

COMMERCIAL IMPORTS IN TURKEY

A step-by-step guide for SMEs and first time importers



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1 Introduction

This guide focuses on customs requirements and procedures for clearance of goods in Turkey. It has been designed to answer the needs of SMEs and first time exporters to the country by increasing the transparency in cross-border operations. The objective is to provide key information that may help economic operators to optimize the process of clearing goods through Turkish Customs.

The information in this document comes from several sources including: the Turkish Ministry of Customs and Trade, the Country Dossier by the European Commission, the World Bank Group, the World Trade Organization, to name but few.

The document does not provide any legal guidance to any procedures outlined.

1.1 Pre-Import Arrangements

There are some pre-import arrangements needed prior the initiation of the import procedures. The Turkish importer should request from the foreign exporter the following documents: Bill of Lading (or AWB, CRM), commercial invoice, certificate of conformity, value declaration form, insurance policy, packaging list, authorization letter to the customs administration, and the certificate of origin in certain cases. In addition, after receiving the above documents and the notification of the arrival of goods from the carrier, the importer or customs broker should request the release of the delivery order from the shipping agent. The delivery order would be process after the payment of transportation and the delivery order fee.¹

All natural and legal persons who have a tax ID number and all associations who do not have a legal identity but authorized to make legal transactions in accordance with the current legislation may carry out importation transactions in Turkey.

Requirements for an import delivery order procedures:

"TO A NAMED CONSIGNEE": The Bill Of Lading must be endorsed by the named consignee. These BLs are not transferable.

¹ CMA-CGM

“TO ORDER”: Shipper's endorsement is necessary. If shipper's endorsement doesn't exist, Shipper Non Endorsed Bills form must be submitted.

“TO BANK”: The Bill Of Lading must be endorsed by the Bank. If Bank's Branch is mentioned on Bill Of Lading, that branch's endorsement is necessary².

1.2 The Customs Clearance Circuit

Customs procedures in Turkey are divided into four essential phases. The first phase refers to the submission of a detailed declaration and the placement of goods under the control of Customs. The second phase includes a verification of the declaration and when applicable an inspection of goods. The third phase includes customs valuation, estimation of duties due, and payment of duties and other charges according to the customs tariffs' laws and regulations. And finally in the fourth phase corresponds to the receipt of final declaration and the retrieval of goods.

The Turkish authorities have expanded efforts to streamline customs procedures and to improve their efficiency. For example, the alignment of customs procedures with those of the EU Customs code, the elimination of import licences and bank authorizations requirements for the majority of products, to name but a few³.

Turkey established a Customs Union with the European Union (EU) in 1996. Since then, Turkey has been aligning its legal apparatus regarding trade strategy, import and export regimes with the EU regulations. The Ministry of Economy is the entity in charge of regulating foreign trade, while the Ministry of Customs and Trade is the implementing authority. The legislative framework regulating Customs in Turkey is the new Customs Law 4458. The law has been harmonized with the EU Customs Code for topics such as: Origin of Goods, Customs Valuation of Goods, Presenting of Goods to the Customs Authorities, Customs Declaration, Release for Free Circulation, Suspension List, Customs Procedures with Economic Impact, Free Circulation, Customs Debt, and Application.

² Cma-cgm import procedures

³ Saudi Export Development Authority (2016).

1.2.1. Summary Declaration

In accordance with Turkish Customs Legislation the customs clearance circuit starts with the lodgement of summary declaration⁴.

In this regard, goods brought into the customs territory of Turkey must be covered by a summary declaration, with the exception of goods carried on means of transport only passing through the territorial waters or the airspace of the customs territory of Turkey without a stop within the territory.

The summary declaration must be lodged at the customs office of entry. The summary declaration may be allowed to be lodged at another customs office, provided that this office immediately communicates or makes available electronically the necessary particulars to the customs office of entry. The customs offices may accept, instead of the lodging of the summary declaration, the lodging of a notification and access to the summary declaration data in the debtor's computer system.

The important thing is the summary declaration should be lodged before the goods are brought into the customs territory of Turkey by using a data processing technique. Commercial, port or transport information may be used, provided that it contains the necessary particulars.

The Customs Offices may accept paper-based summary declarations in exceptional circumstances, provided that they apply the same level of risk management as that applied to summary declarations made using a data processing technique.

Besides, the summary declaration must be lodged by the person who brings the goods, or who assumes responsibility for the carriage of the goods into the customs territory of Turkey. The summary declaration may be lodged instead by: (a) the person who acts in the name of the person referred (b) any person who is able to present the goods in question or to have them presented to the competent customs authority; or (c) a representative of one of the persons referred.

