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

COMMUNIQUÉ ON THE CONTROL OF IMPORTS OF NON-ROAD MOBILE MACHINERY
(PRODUCT SAFETY AND CONTROL: 2025/2)

IMPORT CONTROL GUIDE

Inspection Unit:

Turkish Standards Institute

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PART I

1. SCOPE AND LEGAL BASIS

This Guide aims at setting out the principles and procedures governing the prior authorization of import control and the carrying out and conclusion of the de facto checks of those products falling under the scope of the Communiqué on Import Control of Non-road Mobile Machinery (Product Safety and Inspection: 2025/2) prepared and executed by the Ministry of Trade pursuant to the Regulation on Technical Regulations in Foreign Trade promulgated in the Official Gazette dated 16/8/2023 and numbered 32281, and in accordance with Article 455 of the Presidential Decree No: 1 on the Organization of the Office of the President; Law No: 7223 dated 5/3/2020 on Product Safety and Technical Regulations; and Technical Regulations Regime Decision put into force by the Presidential Decree dated 14/9/2022 and numbered 6038.

Regarding the issues that are not included in the control guide, instructions given at the end of the companies' application process are not singular/company-specific, unless otherwise stated. They are also valid for other applications in the same situation.

The definitions, principles and regulations in the Guide cannot be understood and interpreted outside the scope of the legislation on product safety and technical regulations.

PART II

1. IMPORT CONTROL APPLICATIONS

1.1. Import Control Prior Authorization Application of the Importer

1.1.1. Approval by Commercial Counsellor/Attaché

Before applying for prior authorization, which is the first stage of the inspection process to be carried out through the Risk Based Control System in Foreign Trade (TAREKS), the EU Declaration of Conformity and Type Approval Certificate (first and last pages) for the product declared in Annex 3 of the Communiqué and intented to be imported have to be approved by the Counsellor/Attaché of the Ministry, in the country of exit of the product. The documents can be sent to the Counsellor/Attaché physically or via the KEP address[1] of the importer/manufacturer. The documents approved by the Counsellor/Attaché or the cover letter indicating the approval must be submitted to the inspection unit.

* Counsellor/Attaché approval is not requested for products produced in the European Union or in Free Zones.

1.1.2. Prior Authorization Application through TAREKS

The application for Import Control Prior Authorization shall be made through TAREKS by the user authorized by the importing company, using the "TAREKS Application" under "E-

[1] *Translator's note: KEP :Registered electronic mail, legally valid and technically secure electronic mail*

Transactions" section on the Ministry's website. In order to apply, it is sufficient to click on the “prior authorization document” (Import Control Prior Authorization) together with the option of “Application based on Product Group” under the “New Application” box, which is under the “Prior Authorization” sub-heading of “Inspection Application” on the company screen.

In case that no non-compliance with the relevant technical legislation or mandatory markings mentioned in Annex-3 of the Communiqué is detected through the physical inspection carried out by the inspection unit, the Import Control Prior Authorization application must be approved.

In the event that the product to be imported is intended to be transferred to another importer and the transfer process takes place in the customs area of Türkiye, the transfer of the prior authorisation can also be carried out. In this case, a new prior authorisation application must be made by the transferee company and the transfer agreement between the two companies, transfer invoice, transfer documents and approved prior authorisation number must be submitted to the inspection unit. Otherwise, the prior authorisation application must be renewed by the transferee company and the inspection is carried out again.

1.2. TAREKS Application

The import control of the product of which prior authorization is deemed appropriate, shall be done prior to the registration of the customs declaration in the framework of article 181/4 of the Customs Regulation.

In the application to be made after the prior authorisation, the provisions set out in Article 6 of the Communiqué is fundamental. Accordingly, the user authorized to perform transactions on behalf of the company shall file the application by entering the data related to the import batch through TAREKS by using the "Login to E-Signature Applications" section under the "E-Signature Applications" on the Ministry's website. Upon filing of the application, an application number is issued for the company by TAREKS only in order to follow up the transactions before the relevant inspection unit.

