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| **NOTIFICATION** | | |
| From the Department of Commerce:  **COMMUNIQUÉ ON IMPORT CONTROL OF BATTERIES AND ACCUMULATORS**  **(PRODUCT SAFETY AND INSPECTION: 2025/15)**  **Purpose and scope**  **ARTICLE 1-** (1) The purpose of this Communiqué is to regulate the procedures and principles regarding the inspection of the compliance of the products included in Annex-1 with the Regulation on the Control of Waste Batteries and Accumulators published in the Official Gazette dated 31/8/2004 and numbered 25569.  (2) This Communiqué covers the products to be subject to the Free Movement Regime.  (3) This Communiqué does not cover goods exported and returned pursuant to the Outward Processing Regime.  **Underlying**  **ARTICLE 2-** (1) This Communiqué has been prepared on the basis of Article 1 of the Presidential Decree No. 455 on the Presidential Organization, the Product Safety and Technical Regulations Law dated 5/3/2020 and numbered 7223, the Technical Regulations Regime Decision put into effect by the Presidential Decree dated 14/9/2022 and numbered 6038, and the Regulation on Technical Regulations in Foreign Trade published in the Official Gazette dated 16/8/2023 and numbered 32281.  **Definitions**  **ARTICLE 3-** (1) In this Communiqué;  a) AQAP certificate: Industrial Quality Assurance Level Certificate issued by the Ministry of National Defense,  b) A.TR Circulation Certificate: A document issued by the customs administration or institutions authorized by this administration and issued by the customs administration in order to ensure that the goods in free circulation in Turkey or the European Union can benefit from the preferential regime within the framework of the Customs Union,  c) Ministry: Ministry of Commerce,  ç) Environmental Compliance Permit: Permission obtained from the Ministry of Environment, Urbanization and Climate Change within the scope of the Regulation on the Control of Waste Batteries and Accumulators,  d) Inspection Unit: The Product Safety Inspections Directorates responsible for product safety inspections affiliated to the Regional Directorates of the Ministry,  e) Risk-Based Control System in Foreign Trade (TAREKS): The internet-based application established for the purpose of carrying out the audit, compliance and permit procedures carried out in accordance with the Product Safety and Technical Regulations Legislation in electronic environment and on the basis of risk analysis,  f) Actual inspection: One or more of the document control, mark control, physical examination and laboratory test,  g) Returned goods: Previously exported goods that have been returned for the reasons defined in subparagraphs (a), (b) and (c) of the first paragraph of Article 446 of the Customs Regulation published in the Official Gazette dated 7/10/2009 and numbered 27369,  ğ) Out of scope: A product that is included in Annex-1 as GTIP, but is not covered by the Regulation on the Control of Waste Batteries and Accumulators or is not targeted for inspection by the Ministry within the scope of this Communiqué,  h) User: Persons authorized to carry out transactions on behalf of companies through TAREKS,  ı) Risk: The possibility that the products covered by this Communiqué do not comply with the Regulation on the Control of Waste Batteries and Accumulators,  i) Risk analysis: Information about the company in TAREKS in order to determine the risk level of the products in Annex-1 and whether they will be directed to the actual audit; the results of past import inspections and market surveillance and inspections; manufacturer or importer company or user; customs of entry; type, brand, model, price and quantity of the product; The transaction made based on the country of origin, origin, shipment or trade country and other information that can be used for risk determination,  expresses.  **TAREKS and company identification**  **ARTICLE 4-** (1) All transactions related to the import inspection of batteries and accumulators are carried out through TAREKS and according to the risk analysis.  (2) Companies wishing to import products within the scope of this Communiqué must be defined in TAREKS within the framework of the Communiqué on Risk-Based Control System in Foreign Trade (Product Safety and Inspection: 2011/53) published in the Official Gazette dated 29/12/2011 and numbered 28157, and at least one user who will make transactions in TAREKS on behalf of the company must be authorized.  **Environmental Compliance Permit application**  **ARTICLE 5-** (1) Companies wishing to import products within the scope of this Communiqué must have obtained an Environmental Compliance Permit.  (2) The application for the Environmental Compliance Permit is made by the user through TAREKS using the "Risk-Based Control System in Foreign Trade (TAREKS) Application" section in the "E-Transactions" section of the Ministry's website. For the application, it is sufficient to mark the pre-permit document (Environmental Compliance Permit) to be obtained together with the "Application on the Basis of Product Group" option under the "New Application" box from the "Preliminary Permit" sub-heading under the "Audit Application" heading on the company screen.  (3) The documents requested by the Ministry of Environment, Urbanization and Climate Change regarding the application are also submitted in writing to the said Ministry and the applications are finalized by the said Ministry.  **Importer's application**  **ARTICLE 6-** (1) Inspections within the scope of this Communiqué are carried out before the registration of the customs declaration within the framework of the fourth paragraph of Article 181 of the Customs Regulation.  (2) The user submits his/her application by uploading the information about the import party and the documents specified in the first and second articles of Annex-2 via TAREKS by using the "Risk-Based Control System (TAREKS) Application" section in the "E-transactions" section of the Ministry's website or the e-Government portal.  (3) Upon application, an application number is given to the company by TAREKS in order to follow up its transactions before the relevant audit unit.  (4) The company and the user are responsible for the accurate, complete and timely submission of the declared information and documents.  **Exemptions and exceptions**  **ARTICLE 7-** (1) TAREKS reference number is created directly in the import of products that have received an Environmental Compliance Permit and have a A.TR Circulation Certificate.  (2) In the imports to be made by the industrialists holding AQAP certificate from the products in Annex-1 for their own needs, the TAREKS reference number, which is created directly for each product subject to importation following the definition of the AQAP certificate submitted to the Ministry by the companies in TAREKS, is used in the subsequent imports of the same products until the end of the current year.  (3) For the reasons defined in subparagraphs (a), (b) and (c) of the first paragraph of Article 446 of the Customs Regulation, no application is made through TAREKS for the previously exported goods, and the import procedures are concluded in accordance with Article 12.  (4) Pacemakers; batteries installed in vital medical devices; batteries or accumulators in tools with permanently placed batteries, depending on the purpose of industrial use; batteries or accumulators used in the scientific and professional field; Batteries or accumulators in tools that only need to be removed by experts and that need to work continuously without interruption are declared out of scope as they are outside the scope of the Regulation on the Control of Waste Batteries and Accumulators.  (5) In the import of the goods specified in the fifth part of the Decision on the Implementation of Certain Articles of the Customs Law No. 4458, which was put into effect by the Decision of the Council of Ministers dated 29/9/2009 and numbered 2009/15481, no application is made through TAREKS, and the import procedures are concluded in accordance with Article 12.  (6) In the evaluation to be made according to the risk analysis, the products covered by the first or second paragraphs may also be directed to the actual inspection.  **Out of scope**  **ARTICLE 8-** (1) The declaration of the import party subject to the application, which is out of scope, is made by the importer company to the relevant customs administration. The evaluation of the exclusion decision is primarily made by the relevant customs administration.  (2) In the event that it is decided by the relevant customs authority that the import party subject to the application is within the scope of this Communiqué, the scope assessment may also be determined as a result of the technical examination of the relevant inspection unit.  **Risk analysis**  **ARTICLE 9-** (1) The products directed to the actual inspection are determined according to the risk analysis within the framework of the information declared by the users through TAREKS.  (2) The criteria to be used in the risk analysis are determined by the Ministry, if deemed necessary, by taking the opinion of the Ministry of Environment, Urbanization and Climate Change, the Ministry of Industry and Technology and other relevant parties.  (3) By ensuring the data flow between TAREKS and the National Market Surveillance and Inspection Information System (PGDBİS), the data on market surveillance and inspection and import inspections of the products within the scope of this Communiqué are transmitted to PGDBİS.  (4) As a result of the risk analysis, the TAREKS reference number is directly created indicating that the products that are not directed to the actual inspection can be imported.  **Actual audit**  **ARTICLE 10-** (1) For the products directed to the actual inspection, the documents specified in the third article of Annex-2 are uploaded to TAREKS electronically within twenty working days, including the application day, and additional time is given by the system if requested by TAREKS. If the relevant documents are not uploaded to the system in due time, the application will result in a negative result.  (2) Additional information and documents may be requested from the companies.  (3) In cases where no violation of the relevant legislation is detected as a result of the actual inspection and the information on the products directed to the test is correct or it is determined that the product is out of scope, a TAREKS reference number is created indicating that the product can be imported.  (4) In the event that a violation of the relevant legislation is detected or the requested additional information and documents are not uploaded to TAREKS within the time limit, the actual audit is concluded negatively.  (5) The liquidation of batteries and accumulators that are not allowed to be imported and left to the customs administration is delivered to the associations authorized by the Ministry of Environment, Urbanization and Climate Change and/or licensed waste battery recovery facilities for recovery or disposal, with or without charge.  (6) If it is determined that the test report or other documents requested by the audit unit uploaded to TAREKS have not been issued by the person concerned, the actual audit is concluded negatively, even if other conditions are appropriate.  **Notifications to the user**  **ARTICLE 11-** (1) Inquiries regarding the audit process and its result are made through TAREKS.  (2) Notifications regarding the audit process and its results are sent to the e-mail address declared by the users in the "Authorization Applications" application made within the scope of Article 6 of the Communiqué on Risk-Based Control System in Foreign Trade (Product Safety and Inspection: 2011/53). The Ministry is not responsible for notifications that do not reach the user.  (3) If a violation of the legislation is detected in the product during the inspection, the situation is also notified to the relevant customs administration in writing and through the system.  **Declaration of TAREKS reference number to customs**  **ARTICLE 12-** (1) It is obligatory for the importer company to record the TAREKS reference number, which indicates that the product can be imported, in the 44th digit of the customs declaration.  (2) TAREKS reference number is valid for 1 year from the date of issue.  (3) In the import of products declared to the customs authorities as out of scope, the 23-digit TAREKS reference number, which is determined as 18150099272013015773484, is recorded by the importer company in the 44th digit of the customs declaration. In the event that the products declared as out of scope are directed to inspection by the relevant customs administration, provided that they are under customs surveillance, an application is made through TAREKS within the framework of Articles 5 and 6.  (4) In the event that the products that are found to be included in the list annexed to this Communiqué as a result of the GTIP amendment are directed to inspection by the relevant customs administration, provided that they are under customs surveillance, an application is made through TAREKS within the framework of Articles 5 and 6.  (5) In the import of the goods specified in the fifth part of the Decision on the Implementation of Certain Articles of the Customs Law No. 4458, the 23-digit TAREKS reference number, which is determined as 18150099115115014436576, is recorded in the 44th digit of the customs declaration.  (6) The 23-digit TAREKS reference number, which is determined as 24150099915801771102479 in the import of the returned goods, is recorded in the 44th digit of the customs declaration.  **Importer's responsibility**  **ARTICLE 13-** (1) The importer, whether inspected within the scope of this Communiqué or not, is responsible for the safety and compliance of the imported products with all relevant legislation, including the Regulation on the Control of Waste Batteries and Accumulators, and the accuracy of the documents accompanying the products, in accordance with the Law No. 7223.  (2) Allowing the import of the product or creating a TAREKS reference number for the product does not mean that the product complies with the legislation and/or is safe.  (3) Within the scope of this Communiqué, the TAREKS reference number given that the product can be imported cannot be used for any purpose other than the import process of that product or as proof that the product is safe and complies with the legislation.  (4) If it is determined as a result of the subsequent control that the GTIP of the imported product is included in Annex-1, the arbitrariness is notified to the Ministry of Industry and Technology by the relevant customs administration. If the Ministry of Industry and Technology determines that the product is not safe and notifies the customs administration, the conformity assessment is deemed to be negative.  **Sanctions**  **ARTICLE 14-** (1) The provisions of the Law No. 7223, the Customs Law No. 4458 dated 27/10/1999, the provisions of the Technical Regulations Regime Decision and other relevant legislation are applied to those who act contrary to this Communiqué, make false or misleading statements, falsify any document specified in Annex-2 or requested during the audit, or submit the falsified document.  (2) In the audits carried out through TAREKS, the authorization of the user who violates the relevant legislation, the provisions of this Communiqué and the practices related to this Communiqué is suspended for a period of 3 to 12 months, depending on the severity of the act; The company's audit applications are directed to the actual audit for a period of 6 to 12 months. The periods and inspection rates determined while applying these sanctions are determined by taking into account issues such as the frequency of the company's application, previous violations, if any, and/or the nature of the product.  **Authority**  **ARTICLE 15-** (1) The General Directorate of Product Safety and Inspection of the Ministry is authorized to take practical measures and make arrangements on the issues included in this Communiqué.  **Repealed communiqué**  **ARTICLE 16-** (1) The Communiqué on Import Control of Batteries and Accumulators (Product Safety and Inspection: 2024/15) published in the Official Gazette dated 31/12/2023 and numbered 32416 has been repealed.  **Migration process**  **PROVISIONAL ARTICLE 1-** (1) The import of products for which a transport document has been issued to be shipped to Turkey for export in the country of origin before 1/1/2025 or submitted to the customs authorities in accordance with the Customs Legislation, until 28/2/2025 (including this date), upon the request of the importing company, is concluded in accordance with the Communiqué on Import Control of Batteries and Accumulators (Product Safety and Inspection: 2024/15), which is repealed by Article 16.  **Effective**  **ARTICLE 17-** (1) This Communiqué enters into force on 1/1/2025.  **Execution**  **ARTICLE 18-** (1) The provisions of this Communiqué are executed by the Minister of Commerce. | | |