⁴ Summary declaration is the statement of goods and transportation vehicle submitted electronically before arrival to entry customs office with the purpose of making a risk analysis of the cargo entering into Customs Territory of Turkey in terms of safety and security. Except the cargo passing transit without any stop through territorial waters or airspace of Turkish Customs Territory, entry summary declaration should be lodged for all goods brought into Turkish Customs Territory.

Customs authorities may authorise to amend one or more particulars of the summary declaration after it has been lodged upon the request of the persons referred. However, no amendment to the summary declaration may be allowed after; (a) having informed the person who lodged the summary declaration, that the goods will be examined; or (b) having established that the particulars in questions are incorrect; or (c) having allowed the removal of the goods.

The customs office of entry may waive the lodging of a summary declaration in respect of goods for which, before expiry of the time limit or a customs declaration is lodged. In such case, the customs declaration must contain at least the particulars necessary for a summary declaration.

Within this context, in Turkey, summary declaration should be lodged with data processing technique at the customs office of entry. Customs office of entry is the customs office to which goods brought into the Customs Territory of Turkey are conveyed without delay and at which they are subject to appropriate risk-based entry controls.

In addition to the lodgement of summary declaration, with regard to the maritime and airline transportations, upon arrival in the first port of entry, the vessel operator must submit, for all shipments carried on the arriving vessel, a so-called arrival notification, allowing customs to identify all the entry summary declarations that were previously lodged for the shipments. As soon as the transportation vessel arrives at the customs office, the transporter should send the arrival notification electronically to the customs office.

Arrival notification is lodged in order to present the goods and the transportation vessel to the customs office. Hence; it must include required information to identify the entry summary declaration which is previously lodged. This required information is related to the goods and transportation in general. Arrival notification, in contrast to summary declaration, is given only by the transporter.

Whereas in maritime and airline transportation, lodging an arrival declaration is compulsory, in road and railway transportations arrival declaration is considered as lodged when the goods are presented to the authorized customs office.

1.3 The Establishment of a Customs Declaration

The single administrative document (SAD) initially introduced by the EU in 1988 has been adopted by Turkey in 1996 as the basis for Customs Declarations. The objective of the SAD is to improve transparency in administrative requirements and reduce the amount of information and documentation collected. The SAD is usually presented in a set of eight copies with different functions (*Export: Copies 1, 2 and 3; Transit: Copies 1, 4 and 5; Import: Copies 6, 7 and 8*)⁵. Economic operators (declarants) may submit declarations through BILGE, an automated system, at a customs kiosk or via the internet⁶ the declarant may be the importer or a representative (customs agent, or broker, etc.) acting on his behalf.

The necessary documents to submit a declaration are⁷:

Certificates of origin are used to prove the origin of goods: EUR.1 movement certificate for agricultural goods, coal and steel products originating in the EU and for all the goods which are imported from Turkey's FTA partners within Pan-Euro- Mediterranean Cumulation Zone EUR.MED for goods originating in Pan-Euro-Mediterranean Cumulation Zone.

- Certificate of Origin for all the goods originating within the context of Turkey-Iran Preferential Trade Agreement and Turkey-Malaysia Free Trade Agreement
- D-8 Certificate of Origin for the goods originating within the context of D-8 Preferential Trade Agreement
- Origin declaration made on invoice in order to prove origin of the goods within the context of Turkey-Korea Free Trade Agreement(*)
- Form A Certificate of Origin for all the goods originating within the context of Generalised System of Preferences
- ATR movement certificates are necessary to benefit from the exemption from custom duties in trade of industrial and processed agricultural goods between EU and Turkey. And also it has to be noted that the A.TR Movement Certificates does not determine the origin of the goods, they only indicate that goods covered by the Certificate are in free circulation between EU and Turkey.

⁵ European Commission Taxation and Customs Union, the Single Administrative Document

⁶ Requires a user code and password provided by the Directorate General of Customs

⁷ The star (*) symbol means that the document is usually provided by the exporter to the importer in Turkey

- Bill of lading, Air Waybill (AWB), or a Roadway bill (CMR) (*)
- Commercial invoice (*)
- Certificate of Conformity (*)
- A value declaration form (*)
- Insurance policy (*)
- Packaging list (*)
- Authorization letter to the customs administration (Power of Attorney)
- Depending of the nature of goods:
 - Import licences and phytosanitary certificates
 - Certificate of Origin (*)

Under certain conditions, the Directorate General of Risk Management and Control may authorize simplified procedures such as eliminating some initially requested documents (see the section

Permissions, documents and approvals that are prepared by institutions and used in customs operations are executed and controlled electronically within Single Window System which was completed–on 30 June 2016. 21 institutions and 116 documents were put into Single Window System.

