (ISPs).

³ Source : similarweb.com



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In the EU's recent approach, issues are not governed by a single piece of legislation. Instead, when new regulations are developed, particularly in the digital realm, they are designed to address all components of both traditional and digital sectors.

As a result, in the EU, e-MS is integrated into regulations covering product safety, consumer protection, cybersecurity, artificial intelligence and online platforms, in addition to the dedicated Market Surveillance Regulation, (EU) 2019/1020. By incorporating these regulations into Turkish law, full harmonization can be achieved. Among these, the Digital Services Act (DSA) is a significant legal document, introducing safety provisions not only for e-commerce platforms but for all online platforms.

The Digital Markets Act (Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828) regulates gatekeepers' responsibilities and aims to provide fair market for online platforms. The Digital Service Act, (Regulation (EU) 2022/2065), which regulates online platforms and marketplaces, introduces seller traceability, a duty of care for platforms regarding unsafe products and an annual risk assessment for very large platforms.

P2B is a key piece of legislation which regulates SME's and online platforms.

The table in Annex I, shows the level of harmonisation of the Turkish legislation with the EU legislation in the e-MS area.

4.2 Current situation in terms of e-MS Actors and Stakeholder Questionnaires

Under this heading, the responses of three stakeholders' categories regarding the analysis of the current situation, are presented separately. In this context, it is useful to start with the assessments of public institutions responsible for conducting surveillance activities.

4.2.1 Market Surveillance Authorities (MSA's)

Based on the studies conducted and the information gathered from stakeholders, it has been determined that the MSAs share several common assessments regarding the current situation. These shared assessments have been prioritized in the presentation. Following these common assessments, elements **that were not universally identified as key issues by the MSAs, but were highlighted by some**, are also addressed. These specific views are reflected so that all information is recorded and discussed. Please note that these views are of the relevant stakeholders and do not reflect TA's views or recommendations.



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4.2.1.1 Legal Infrastructure

Under this heading, information was sought on the sufficiency of the horizontal legislation published by MoT, the need for special provisions or additional legislation and the elements present in EU legislation that should be reflected in the Turkish national legislation, particularly the aforementioned horizontal legislation. *The opinions expressed are:*

- Although the existing horizontal legislation is sufficient, it is expected that some difficulties will be encountered especially regarding the implementation of the Regulation on Market Surveillance of Products Placed on the Market Through Means of Distance Communication, published in OG dated 30.10.2024 and numbered 32707, which will enter into force on 1/4/2025; more detailed data can only be provided after the implementation of this Regulation,
- Although the aforementioned Regulation provides general rules, there is a need for an additional document such as working procedure or guidelines that will detail the process and determine the method for sampling within the scope of e-MS (identity concealment, mystery shopping, credit card information, etc.),
- In order to conduct e-MS, it would be appropriate to make legal arrangements regarding the budget,
- The specifications in the product offer should include all of the elements required to make an analysis, like in the physical inspection (such as the economic operator's contact information, labels, conformity markings, warnings etc),
- Since the Regulation on Market Surveillance of Products Placed on the Market Through Means of Distance Communication published in OG dated 30.10.2024 and numbered 32707, will enter into force in 01.04.2025, only then the application will be evaluated and if necessary, further suggestions for the revision of the legislation can be provided through the results,
- It would be useful to add a provision to the revised legislation of e-MS that would enable product specific aspects to be regulated by the MSA's in e-MS, if needed,
- There are provisions directly related to e-MS in some of the EU legislation, particularly the EU's General Product Safety Regulation and Digital Services Act, and these regulations should be transposed into Turkish legislation,
- Occasional problems with the ICTA in terms of legislation on URL blocking,
- Social media platforms work in harmony with some institutions for product removal on social media, but there is no compelling situation in terms of legislation,
- The difficulty of using the notification processes that must be carried out within the framework of the 7201 Notification Law published in the OG dated 11.02.1959 and numbered 10139 in the field of e-commerce,



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4.2.1.2 Resources:

Under this heading, resource needs of the MSA's were evaluated. The opinions received regarding this aspect, emphasize:

- Generally speaking, there are budgetary and personnel constraints on MS activities,
- Especially considering the wide range of products covered by the e-MS, even more difficulties will be encountered in the context of the limited budget allocated for the purchase of samples,
- Considering the current shortage of MS competent personnel, there will be difficulties in keeping up with the deficiencies identified by the IT system to be established within the scope of e-MS,
- In this context, the e-MS IT system to be established by the project is expected to be designed to reduce this intensity.