1.3. Exemptions and Exceptions

The nature of the applications provided exemptions and exceptions from the import control is set out in article 7 of the Communiqué. Accordingly, products;

a. With an A.TR certificate,

b. Content of returned goods,

c. Products enumerated in Part 5 of the Decision no 4458 on the Implementation of the Certain Articles of the Customs Law, attached to Cabinet Decree dated 9/9/2009 and numbered 2009/15481

shall be exempt from de facto control.

However, except for the applications in the above-mentioned subparagraphs “b and c”, applications under the other article can be steered to de facto control where necessary, based on the

4th paragraph of Article 7 of the Communiqué and pursuant to the assessment made. In these assessments, in addition to the risk analysis, the results of the examination made on the documents submitted by the company in its previous applications, whether it has submitted documents which have not been drawn up by the relevant person/institution and whether it has made cancellations and duplicate applications shall also be taken into consideration.

2. PRIOR AUTHORIZATION AND DE FACTO CONTROL PROCESS

2.1. Control Procedures

During the prior authorization process, the pro forma invoice/invoice, the EU Declaration of Conformity and Type Approval Certificate approved by the Counsellor/Attaché and the photographs of the product to be imported (general photographs of the product from all sides, photographs of the Product License Plate and all marking information (CE, Type Approval, warning, caution, etc.), including photographs of the product drive unit) must be uploaded to TAREKS. A period of 60 days is given for uploading the additional documents. Changes cannot be made to the brand/producer, model/type/serial number, type approval number, etc. on the photographs submitted and detected in the prior authorisation applications, which constitute a reference for conformity assessment. The control of the relevant batch by the inspection unit shall be carried out on the basis of documents and product photographs in accordance with the corresponding Tariff Code legislation. (Please refer to Article 2.7 regarding the conditions for the additional document requests of the inspection unit).

The application made through TAREKS for the product for which the prior authorization has been concluded in accordance with the risk analysis either receives a direct reference number or is directed to the de facto control. The de facto control is carried out to cover several of the following issues:

- Checking of TAREKS Application Information
- Scope Check and/or Document Check
- Physical Examination
- Laboratory Test

First of all, TAREKS prior authorization, application information is checked. In addition, during the physical examination, it is checked whether the products are actually those whose information and documents have been provided and checked in the prior authorization. The checks shall be carried out for each model product intended to be placed on the market.

2.2. Cancellation Procedures

Cancellation is a procedure that allows the application to be repeated by correcting the material errors detected during the examination of the current application.

The method to be followed in cancellation procedures is stated below:

- Applications without prior authorization are cancelled by the inspector and the company is directed to prior authorization.

- Cancellation of applications whose controls are ongoing can only be made by the inspector, and companies should contact the inspector for the cancellation of such applications.

In the event that one or more of the application information has been recorded into the system in an incorrect or incomplete way, a message explaining the matter shall be sent to the user by the inspector and the control process for the application shall be carried out until the final stage. As a result of the control, when it is understood that the products cannot pass the import control, the application will be concluded with "Rejection" and in other cases with "Cancellation" in order to ensure that the company corrects its mistake.

Regarding product applications cancelled due to material errors following the completion of the control process, the controls must be concluded within the scope of the documents submitted in the first application, taking into account that the second application is a continuation of the cancelled application.

2.3. Duplicate Applications

Filing a new application/opening a new item through TAREKS in order to import products whose application has been concluded with rejection following inspection, or in order to avoid control for products subject to an application/application item whose control is ongoing, is called a duplicate application.

In order to prevent duplicate applications, the implementation shall be as follows where it is determined that there is a material error in the information related to the application;

- After it is understood (by the inspector, through the company application or by exchanging opinions with the user when necessary) that the application in question should be cancelled, the company/user shall be immediately informed by the inspector via e-mail and the cancellation process shall be carried out after the control process.
- In the afore-mentioned e-mail message and in case of contact with the user, the user shall be strongly reminded that a new application should not be made without confirming from TAREKS that the cancellation has been realised, otherwise sanctions may be imposed on the importer company and the user.

In this framework, in the event of a duplicate application for products for which control is ongoing, first of all, it should be checked whether the company/user has a "written cancellation application made to the inspection unit/inspector before the duplicate application".