1.4 Customs Offices

In order to make import procedures more efficient, specialized, and effective at conducting controls, estimating valuations of customs tariffs and duties, Turkey implements “specialized customs practices”. This is the practice of channelling the import of certain types of goods only through specialized customs offices with experts on import procedures applicable to specific products. Table 1 and 2 below show the specialized custom practice and the customs office that can handle such practices.

Table 1. Specialized Customs Practices Conducted by the Ministry of Customs and Trade

No	Specialized Customs Practices For	Customs Offices
1	Textiles	Aksaray, Ankara, Atatürk Airport Cargo, European Free Trade Zone, Denizli, G.Antep, G.Antep Air Port, Gemlik, Giresun, Halkalı,

Table 1. Specialized Customs Practices Conducted by the Ministry of Customs and Trade

No	Specialized Customs Practices For	Customs Offices
		İskenderun, İzmir, Kayseri, Mersin, Trakya, Yalova
2	Motor Vehicles	Yeşilköy, Gebze, İzmir, İzmit, Mersin, Derince, Giresun, Dilovası. PRODUCERS: Mudanya, Gemlik, Esenboğa, Adana VEHICLES FOR DISABLED AND HANDICAPPED PEOPLE: Ankara Railroad Terminal UNPAID IMPORT: Ankara Gar, İzmir Passengers Hall, Yeşilköy, Gebze
3	Crude Oil and Liquid Fuel	Antalya, Tekirdağ, İsdemir, İskenderun, Hopa, Giresun, Trabzon, Derince, Körfez Petrochemistry, Aliağa, Beylikdüzü Fueloil, Mersin Fueloil, Botaş, Samsun, Gemlik
4	Liquid Petroleum Gas	Beylikdüzü Fueloil, Körfez Petrochemistry, Giresun, Mersin Fueloil, Samsun, Aliağa, Tekirdağ, İsdemir, Trabzon
5	Solvents and Oil Products (Petrochemistry)	Ankara, Mersin Fueloil, Adana, Blacksea Ereğli, Erenköy, Beylikdüzü Akaryakıt, İzmir, Aliağa, Tekirdağ, Bursa, Gemlik, G.Antep, Mersin Free Trade Zone. GOODS CONVENIENT FOR FOOD SECTOR: Ankara, Aliağa, İzmir, Adana, Bursa, Gemlik, G.Antep, Tekirdağ, Körfez Petrokimya
6	Goods Carried by Pipelines or Electric Cables	Ankara TIR
7	Game Devices and Machines	Ankara, Mersin, Antalya, İzmir, Atatürk Airport Cargo, Halkalı, Ambarlı
8	Fertilizer	Antalya, Bandırma, Gemlik, Kapıkule, Tekirdağ, İskenderun, Ambarlı, Haydarpaşa, Aliağa, Dikili, İzmir, Derince, Mersin, Samsun, Ünye, Ankara, Mardin, Yumurtalık Free Trade Zone.
9	Waste and Metal Junk (As “Ports of Entry”)	Çanakkale, Biga, Gemlik, Hamzabeyli, İpsala, Kapıkule, Uzunköprü, Tekirdağ, Dilucu, Gürbulak, Sarp, Cilvegözü, İsdemir, İskenderun, Ambarlı, Aliağa, İzmir, Derince, Dilovası, Mersin, Samsun, Blacksea Ereğli, Zonguldak, Bartın. Habur-(Only plastics and paper waste)
10	Radio and Telecommunication Terminal Equipment	Esenboğa, Ankara, Halkalı, Haydarpaşa, Atatürk Airport Cargo, Atatürk Airport Free Trade Zone, Erenköy, İstanbul Leather Free Trade Zone., Sabiha Gökçen Airport, Adnan Menderes, İzmir, Gebze
11	Battery and Accumulator	Esenboğa, Ankara, Halkalı, Haydarpaşa, Atatürk Airport Cargo, Sabiha Gökçen Airport, Erenköy, İstanbul Leather Free Trade Zone, Ambarlı, Yeşilköy, Mersin, Gemlik, Bursa, Aegean Free Trade Zone, İzmir, Dilovası, Adnan Menderes, Derince.
12	Carpet	Isparta
13	Leather and	G.Antep, Erenköy, İstanbul Leather Free Trade Zone., Haydarpaşa,