4.2.1.3 IT System and Infrastructure:

Within the scope of our preliminary questions regarding the IT system, which is one of the most important elements of the project and is expected to increase the effectiveness and efficiency of the activities in the field of e-MS by all relevant parties observed:

- Most of the institutions do not have a specific software for e-MS and for those that do have, software development and API support for data sharing is limited,
- For API issues, it will be necessary to meet again with the technical teams of the systems to be integrated at later stages of the project,
- Data sharing between MSAs is limited and some products fall under the competence of one or more authorities. Therefore, cooperation would be beneficial to avoid duplication of MS activities and testing,
- Lack of budget and competent labour force in corporate software and API development,
- The sale of non-conforming products cannot be fully prevented by URL-based blocking methods; therefore, these products are offered for sale again with new URLs,
- Deficiencies in communication within and also between actors (no internal communication system within the MSA's to follow-up and conclude e-MS activities, difficulty to follow-up correspondence and measures taken, lack of communication with the ESB (Association of Access Providers) on site closure, no contact with EU or international systems etc.),
- Although it is included in the current Law No 7223 on Product Safety and Technical Regulations published in the OG dated 12.03.2020 and numbered 31066, there are deficiencies in imposing sanctions on e-commerce sites that do not supply safe products,
- In addition, Safety Gate and RASFF notification systems are monitored, but there is no MS plan determined in the light of this information.



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4.2.1.4 Experience of MSA's within the scope of e-MS:

In this section, it is aimed to analyse the special situations encountered in the field of e-MS by the competent authorities that have been conducting market surveillance for many years. In this context, the following issues have been raised by the MSA's:

- Often e-MS activities are interrupted because the seller cannot be reached in the process for taking measures,
- The lack of systems to ensure effective screening of non-conforming products on all e-commerce platforms and the difficulty of performing this work manually,
- Lack of a 'Risk Analysis Methodology' that has been determined and codified for e-commerce applications,
- The inability to obtain samples by ordering directly from e-commerce sites (confidential identity, means of payment and budgetary problems), and the necessity to collect the sample by visiting the economic enterprise instead,
- Monitoring of complaints through channels such as ALO Institution hotlines, CIMER, institutional websites, search engines,
- Lack of a central database for complaints,
- The information required in MS may vary on the basis of institution and product (health declaration, frequency range, energy efficiency, etc.), but the options specified in the questionnaire are commonly accepted (type, model and brand of the product, documents and marks required by the legislation such as CE certificate, etc.)
- Risk factors also vary according to the product, but the minimum risk factors specified in the questionnaire forms are generally used in practice.

4.2.1.5 Organisation specific information:

These specific views are reflected so that all information is recorded and discussed. Please note that these views are of the relevant stakeholders and do not reflect TA's views or recommendations.

Ministry of Industry and Technology:

- Special software and applications are used in order to digitalise the inspection processes,
- Digital devices are used in field studies in order to carry out MS effectively, which allow to collect and process product safety related information electronically,
- Information contained in the product information form can be added as pdf in the product offer,

Information and Communication Technologies Authority:

- A web-based system is used in the scope of MS and the whole process, including sampling, is followed up rapidly,



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- The text of product offer should contain the licence information, declaration of conformity, right of use and the test report, if necessary,
- Technical file could not be asked to be shared due to trade secrecy and know-how,

Ministry of Agriculture and Forestry:

- A web-based food safety system is used, but it differs in terms of coverage (such as import and export controls, analysis results, banned products etc.) and functionality (not specific for MS),
- The lack of information and documents (such as registration, notification, licence) concerning special products on e-commerce platforms is one of the most important problems faced,
- Party and batch information should be included in the product offer,
- Introducing an obligation to use Registered Electronic Mail (REM) address may solve the notification and traceability problem encountered,
- If possible, MSAs should be able see the account to which money is transferred which would help traceability of economic operators who cannot be reached via contact information,
- Consumer-to-consumer transactions should be considered as commercial activity if they reach a certain volume,
- Within the scope of the IT System and infrastructure, different methods should be evaluated considering that the MoT's product offer scanning system will require a very high computing capacity,
- Principles may be required for scanning pictures (the location of the offer in the picture or on the page, etc.),

Ministry of Transport and Infrastructure:

- Carries out MS activities on boat, ship and marine equipment,
- Risk analysis is carried out according to the nature of the deficiencies, since the economic value of recreational boats and engines are very high,
- There should be a "wheel mark" in the offer text,
- There should be a common budget for all MSAs and the budget should be allocated accordingly between MSAs,
- The e-platforms usually have warehouses in İstanbul and Kocaeli provinces. MSAs could go there and check products before they are placed on the online market and/or distributed to consumers,

Ministry of Environment, Urbanization and Climate Change (MEUCC):

- It was emphasized that the Construction Materials product group does not directly target consumers and that its MS is different from other product groups.



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- It was also highlighted that in matters not regulated by EU legislation, an evaluation is made based on national legislation, and therefore, the requirements of this legislation may need to be considered in the IT tool to be developed (G Regulation).

Ministry of Labour and Social Security:

- Categorised the risks as 1, 2 and 3 according to the technical legislation,
- Company, category and document controls are carried out during MS,
- It is easy to search on the internet since the product groups are specific,
- The addresses are now shown as virtual addresses, so it is difficult to follow up,
- The IT system of the Ministry has SSI, MERSIS, ESBIS integration, thus workplace number and accident data are received in Social Security Institution,

Ministry of Health:

- A ÇEVİSİS system in place which is used for MS,
- The product offer should have label and licence information,
- The “user group” is included on the label,

Although the EU adopted a new regulation on Biocidal Products in 2021, the current regulation in Türkiye dates back to 2007 and needs to be updated,

Turkish Medicines and Medical Devices Agency:

- The products under the responsibility of the Agency have traceability due to the product tracking system (ÜTS) where the products are registered before placed on the market,
- During MS, the Agency carry out licence and label inspections,
- A notification procedure, is valid for cosmetic products and there is also a QR code application in place.

MoT- DG Consumer Protection and Market Surveillance:

- Products within the scope of authority are not subject to any registration system, which results in inspections being carried out primarily in response to complaints or on a periodic basis.
- For products like detergents sold on e-commerce platforms, label information should be provided on a separate page for clear viewing.



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4.2.2 E-platforms

In this context, the information we received was limited and only two intermediary service providers and one distributor have responded. The information obtained in this context is presented below:

- Product lists on certain websites are regularly checked for unsafe products,
- Communication with sellers through various channels such as internal communication system, telephone, e-mail and Registered Electronic Mail (REM) is used,
- Platforms do not record product information (brand, model, serial number, etc.) because this information is constantly changing and requires physical control and they do not check the conformity marking or certificate, trademark registration certificate etc.,
- Within the scope of Energy Efficiency Control, energy identity certificates are presented to consumers by sellers at the opening of the product,
- There is no dedicated energy labelling sheet and information is available from sellers,
- The obligation to notify the Intermediary Service Provider of each individual URLs or products, otherwise it is not possible to detect and take measures,
- Interacts with systems such as the EU Safety Gate and offers sellers APIs and mobile applications,
- The need to ensure that public measures do not create barriers to market entry, while generally addressing large suppliers and local producers,
- MS activities should be made easier and more deterrent without increasing testing costs,
- Establishing a single list to facilitate the tracking of unsafe products and publishing a weekly bulletin in which this information can be periodically communicated to e-commerce platforms,
- Due to the limited responsibilities of e-commerce platforms, it is stated that it is difficult to implement a broad market surveillance.
- The difficulties of focussing on counterfeit and smuggled products, which leads to the spread of non-conforming products,
- The damage caused by unsafe products to consumers, especially in the cosmetics sector, has seen increasing complaints,

Due to the limited responses received from e-platforms, their contributions were given particular emphasis during the Current Status Workshop held on 23 January 2025 in Ankara. This section summarizes newly obtained information, focusing on the responsibilities of e-platforms under the new e-MS Regulation, which comes into effect on 1 April 2025.