In case of a duplicate application for products that have been rejected after control, the issue is conveyed to the Ministry with explanations by the inspection unit.

2.4. Scope Control

In the prior authorisation, first it is checked whether the product is within the scope of the relevant Regulations and the inspection for products determined to be out of scope is finalised immediately. On the other hand, in case the application is directed to actual inspection although the prior authorisation is considered as out of scope, the application shall be concluded with the ‘Out of Scope: Inspection Result", the application shall be finalised primarily and quickly, regardless of the

date of application. For the de facto control of the products out of scope to be finalised as ‘Out of Scope: Inspection Result", it is deemed sufficient to establish a causal link between the information on the product or its packaging and the information contained in the documents accompanying the product.

*8413.40.00.00.00 HS Concrete Pumps shall be inspected only in accordance with the Machinery Safety Directive (2006/42/AT) if they come as a vehicle-mounted component without self-propelled power.

2.5. Additional Periods to be Allowed During the Control of Application Documents

If additional information and documents are requested during the prior authorisation approval process, the period in 2.1 paragraph shall be taken into consideration.

In the event that a more detailed investigation is required as a result of the information and documents submitted during the TAREKS application and the examinations made on the product, and if the documents and information submitted by the importer during the application do not belong to the product (if it is concluded that the company does not intend to mislead the inspection units), the documents belonging to the product are requested to be completed by the company within an additional period of 45 days. If the requested documents are not submitted within this additional period, a message shall be sent to the user by TSE that the inspection will be concluded with ‘rejection’.

2.6. Re-evaluation Request for Product Inspection of Which Resulted in Rejection

Requests for opening the application for inspection will be made by the importer to the inspection unit or the Ministry for the applications whose actual inspection is concluded with rejection, and if it is deemed appropriate to re-open the application for inspection as a result of the evaluation, the relevant application is opened for re-inspection. However, no additional 45 days will be given within the scope of the applications opened for re-inspection, and the importer will be required to submit the missing document within 15 working days after the inspection unit contacts the company. Otherwise, the inspection will be concluded with rejection.

2.7. Issues Regarding Declaration of Conformity and Test Reports

A test report shall be required in the following circumstances;

- The product shows suspicious features that pose a serious risk and danger in terms of the provisions regulating the basic safety requirements specified in the relevant Regulation,

- The information identifying the product such as brand, model, etc. in the EC Declaration of Conformity is not in compliance with the product,

- If updates are required to the directives and/or standards referred to in the EC Declaration of Conformity,

- If replacement of the standards declared in the EC Declaration of Conformity is required because those standards do not correspond to the products,

- If it is understood that the EC Declaration of Conformity is issued at a later date than the transport document (bill of lading, CMR, TIR carnet),

- Declaration of Conformity and test reports shall essentially be issued prior to the date of the transport document (bill of lading, CMR, TIR carnet) or on the same day. Because the declaration of conformity must be issued by the manufacturer as one of the conditions for placing the product on the market and as part of the production process, based on the relevant testing and certification processes.

- The standards referred to in the documents submitted for the product subject to inspection shall essentially be up-to-date. However, in case they are not up to date; if the product meets the requirements of the previous standard and this is confirmed by test reports prepared according to the previous standard, and if it is confirmed through current test reports that the product also meets the requirements of the current standard without changing any part / design / component, current test reports issued after the date of the transport document (bill of lading, CMR, TIR carnet) shall also be accepted. If the absence of any part/design/component change in the products cannot be understood from the submitted reports, it must be confirmed in writing by the test organisation/notified body that issued the first report.

- EC Declarations of Conformity that need to be reissued due to material errors shall be accepted even if they are issued later than the date of the transport document (bill of lading, CMR, TIR Carnet) if they meet the above-mentioned conditions.

- The standard/standards referred to in the documents submitted shall essentially be up-to-date. However, in case the relevant standard in the document is not up-to-date, first provided that the product complies with the outdated standard, and the compliance with the revised part is not included in the test report, yet, provided that the revised part of the standard is not applicable to the product subject to the inspection; the organisation issuing the test report shall be requested to certify that 'The test report submitted for the product subject to import inspections does not contain current standards and that the criteria regarding the difference between the current standards and the standards in the available test report is not applicable to the imported product.'