Table 1. Specialized Customs Practices Conducted by the Ministry of Customs and Trade

No	Specialized Customs Practices For	Customs Offices
	Goods Made of Leather	İzmir Free Trade Zone, G.Antep Airport, Aksaray, Bolu, Sakarya, Gemlik, Yalova.
14	Furniture	Ankara, Antalya, G.Antep, G.Antep Airport, Giresun, İnegöl, Kayseri, Trabzon
15	Lighter	Ankara
16	Sheet Glass	Ankara, Kayseri, İzmir TIR, Halkalı, Haydarpaşa, Ambarlı, Antalya, Mersin, Trabzon, Dilovası, Gemlik, Tekirdağ, Derince, Aksaray, Ankara Railroad Terminal, Bolu, Giresun, Kütahya, Sakarya

Table 2. Specialized Customs Practices Conducted by the Ministry of Customs and Trade – Ministry of Food Agriculture and Livestock

No	Specialized Customs Practices For	Customs Offices
1	Tea	Rize
2	Plant and vegetable harvest (As “Ports of Entry”)	Adana, Yumurtalık Free Trade Zone, Gürbulak, Esenboğa, Antalya, Antalya Airport, Antalya Free Trade Zone, Hopa, Sarp, Bandırma, Gemlik, Mudanya, İpsala, Kapıkule Railroad Terminal, Kapıkule TIR, Kapıkule Passenger Hall, Esendere, Cilvegözü, İsdemir, İskenderun, Dilucu, Ambarlı, Atatürk Airport Cargo, Haydarpaşa, İstanbul Postal Cargo Customs, Pendik, Sabiha Gökçen Airport, Adnan Menderes, Aliağa, Çeşme, Dikili, Aegean Free Trade Zone, İzmir, Öncüpınar, Derince, Dilovası, Gebze, İzmit, Mersin, Mersin Free Trade Zone, Mersin Passenger Hall, Taşucu, Ordu, Samsun, Akçakale, Habur, Çorlu Airport, Tekirdağ, Trabzon, Zonguldak, Kapıköy-(only railway transactions).
3	Livestock and Goods of Animal Origin (As “Ports of Entry”)	Gürbulak, Esenboğa, Antalya, Antalya Airport, Türkgözü, Sarp, Bandırma, İpsala, Kapıkule Railroad Terminal, Kapıkule TIR, Cilvegözü, İskenderun, Dilucu, Ambarlı, Atatürk Airport Cargo, Haydarpaşa, Pendik, Sabiha Gökçen, Adnan Menderes, Aliağa, Çeşme, İzmir, Derince, Körfez Petro Chemistry, Mersin, Mersin Free Trade Zone., Mersin Passenger Hall, Taşucu, Milas Airport, Samsun, Habur, Tekirdağ, Trabzon, Zonguldak
4	Alcoholic Beverage	Ports of Entry into Turkey: Ambarlı, Atatürk Airport Cargo, Sabiha Gökçen, Antalya, İzmir, Körfez Petrochemistry, Mersin, Mersin Free Trade Zone.,

Table 2. Specialized Customs Practices Conducted by the Ministry of Customs and Trade – Ministry of Food Agriculture and Livestock

		Tekirdağ, Kapıkule Railroad Terminal, Kapıkule TIR, Sarp.
		Entry of free circulation transactions: Ambarlı, Atatürk Airport Cargo, Sabiha Gökçen, Antalya, İzmir, Aegean Free Trade Zone., Körfez Petrochemistry, Mersin, Mersin Free Trade Zone., Tekirdağ, Kapıkule Railroad Terminal, Hopa
5	Material of Production and Propagation (As “Ports of Entry”)	Adana, Yumurtalık Free Trade Zone., Esenboğa, Antalya, Antalya Airport, Antalya Free Trade Zone., Gemlik, Mudanya, İpsala, Kapıkule Railroad Terminal, Kapıkule TIR, Kapıkule Passenger Hall, Cilvegözü, İsdemir, İskenderun, Ambarlı, Atatürk Airport Cargo, Haydarpaşa, İstanbul Postal Cargo Customs, Pendik, Sabiha Gökçen, Adnan Menderes, Aliağa, Çeşme, Aegean Free Trade Zone., İzmir, Mersin, Mersin Free Trade Zone., Mersin Passenger Hall, Taşucu, Samsun, Trabzon
6	Forest Products (As “Ports of Entry”)	Antalya, Antalya Free Trade Zone., Hopa, Sarp, Bartın, Gemlik, Mudanya, İpsala, Kapıkule Railroad Terminal, Kapıkule TIR, Kapıkule Passenger Hall, İsdemir, İskenderun, Ambarlı, Haydarpaşa, İstanbul Postal Cargo Customs, Pendik, Sabiha Gökçen Airport, Adnan Menderes, Aliağa, Çeşme, Aegean Free Trade Zone., İzmir, İnebolu, Derince, Dilovası, Gebze, İzmit, Mersin, Mersin Free Trade Zone. Mersin Passenger Hall, Taşucu, Ordu, Samsun, Çorlu Airport, Tekirdağ, Trabzon, Zonguldak
7	Tableware and Kitchen Utensil Made of Porcelain And Ceramic	Ankara, Erenköy, İzmir TIR