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Representatives from Turkey's three e-platforms—Trendyol, Hepsiburada, and N11—reported their understanding of their obligations under the new e-MS regulation as limited to providing sellers with sufficient space to publish the required product safety information, documentation and photographs as specified in the product offers. This information was also expressed by TOBB e-Commerce Assembly representative.

A key issue raised by the e-platforms was the use of product catalogues, which categorize products under specific headings or groups. While the MoT and MSAs outlined their expectations and noted the challenges these catalogues pose for e-MS activities, the e-platforms argued that their current systems are the most up-to-date solutions available. They also highlighted technological and infrastructural limitations that hinder significant changes to their systems.

To address these concerns, the project team shared examples from EU e-platforms, though it was agreed that further discussions would be required to identify viable solutions.

All participants expressed their willingness to collaborate and continue discussions regarding e-platform responsibilities and IT needs to facilitate seamless e-MS activities. The TOBB e-Commerce Assembly representative expressed a Workshop that could take place under their umbrella which could enable MSAs and e-platforms to come together for further discussions.

4.2.3 Consumer Organisations

Detailed responses from consumer organisations were categorised to reflect common views. In this context, it is important to feed the system from the consumer groups directly affected by product safety and especially to operate complaint mechanisms well. In this context:

- The inadequacy of existing regulations on labelling and product safety leads to misinformation of consumers and unintended consequences,
- There are deficiencies in labelling and product information while shopping in e-commerce environment,
- The need to provide consumers with accurate information about the place of production and content of products and the importance of information transfer to consumers,
- Deterrent punishment of the deficiencies identified in this context by public institutions,
- Noting that consumers are not sufficiently knowledgeable about unsafe products, the need to increase consumers' ability to recognise non-conforming products and label reading and therefore product safety,
- In this context, trainings and campaigns are needed to raise awareness in order to allow consumers to make more informed decisions,



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- There are not enough resources and opportunities in this field,
- The lack of sufficient cooperation between public and non-governmental organisations (NGOs) in the field of advocacy and protection of consumer rights makes effective actions difficult,
- Consumers need to be aware of their rights and remedies, otherwise economic victimisation will continue,
- The need to adopt good practices of the EU in Türkiye,
- The importance of co-operation with European consumer agencies and organisations and the need for collection of statistics on consumer harm,
- The need to support consumer organisations and the importance of conducting test analyses through these organisations,
- Particularly high risks are reported in products for children and food and health products.

During the Current Status Workshop, representatives from the Consumer Organization highlighted their concerns about the insufficient market surveillance (MS) activities and emphasized the importance of protecting consumers. They expressed their willingness to collaborate and requested greater involvement in e-MS initiatives.

Representatives of the Consumer Organization demanded that those who supply products that are problematic (counterfeit, etc.) in placing on the market according to the current legislation and companies that frequently offer defective goods and services should also be included in the risk assessment

These discussions underscored the critical need for raising awareness and the need to maximize the use of the project's awareness raising component across all stakeholders during the two-year implementation phase.

4.3 Main findings

1) Growth and Transformation of E-Commerce:

Türkiye's e-commerce sector has undergone rapid growth, doubling its market share in recent years and accounting for a significant portion of retail activity. This expansion has introduced new complexities in ensuring product safety, as a diverse range of goods including high-risk products, are now traded through digital platforms. The increasing reliance on e-commerce necessitates a more sophisticated and responsive market surveillance system.



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2) Alignment with EU Regulations:

Türkiye has made significant strides in harmonizing its product safety regulations with EU acquis, such as the Regulation on MS (2019/1020/EU) and the General Product Safety Regulation (2023/988/EU). The adoption of the Law 7223 on Product Safety and Technical Regulations published in the OG dated 12.03.2020 and numbered 31066 and the Regulation on Market Surveillance of Products Placed on the Market through Means of Distance Communication published in OG dated 30.10.2024 and numbered 32707, demonstrates commitment to aligning with international norms. However, gaps remain in implementing these regulations, particularly in addressing the digital and cross-border dimensions of e-commerce.