- where this is confirmed in writing, the inspection process shall be completed according to the unrevised standards in the current report.

- where this is not certified in writing, the matter shall be examined by the inspection unit upon the request of the importer. If, as a result of the examination, it is understood that the difference between the standards is not applicable to the product, the import inspection is completed by taking into account the existing test reports.

In case where the standard declared in the EC Declaration of Conformity or test report submitted by the importer changes after the start of the inspection and the changed standard is in favour of the importer, the new standard is taken into account.

2.8. Importer's Test Request

If the importer who cannot submit the necessary documents for the products that are not directed to the test by TAREKS requests and if the existing technical capacity of the inspection unit

is sufficient or through an institution that the inspection unit would find appropriate in the country, the imported products may be tested under the supervision of the inspection unit. Regardless of the outcome of this test, the costs related to the testing process will be paid by the importer concerned.

However, the EU Declaration of Conformity, test report, EU Type Examination Certificate issued as a result of the conformity assessment procedure of the products themselves or identical products subject to import control by a notified body in the country or in the customs area should be accepted even if they are issued after the date of the bill of lading, provided that confirmation is obtained from the Notified Body.

2.9. Declarations of Recognition

Declarations made by the manufacturer or notified body regarding the equivalence of different brands/models of the product requiring a notified body certificate shall not be accepted. Declarations made by the manufacturer regarding the equivalence of different brands / models of the product that do not require a notified body certificate are not accepted. However, declarations of equivalence issued by an accredited body from the relevant standard or a notified body appointed from the relevant regulation for the product that does not require a notified body certificate are accepted.

2.10. Documents Not Issued by Relevant Person

In case of doubt about the accuracy of the document submitted within the scope of import inspection, the accuracy of the document shall be investigated through the website of the organisation mentioned in the document. In cases where this is not possible or the accuracy of the document cannot be confirmed in the research made on the website (taking into account that the website may not be updated), in any case, the accuracy of the document is confirmed by contacting the relevant organisation by electronic mail. If the information requested from the relevant organisation via electronic mail is not received within 20 (twenty) days, the Ministry must be informed by the inspection unit.

If it is understood that the document is not correct in this way, the renewal of the document is not requested, the inspection is concluded with a direct rejection and the issue is forwarded to the Ministry.

On the other hand,

- If there is a correct version of the document on the website of the relevant organisation, this should be stated in the document sent to the Ministry,

- If the relevant organisation has been contacted via e-mail, the full or cover page of the correct document is requested and it is submitted in the annex of the document sent to the Ministry,

- If the correct document or cover page cannot be obtained, this situation must be stated in the document addressed to the Ministry.

The inspection of the products included in the import inspection application is carried out separately for each item. In the event that it is understood that any falsification has been made in the information and documents submitted about one of the items or that a transaction of doubtful accuracy

has been made, action shall be taken only for the suspected item or items in accordance with the provisions above, and the inspection of the other item or items shall be completed in terms of compliance with the relevant technical legislation.

2.11. Inspection of Products that Cannot be Imported in a Single Shipment and/or Conformity Assessment Can Only Be Performed after Installation

In the event that the technical file and parts list of the products within this scope are submitted to the Ministry before the products are brought to the customs territory of Türkiye, the documents submitted are forwarded to the inspection unit for examination. If the inspection unit has sufficient opinion that the inspection procedures can only be carried out after installation, the technical file of the products complies with the relevant technical legislation and the result of the examination is notified to the Ministry, it will be possible to import the disassembled product parts. Subsequently, in the event that the disassembled product parts are directed to the actual inspection during the import phase, it will be checked whether the products included in the aforementioned application are included in the parts list presented at first and after it is understood that they are included, the inspection will be concluded with "Acceptance: Inspection Result".

Import inspection of products imported in a single shipment or imported in different shipments and intended to be domesticised in a single declaration, but whose inspection should be carried out after installation, may be carried out according to the above-mentioned issues according to the situation.