In addition to the Ministry of Customs and Trade, there are other key governmental entities involved in the import process especially with regard to the control certificates or import permissions for importation into Turkey. These are: Ministry of Science, Industry and Technology; Ministry of Environment and Urbanization; Ministry of Economy; Ministry of Food, Agriculture and Livestock; Ministry of Health; Ministry of Transport, Maritime Affairs and Communications; Ministry of Defence, Ministry of Interior; Turkish Atomic Energy Authority; Energy Market Regulatory Authority; Turkish Standardization Institution; Tobacco and Alcohol Market Regulatory Authority; Sugar Authority

Table 3 below provides information about the Ministries in charge of issuing certificates for products under the different industries.

Table 3. Main standards and certification Ministries and their related industries

Key Standard Agencies	<i>Building materials</i>	<i>Food products</i>	<i>Heavy Machinery</i>	<i>Chemicals and polymers</i>	<i>Pharmaceuticals</i>	<i>Consumer Durables</i>	<i>Textiles</i>	<i>Precious Metals</i>	<i>Packaging</i>
Turkish Standards Institute	✓	✓	✓	✓			✓		✓
Ministry of Food, Agriculture and Livestock		✓							
Ministry of Health				✓	✓				

1.5 Time required for the release of goods

According to the Doing Business Report 2017, an average time for border compliance on importation in Turkey is 41 hours, documentary compliance on importation is 11 hours, and the costs are 655 USD and 142 USD respectively.⁸ Tables of the time and cost (excluding tariffs) associated with three sets of procedures—documentary compliance, border compliance and domestic transport—within the overall process of exporting or importing a shipment of goods from/into Turkey and comparison of Turkey are indicated in the table below.

Indicator	Turkey	Europe & Central Asia	OECD high income
Time to import: Border compliance (hours)	41	26	9
Cost to import: Border compliance (USD)	655	202	115
Time to import: Documentary compliance (hours)	11	26	4

⁸ http://www.doingbusiness.org/reports/global-reports/~/_media/WBG/DoingBusiness/documents/profiles/country/TUR.pdf

Indicator	Turkey	Europe & Central Asia	OECD high income
Cost to import: Documentary compliance (USD)	142	91	26

Characteristics	Export	Import
Product	HS 87 : Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof	HS 8708: Parts and accessories of motor vehicles
Trade partner	France	Germany
Border	Derince port	Ambarli port
Distance (km)	90	38
Domestic transport time (hours)	3	3
Domestic transport cost (USD)	550	263

1.6 Documents Needed for Customs Clearance

As not all documentation is required for all products, this guide provides a comprehensive list of documents needed according to the product's industry. In addition, for every document, a list of the governmental entities in charge of issuing or requiring the document for compliance is shown in Table 5 below. For every form and document it is important to fill in all information carefully and provide all required documentation in order to avoid customs penalties and delays in cargo release.

Table 5. Documents needed for Customs Clearance by Industry

No	Document	Owner	Procured from	Procured for	1	2	3	4	5	6	7	8	9
1	Bill of lading, Air Waybill (AWB), or a Roadway bill (CMR) (*)	Exporter	Shipping Company	Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Commercial invoice (*)	Exporter	-	Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	Packaging list (*)	Exporter	-	Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	Certificate of	Exporter	Exporter	Customs		✓		✓	✓		✓	✓	