3) Türkiye's Market Surveillance Experience:

Türkiye benefits from over 20 years of market surveillance experience, which has established a solid foundation for regulatory enforcement and stakeholder collaboration. This experience includes implementing horizontal and sector-specific regulations, conducting inspections and addressing emerging risks. Leveraging this expertise is critical to overcoming the unique challenges posed by e-commerce, such as rapid product turnover, traceability and compliance monitoring.

4) Challenges in E-Market Surveillance (e-MS):

Despite progress, significant obstacles persist in e-MS practices:

- a. Resource Constraints: Limited budgets and personnel hinder the ability of MSAs to scale inspections, particularly in the fast-paced e-commerce environment.
- b. Technological Gaps: Existing IT infrastructure lacks the capability to effectively monitor and analyze online marketplaces, limiting the efficiency of e-MS.
- c. Data Coordination Issues: Poor integration and limited data sharing between MSAs and stakeholders impede comprehensive surveillance.

5) Stakeholder Dynamics and Collaboration:

Collaboration among stakeholders, including MSAs, e-commerce platforms and consumer organizations, is uneven. While some platforms cooperate actively, there is limited systematic integration of data and responsibilities. Enhanced partnerships, clear communication protocols and shared responsibilities are essential for addressing these challenges effectively.



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6) Consumer Awareness and Protection:

Consumer organizations report insufficient awareness among consumers regarding product safety, labelling and their rights in e-commerce. This lack of knowledge leads to delays in identifying unsafe products and filing complaints. Educating consumers about safety standards and providing easy access to product information is crucial for building a safer e-commerce environment.

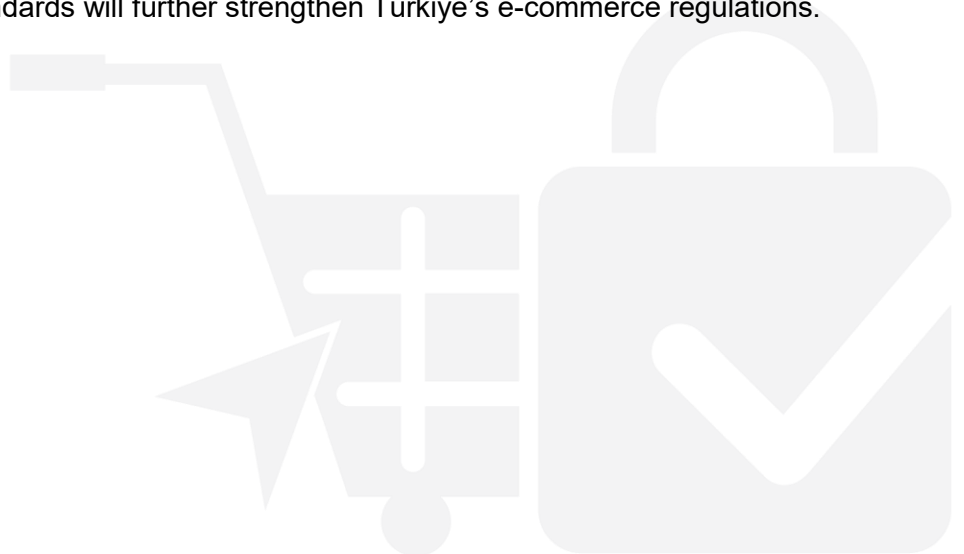
7) Opportunities for Innovation and Improvement:

Key opportunities for strengthening e-MS include:

- a. Developing risk-based monitoring tools to focus on high-risk product categories.
- b. Automating inspection processes to reduce manual workloads and improve accuracy.
- c. Building an integrated IT platform for MSAs and stakeholders to streamline data sharing and monitoring.
- d. Introducing targeted training programs for MSAs, e-commerce platforms and consumers to improve compliance and awareness.

