

## Client Alert

November 2024



### THE REGULATION ON MARKET SURVEILLANCE AND CONTROL OF PRODUCTS OFFERED TO THE MARKET VIA REMOTE COMMUNICATION TOOLS HAS BEEN PUBLISHED IN THE OFFICIAL GAZETTE

The Regulation on Market Surveillance and Control of Products Offered to the Market via Remote Communication Tools ("**Regulation**") was published in the Official Gazette No. 32707 on 30.10.2024 and will enter into force on 01.04.2025. The Regulation introduces significant changes in the regulation and supervision of products sold through remote communication channels. The aim of the Regulation is to enhance consumer safety and strengthen market surveillance. Key changes in the Regulation are presented below for your attention.

#### Key points in the Regulation:

➤ Under Article 5 of this Regulation,

- It is regulated that in order for a product to be offered to the market or made available in the market through remote communication tools, the product must comply with the relevant technical regulations or the General Product Safety Regulation.

- In sales made through remote communication tools, economic operators who meet at least one of the following conditions are considered to target final consumers residing in Turkey:

- Offering a Turkish language option.
- Providing the option to display the price in Turkish Lira.
- Accepting payments in Turkish Lira
- Providing the option to ship to addresses in Turkey.
- Sending physical deliveries to final consumers in Turkey.
- In online sales, the domain name must be registered in geographic areas where shipment to Turkey is possible. **With this provision, economic operators who meet these conditions and make sales via remote communication tools can be considered to have placed their products on the market and targeted final consumers residing in Turkey.**

- In the Paragraph 4 of the same article, a requirement has been introduced that products listed on the Ministry of Trade's website can only be made available on the market through remote communication tools if there is an economic operator established in Turkey. In the Paragraph 5 of the article, these economic operators are specified.

➤ Article 10 of this Regulation defines the obligations of the intermediary service provider:

- In the Paragraph 2 of the article, the intermediary service provider is required to ensure easy access to information regarding products on their online platforms and to fulfill content removal requests from the competent authorities within 24 hours at the latest.

- In the Paragraph 3 of the article, it is stipulated that if the intermediary service provider becomes aware of the non-compliance of a product on the market, they must immediately take action to remove the content or block access to it in the electronic commerce environment and inform the competent authority.

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- According to the regulation in the Paragraph 5 of the article, the intermediary service provider will establish an electronic contact point to enable final consumers to communicate directly and promptly regarding product safety. This will allow consumers to submit complaints and notifications related to the safety and compliance of the products.
- Finally, the Regulation outlines the obligations of authorized representatives, performance service providers, and intermediary service providers, as well as the duties, powers, and responsibilities of the competent authorities. It is also regulated that administrative sanctions will be imposed on those who act in violation of the Regulation or fail to fulfill their obligations under the legislation.

The full text of the Regulation can be accessed at the address <https://resmigazete.gov.tr/23.10.2024>.

**Best Regards,**

**Balay, Eryigit & Erten Attorney Partnership**