No	Document	Owner	Procured from	Procured for	1	2	3	4	5	6	7	8	9
	Origin (*)												
5	Certificate of Conformity	Exporter	-	Customs	✓		✓	✓		✓	✓		
6	Delivery Order	Importer	Shipping Agent	Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	Insurance policy (*)	Exporter/Importer		Shipping Agent	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	Authorization letter to the customs administration (Power of Attorney) (*)	Customs Broker	Importer	Shipping Agent / Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
9	Proof of payment (*)	Importer	Bank	Customs	✓	✓	✓	✓	✓	✓	✓	✓	✓
10	Health Control Certificate	Exporter	Shipper	Customs		✓		✓	✓				
11	IMO Certificate ⁹	Importer	Shipper	Customs				✓	✓				
12	Phytosanitary Certificates	Importer	MARA	Customs		✓							
13	Import licenses	Importer	Ministry of Economy	Customs		✓							

Note: 1 Building materials, 2 food products, 3 heavy machinery, 4 chemicals and polymers, 5 pharmaceuticals, 6 Consumer Durables, 7 Textiles, 8 Precious Metals, 9 Packaging. The star (*) means that the document is mandatory.

Certificate of Origin: a document that certifies the non-preferential origin of goods. This certificate is needed when an importer would like to claim preferential tariff rates. Certificates of Origin are usually issued and approved by entities such as: chambers of commerce, customs authorities, in exporting countries. These documents are facilitated by the exporter.

Customs Value Declaration Form: Where it is necessary to establish a customs value for the purposes of Articles 23 to 31 of the Turkish Customs Code, a declaration of particulars relating to customs value declaration must accompany the customs entry made in respect of the imported goods. The value declaration should be drawn up on a form corresponding to the specimen in Annex 16 of the Customs Implementing Regulation of Turkey.¹⁰ The main

⁹ IMO -International Maritime Organization- Certificate describes any hazardous components in a container.

¹⁰ With regard to the completion of the form, the detailed Turkish guide is presented on <http://www.gtb.gov.tr/data/548198c8f293700d941180c8/Ku0131ymet%20Bildirim%20Formu%20Doldurma%20Rehberi.pdf>.

purpose of this requirement is to assess the value of the transaction in order to fix the customs value (taxable value) to apply the duties.

International Maritime Organization (IMO) certificate: are mandatory for goods containing hazardous components transported by sea as per IMO regulations. The certificate should describe any hazardous components in a container¹¹.

Health Control Certificate: is necessary for chemicals, polymers, and pharmaceutical products. The Ministry of Health is the entity in charge of issuing the certificate. The validity period ranges between 6 to 12 months.

Phytosanitary Certificate (Control Certificate): attest the imported food is safe for consumers or that plants and animals are free of pests or diseases. The Phytosanitary certificate is issued by the Ministry of Agriculture and Rural Affairs (MARA) and is a requirement for a vast number of food and agricultural products.

The procedure to obtain a control certificate is the same for food, agricultural, chemical, polymers, and pharmaceutical products. The only difference is the entity responsible in issuing the certificate. MARA is the entity responsible for food and agricultural products' control certificates, and the Ministry of Health is the authority in charge of chemical, polymers, and pharmaceutical products. The steps to obtain a control certificate are as follows:

- An application submission along with the required documents.
 - Samples must be provided when required by the related Turkish Standards or as decided by the Ministry of Economy
- The competent Ministry checks the information for validity and whether the product is in compliance with the applicable requirements.
- An analysis of the samples of inspected goods is carried out.
- If requirements are met, then the control certificate is approved by the competent ministry for a validity of up to 12 months.
- The documents required are:

Form for control certificate filled in
Commercial invoice

¹¹Saudi Export Development Authority (2016).

Sample veterinary health certificate

Document country of origin

Ingredient list

A specification document for food products when national legislation does not exist

Label/draft label

Certificate of Conformity: is required from exporters of building materials, heavy equipment, chemicals, and consumer durables in order to access to the Turkish market. The Certificate of conformity attests that the product is in conformity with the applicable EU technical requirements. Conformity assessment bodies or notified bodies are in charge of carrying out the conformity assessments, and granting the CE marking when products meet all applicable requirements.

In order to obtain a CE marking the exporter needs to understand whether directives apply to his product and to which degree essential requirements for design and manufacturing are met. The second step is to submit an application form to an authorized conformity assessment body. The application must be accompanied of supportive documentation, as suggested by the Directive for the type of product, proving that the essential requirements have been met. The third step is the verification by the conformity assessment body using a modular assessment procedure considering products' characteristics and their risk level. In fourth step, if the product passes the conformity assessment, then the conformity assessment body would approve the compliance of the product and grants the CE certificate which the manufacturer or exporter. The CE marking on products is used by manufacturers and exporters to self-declare compliance to directive. However, it is recommended to get familiar with the specific regulations for printing the CE marking on a product. The specific procedures for affixing the CE marking on products are disclosed by the Turkish Standards Institute¹².