8) Global Trends and Best Practices:

Adopting EU best practices, such as integrated risk assessment frameworks and the use of centralized notification systems like Safety Gate, can enhance Türkiye's product safety mechanisms. Monitoring international trends in product safety and aligning with evolving global standards will further strengthen Türkiye's e-commerce regulations.





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5. SWOT ANALYSIS

5.1 Strengths

- Strong commitment of the stakeholders to the project
- Over 20 years experiences of MSAs in MS activities
- Strong coordination of sanctions originated from a central authority and perspective
- Availability of the regulative framework for the coordination of MS activities by the MSAs
- Horizontal MS rules are defined by MoT and applied within their coordination
- High level of cooperation between MSA's
- Availability of the strong IT infrastructure and resources in the MSAs
- Demonstrated experience of MoT in E-Commerce solutions and IT infrastructure.
- Demonstrated risk management and trends analysis by the MSAs.

5.2 Weaknesses

- Budget constraints of MSAs and Consumer Organizations
- Insufficient number of competent and qualified personnel in the area of MS
- The personnel working in this area are subject to rotation within another department which results in a loss of experience
- The outsourcing of the IT services concerning the MS activities within the MSAs
- Lack of consumer awareness and inability to reach out to complaints promptly.
- MSA's do not have well defined product safety awareness strategies (labelling, advertisements, etc.)
- Weak stakeholder collaboration mechanism (MSAs, NGOs, E-Commerce platforms, etc.) to facilitate the prompt actions.
- Lack of IT resources and experience of MSAs in the field of integrations, NLP, AI, etc. Dependent on the capabilities of IT Services departments or companies.
- Lack of prompt information exchange infrastructure between the stakeholders to remove the bureaucracy impediments and timely reaction.
- Limited information received from e-platforms and economic operators that supply products online (Only 2 e-platforms and 1 distributor send replies to our questions.)

5.3 Opportunities

- MS data are present in the body of MSAs
- High volume and maturity of the E-Commerce market in Türkiye, availability of the relevant regulations.
- Strong support from the Presidency of Türkiye



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- Availability of this project and the possibility of transferring knowledge and experience from EU countries.
- Strong improvement in the IT systems and technologies to handle such complex systems (AI, NLP, Infrastructure, CN Systems, etc.).
- Commitment of the major players of the E-Commerce platforms to support product safety.
- A chance to review the legislation and update it if necessary
- Opportunity to unite all stakeholders in IT platforms for quick information sharing and actions
- Developing an IT solution that would allow rapid reaction to unsafe products online
- Building the interconnection and interoperability mechanism between stakeholders using IT technologies (Notifications, announcements, feedback mechanism, etc.).
- The possibility of building dataspace and semantic web in the future in product safety.

5.4 Threats

- Distributed infrastructure of responsibilities, difficulty collaborating and orchestrating MSA activities
- Difficulty integrating stakeholders (MSAs, NGOs, and e-commerce platforms) should be defined and implemented
- Lack of awareness and interest in the high volume of e-platforms in product safety
- There are too high expectations from the IT solution to be developed within the Project
- Existence of many e-commerce platforms and product information to be scanned, evaluated and reacted
- Limited knowledge and understanding regarding the requirements of the newly adopted Regulation on Market Surveillance of Products Placed on the Market through Means of Distance Communication of 30/10/2024.
- Resistance to apply the obligations introduced with the above-mentioned Regulation.
- Resistance to change for all e-commerce players
- E-platforms may not be able to adapt their responsibilities in time
- A limited time for developing the IT solution and requires IT infrastructure
- There is a need to adopt relevant EU legislation simultaneously, otherwise partial adoption is risky
- Different needs and priorities of the actors
- Diversity of product groups, expanding responsibilities with newly added products and difficulty handling the master data
- The use of fixed product catalogues and due to this lack of detailed offer information available for online buyers. Limitation of searching for the unsafe products since they use the generic catalogue name, picture and information.



