

Amendments to the Regulation on the Sale of Refurbished Products

I. Introduction

The Regulation on the Sale of Refurbished Products (“**Regulation**”), which was published in the Official Gazette No. 31221 on August 22, 2020 and entered into force on the same date, has been amended pursuant to the Regulation Amending the Regulation on the Sale of Refurbished Products (“**Amendment Regulation**”), published in the Official Gazette No. 32639 on August 21, 2024 and entered into force on the same date.

You can access the full Turkish texts of the Regulation and the Amendment Regulation through [here](#) and [here](#) respectively.

II. General Information on the Regulation

The Regulation regulates the processes of refurbishment, certification, and re-sale of used goods listed in Annex 1 of the Regulation by the Refurbishment Centers (“**Centers**”) as defined in Article 6 of the Regulation. The goods that can be refurbished and re-sold as listed in the annex include mobile phones, tablets, smartwatches, computers (laptops or desktops), gaming consoles, and modems.

Pursuant to Article 5 of the Regulation, used goods may be refurbished, certified, and re-packaged in accordance with the standards determined by the Ministry of Trade or the Turkish Standards Institute (“**TSE**”) and then offered for sale as refurbished products. The goods to be refurbished by the Centers may be acquired directly by the Centers or by authorized sellers who must be authorized by the Centers.

Centers must first apply to the Ministry of Trade for permission to carry out refurbishment activities. Applications are evaluated by the General Directorate of Consumer Protection and Market Surveillance (“**General Directorate**”), and those found suitable are granted a Refurbishment Authorization Certificate (“**Authorization Certificate**”). The conditions required for obtaining the Authorization Certificate by the Centers are also regulated in Article 8 of the Regulation. The subsequent articles of the Regulation include provisions on the validity period of the Authorization Certificate, its

cancellation, authorized purchasers, the responsibilities of the Centers, and other related matters.

The Regulation, which contains provisions on the procedures and principles regarding refurbishment activities briefly mentioned above but not limited to these, has undergone several amendments since its publication, with the most recent amendments made by the Amendment Regulation discussed in this legal alert.

III. Innovations Introduced by the Amendment Regulation

A new “paragraph 14” has been added to Article 5 of the Regulation imposing an obligation on individuals and workplaces engaged in the trade of used goods listed in Annex 1 of the Regulation, which have electronic identity information (IMEI numbers, etc.), to register the information and documents determined by the General Directorate into a system to be established by the Ministry of Trade. Temporary Article 2, introduced by Article 4 of the Amendment Regulation, stipulates that this paragraph will be applicable *“three months after the announcement made on the Ministry of Trade’s website.”*

Article 2 of the Amendment Regulation has extensively amended Article 10 of the Regulation. The article, previously titled “Revocation of the Refurbishment Authorization Certificate,” has been renamed “Suspension and Revocation of the Refurbishment Authorization Certificate” due to the inclusion of the new procedures. Previously, Authorization Certificates were directly revoked for those who engaged in practices contrary to the Regulation and continued these practices despite written warnings or failing to rectify the violation within the given period the warning provided. The new regulation stipulates that the Authorization Certificate may be suspended *“for up to six months depending on the nature of the violation.”* The new 2nd paragraph of the article provides that suspended Authorization Certificates may be reinstated by the General Directorate, if the violations are rectified, and if not, they will be revoked.

According to the newly added 3rd paragraph of Article 10, if the conditions for obtaining the Authorization Certificate, which were identified during the application process by the General Directorate, are no longer met by the holder of the Authorization Certificate, the holder will be given time to meet these conditions again. If conditions cannot be met or upon the holder's request, the Authorization Certificate will be revoked.

The newly added 4th paragraph of Article 10 stipulates that those whose Authorization Certificate has been revoked, suspended, or expired may not continue their activities under the Regulation. Those whose Authorization Certificate has been revoked will not be able to obtain a new Authorization Certificate for a period of 1 year from the date of revocation.

Amendments have also been made to paragraph 12 of Article 12 of the Regulation. According to the amendments, Centers may have the refurbishment activities carried out by branches with a service qualification certificate, obtained according to the specific regulations or standards set by the Ministry of Trade or TSE for the branches, or by authorized purchasers and sellers to whom they will grant refurbishment authority. Centers are obliged to notify the General Directorate within 10 business days of the registration date of the branch for their branches, or the authorization date for their authorized sellers and purchasers.

The activities of these persons and institutions performing refurbishment must be supervised by the Centers that grant them this authority, and the responsibility for remedying any deficiencies in the activities also lies with the Centers. With this regulation, the activities carried out by these persons and institutions under the Regulation are considered to have been carried out by the Centers themselves, and joint and several liability is imposed on the parties under the scope of refurbishment activities.

Furthermore, Centers are also required to ensure that the software used by them in performing their activities under the Regulation is used by the persons and institutions they authorize. Centers are also obliged to ensure that the title, address, and current contact information of these persons and institutions are listed on their websites.

Finally, it is expressly regulated under the scope of the Amendment Regulation that the persons and institutions authorized by the Centers may not sub-authorize or transfer their authority to others.

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