The documents required to get the CE Marking are¹³:

- Application for the declaration of conformity
- Description of the apparatus (generally accompanied by block diagram)
- Wiring and circuit diagrams
- General arrangement drawing
- List of Standards Applied

¹² Turkish Standards Institution (TSI) - <https://tse.org.tr/en/icerikdetay/866/1131/ce-isareti.aspx>

¹³ Saudi Export Development Authority (2016).

- Description of control philosophy/logic
- Datasheets for critical sub-assemblies
- Part list
- Copies of any markings and labels
- Copy of instructions (user, maintenance, installation)
- Test reports
- Quality control and commissioning procedures
- Results of the assessment or testing done
- Documented factory production control procedure
- Specific technical documentation when necessary

1.7 What may be imported into Turkey?

In Turkey, some goods are considered to be a threat to public safety, health, and environment and are therefore prohibited for importation. The “**import regime communiqué**” releases a list of prohibited products for importation¹⁴. The table below shows the list of prohibited products along with the rationale behind the prohibition, and the legislation under which the prohibition appears.

Table 6. Prohibited products

Item Description	Rationale	Legislation
Narcotics, Hashish and prepared opium	Public Health	Law No. 2313 on the Control of Narcotics and the International Agreements on Narcotics Goods (1961)
Ozone depleting substances	Environment	Montreal protocol on substances that deplete the Ozone layer; London amendments to the Montreal Protocol; Import regime communiqué No. 2003/17
Gambling Instruments (Except for	Public	Law No. 1072 on Gambling

¹⁴ Global Trade Deloitte, Saudi Export Development Authority (2016).

Item Description	Rationale	Legislation
specified tourism purposes)	Morality	Instruments like Roulette, Tilt, and Pinball (1968)
Soil, leaf, stem, straw, and natural manure used for agricultural purpose (excluding turf and perlites cultivated in culture environment)	Public Health	Regulation on Agricultural Quarantine (OG 06.07.2003)
Azocolourants	Public Health	Law No 1593 on the Protection of Public Health; Import Communiqué: 2006/15 (OG 31.12.2005)
Silkworm Eggs	Public Policy	Law No. 859 on Cultivation and Sale of Silk-worm and Silk-worm Spawn (1926)

Turkey does not require an import license¹⁵ prior the importation for the majority of products. However, there are some goods which are restricted and require special authorization from competent authorities in Turkey. The list of products for which an import license is required is presented in table 7 below along with the regulatory entity¹⁶.

Table 7. List of goods that require special authorization

Import	Product	Rationale	Competent
Communiqué #	Coverage		Authority

¹⁵ An import license is the same as control certificate for food, agricultural, chemical, and pharmaceutical products.

¹⁶ Global Trade Deloitte, Saudi Export Development Authority (2016).

Import Communiqué #	Product Coverage	Rationale	Competent Authority
2006-2	War Weapons and parts thereof	Public Safety	Military authorities and security
2006-3	Radio Radioactive substances and apparatus using such substances	Public Security/ Public Health	Turkish Atomic Energy Authority
2006-4	Certain communication apparatus	Public Security	Telecommunications Authority
2006-5	Maps and similar documents	Public Security/ Public Policy	Turkish Naval Forces for imports of sea maps; Ministry of National Defense; General Command of mapping
2006-6	Products which can only be imported with a guarantee certificate	Consumer protection	Ministry of Customs and Trade
2006-7	Motor Vehicles	Public Security/ Public Safety	Ministry of Science, Industry and Technology
2006-8	Products used in civil aircrafts	Public Security	General Directorate of Civil Aviation
2006-10	Banknotes and similar	Public Security	Ministry of Economy and Board of Capital

Import Communiqué #	Product Coverage	Rationale	Competent Authority
	commercial papers		Market
2006-11	Same explosive substances, fire, guns, knives, and similar articles	Public Security	Ministry of Interior
2006-12	Solvents and certain petroleum products	Public Policy/ Consumer Protection	Energy Market Regulatory Authority
2006-13	Products which affect workers' health and work security	Public Security	Ministry of Labor and Social Security
2006-14	Ozone depleting substances	Vienna Convention for the protection of the Ozone Layer and the Montreal Protocol on Substances that deplete the Ozone Layer.	Ministry of Economy/ Ministry of Environment and Urbanisation/ Ministry of Food, Agriculture and Livestock
2005-16	Fertilizers	Public Policy	Ministry of Food, Agriculture and Livestock
2006-17	Substances listed in the annexes to the Convention on the control of	Convention on the prohibition of the development, production, stockpiling, and use of chemical weapons, and on	Ministry of Economy