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- Differences in the technological adaptability of the actors
- Prohibiting the integration of data due to the conservative attitude of the actors
- Low levels of cooperation in developing, implementing, and operating the IT solution
- Conflict of compatibility of different IT systems already in use and projected that will bring integration problems
- Different budget constraints between MSAs
- Unavailability of an effective complaints' mechanism and use of traditional mechanisms in handling the complaints.





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6. RESULTS AND INTERPRETATIONS

- There has not yet been a full and consistent implementation of e-MS, there is no uniformity in offer information and different processes are followed among institutions,
- E-commerce platforms require more adaptable and effective MS systems due to their rapidly changing product range. It is observed that the existing MS mechanisms are insufficient.
- Competent authorities are faced with budget, personnel constraints and equipment in MS and thus e-MS activities.
- Consumers need to be more involved in MS processes. Due to deficiencies in complaint mechanisms, competent authorities cannot be informed fast enough, especially with regard to risky products.
- There is a need to increase cooperation and data sharing between e-commerce platforms and MSAs. This is important both to increase consumer safety and to produce faster solutions.
- In order to adapt to the rapidly changing digital trade environment, it is considered that legislative arrangements should be more flexible and up-to-date.
- It should be clearly stated to the relevant competent authorities that the software planned to be prepared will not carry out all the MS activities and will mainly facilitate the identification of unsafe products,
- It is observed that there is a high expectation from the project in terms of the need to resolve the sampling in the field of e-MS through an IT tool, where mystery shopping would be possible and detection of unsafe products would be more easily detected with pre-set criteria,
- It is more difficult to trace unsafe products that are sold through social media (s-commerce) by using existing methods, since most of the economic operators in these platforms are either not real or unreachable. It is understood that a separate project on this subject would be beneficial.
- Considering that the URL closure activity is far from being a solution to the current problem, it seems useful to develop a simpler and more convenient method.



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7. RECOMMENDATIONS

- **Adequate Budget:** Allocating adequate budget for corporate software and sampling procedures will increase the efficiency of inspection processes. In addition, it is important to control the sampling budget with a separate software and from a single centre in order to ensure coordination and prevent duplicate transactions.
- **Regular Review of Legislation:** Existing legislation should be regularly reviewed and updated to ensure harmonisation with EU regulations and to adapt to rapidly changing e-commerce trends. In particular, the regulations on product safety in e-commerce in the EU should be transposed into domestic law. However, due to the recent EU approach, there is ambiguity regarding the responsibility of the institutions that may be the addressee of the fragmented legislation.
- **Improvement of Inter-Institutional Integration:** Integration applications, which constitute an important part of the software to be procured, will strengthen inter-institutional co-operation and eliminate the problem of data retention due to institutional discrimination. API development work requires the relevant institutions to develop additional interface software on their own platforms. For this reason, limiting the integrations to be made during the pilot implementation will reduce the risk.
- In order to increase **the effectiveness of product safety-specific offer searches**, it would be beneficial to determine the implementation principles regarding the structure of the information and pictures to be included on the product pages and to demand this obligation from e-commerce platforms. It should be evaluated whether it is possible to start from the offers in order to perform MS activities, whether a product is unsafe and whether it is possible to develop an algorithm that overlaps with the risk record of the actor that provides this offer.
- It is important to create a basic **product catalogue** or to combine the catalogues used in order to search the product determined to be unsafe in the internet environment in an effective way. But the catalogue should be for defining and categorizing of products and each product should be presented with their unique offer information. In other words, the offer information should not be generic for all the products under the same catalogue.
- **Training and Information Studies:** Training and informing the personnel of stakeholders on MS legislation (current and new) will help overcome the difficulties encountered in the implementation of the legislation.
- **Automatic Notification System:** It has been emphasised by the MSAs that the deficiencies detected by the system should be automatically monitored and notified and it is considered that this system will alleviate the workload and enable effective MS activities to be carried out. It is necessary to determine an effective model for the



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automation of notifications made by market surveillance authorities. Special application architectures will be needed for the follow-up of the returns of these notifications. The technical infrastructure and technologies to be used in the automatic notification system will be evaluated separately in the later stages of the project.

- It is necessary to evaluate the **creation of a common database information** that will allow online notification to companies and sellers.
- **Automation of Official Correspondence:** It is proposed to establish the necessary system infrastructure for the automation of official correspondence. The issue of joint work requirements in this regard will be evaluated in the later stages of the project.
- **Developing a MS Programme:** It is considered that the software to be prepared for e-commerce applications should have a specific risk-based MS plan. It will be appropriate for the system to be established to contain the information that will form the basis for this planning (Time-bound data).
- **Increasing Communication and Coordination:** International and national level (within and between MSAs, between EU and Türkiye) and public-private sector (MSAs, economic operators, e-platforms, NGOs, consumers etc.) cooperation is needed to be increased in order to adopt good practices, share data with actors, work in coordination, to use resources in efficient way, improve consumer knowledge, raise awareness and thus to have a focused MS of the market from non-conforming and unsafe products.
- **Developing Clear Risk Analysis:** It is considered that a clearer methodology should be determined for risk analysis. However, it is important to consider the needs of the organisations during this process. During the studies to be carried out within the framework of the project, it is recommended to collect risk data of the relevant institutions.
- **Statistics Generation and Decision Support System:** It is considered that the statistics that will emerge as a result of the MS activities carried out by the competent authorities will be important.
- **Improving Sampling Processes:** Sampling processes and methods from e-commerce platforms should be more systematised. Guidelines documents should be prepared to guide the authorised institutions in this regard.
- **Monitoring International Data and Trends:** A more comprehensive risk management strategy can be developed by monitoring international data and trends.
- **Co-operation protocols:** A special tool of cooperation is recommended to be established with intermediary service providers in the form of protocols and to develop mechanisms to increase the responsibilities of these providers.
- **Increasing Label Literacy:** It is beneficial to organise special training programmes for consumers to better understand product labels and interpret this information correctly.
- **Facilitating Access to Labelling:** Regulations should be adapted to include provisions that would enable consumers to access product labels more easily.



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- **Information Campaigns:** It is important to launch information campaigns at national level to ensure that consumers are more aware of product safety and their rights.
- **Increasing Consumers' Awareness of Product Registration:** In order to facilitate the recall of product groups with high-risk potential, especially those used in households and similar places, improving the habits of consumers to register products through the manufacturer and/or importer company.





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8. CONCLUSION

This report highlights Türkiye's rapid e-commerce growth and the accompanying complexities in ensuring product safety and compliance. With significant progress in harmonizing its legal framework with EU standards, Türkiye demonstrates a strong foundation for effective market surveillance. However, challenges persist in adapting traditional market surveillance systems to the fast-evolving e-commerce landscape. Addressing these challenges requires a multifaceted approach, integrating enhanced legislation, technological innovation and stronger stakeholder collaboration.

Our report provides certain recommendations that will strengthen Türkiye's e-market surveillance system, fostering a safer and more transparent digital marketplace. By addressing resource constraints, leveraging technological innovation and enhancing collaboration among stakeholders, Türkiye can strengthen its e-commerce product safety while aligning with global standards. These efforts will not only protect consumers but also boost confidence in Türkiye's growing digital economy.





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10. ANNEXES

Annex I: Related Legal Framework Table

Annex II: Questionnaires sent to surveillance organisations and responses received

Annex III: Questionnaires sent to consumer organisations and responses received

Annex IV: Questionnaires sent to e-platforms and responses received

Annex V: Minutes and annexes of the meeting with the officials of the Ministry of Agriculture and Forestry officials

Annex VI: Minutes and annexes of the meeting with the officials of the Ministry of Industry and Technology

Annex VII: Minutes and annexes of the meeting with the officials of the Information and Communication Technologies Authority, Ministry of Labour and Social Security, Ministry of Transport and Infrastructure

Annex VIII: Minutes and annexes of the meeting with the officials of the Ministry of Health, Turkish Medicines and Medical Devices Agency, Ministry of Environment, Urbanisation and Climate Change

Annex IX: Minutes and annexes of the meeting with the officials of the General Directorate of Consumer Protection and Market Surveillance of the Ministry of Trade

Annex X: Presentations of the Current Status Workshop held on 23 January 2025





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