Import Communiqué #	Product Coverage	Rationale	Competent Authority
	Chemical Weapons	their destruction (CCW).	
2006-22	Endangered Species of Wild Fauna and Flora	Convention on the International Trade of Endangered Species of Wild Flora and Fauna	Ministry of Food, Agriculture and Livestock and Ministry of Environment and Forestry
Import Regime Decree (Art. 7)	Old, used, renovated, faulty (defective) goods	Public Policy	Ministry of Economy

1.8 How can goods be cleared from customs?

The process of assigning goods to one of the customs regimes/treatments/uses can be initiated by a direct representation of the owner of goods, those who act on their behalf, or indirectly by designated and authorized representative. The representative may be a customs agent, customs broker, etc.¹⁷. In the initiation phase the declarant submits the declaration via BILGE software along with the supportive documentation (e.g. Bill of lading, original invoice, certificate of conformity, packaging list, and authorization letter, certificates of origin to access to preferential tariffs, etc.). Operator applies to the related institution for permissions, documents and approvals via Single Window System. After receiving the required document, ID number of the document is entered in the declaration form's 44th box by the operator. System controls the validity of the ID number as well as the other information in the declaration form. After the submission phase is finished, a customs officer reviews the declaration for completeness and verifies its validity. The next phase is inspection in which a risk analysis is carried out to assign the goods to a particular clearance channel: red, yellow, blue, and green. The red channel calls for physical examination, yellow for

¹⁷ Turkish Customs Law 4458

documentary checks, blue for post-release controls, and Green for Immediate release¹⁸. In case of a satisfactory inspection, in the fourth phase of the process a notification will be sent to the declarant along with the customs duties and fees due to proceed with payment. After the receipt of the payment, the customs office will emit a “Customs Office Receipt” and a “Final Customs Import Declaration” indicating that the process has been completed. Simultaneously, the declarant should register the carrier that will pick up the goods from Customs¹⁹.

Some important rules when clearing goods through customs include:

- Imported goods via maritime transport should be cleared within 45 days from the establishment of a summary declaration; all other goods imported via any other transportation means should be cleared within 20 days after arrival.
- Import duties need to be paid or guaranteed at the time of clearance. If the importer has failed to pay or guarantee the import duties prior the start of the clearance process, there will be an additional non-refundable tax charged by the Customs administration.

1.8.1 How can goods be cleared from customs, Workflow

¹⁸ Sübidey Togan (2012). The EU-Turkey Customs Union: A Model for Future Euro-Med Integration, MEDPRO

¹⁹ Saudi Export Development Authority (2016)



1.9 Becoming an Authorized Economic Operator

The Authorized Economic Operator (AEO) is part of the strategic plan implemented by Turkey to enhance international trade. The program was launched in January 2013 with the aim to make: all the transactions stemming from the international trade procedures more efficient in terms of lead times and costs. The program also aims to improve security by promoting best practices all throughout the supply chain. The program expects to build a strong cooperation between AEOs and Customs. AEOs should demonstrate compliance, transparency, and auto-control, and on the other hand, Customs should built trust, simplification, and facilitation.

In this regard, AEO Programme in Turkey is regulated under the Implementing Provisions for the Facilitation of Customs Procedures, and the second version was published in the Official Journal of the Republic of Turkey on 21.05.2014.

According to the afore-mentioned Implementing Provisions for the Turkish AEO Programme, there is only one type of certificate which includes both customs simplifications and security and safety measures. The applications to the AEO program are made at the Regional Directorates of Customs and Trade where the main accounts related to the customs arrangements are held.²⁰ After the application the process of the accreditation is as follows:

- Pre-evaluation by the Regional Directorate (examination of submitted documents and database query)
- On-site audit based on the Self-Assessment Form;
- Authorization or rejection of application;
- Monitoring of AEOs after authorization to ensure highest compliance level is maintained.

The eligibility requirements for companies to obtain an AEO Certificate are:

- Reliable
- Have adequate traceable documentation
- Have financial solvency
- Practice the necessary safety and security measures
- In operation for at least three years
- Established in Turkey

The holders of the AEO certificate may have the following privileges:

- . Lower risk score for risk profiling within the risk management system,
 - The rights of local clearance, authorized consignor status, and authorized consignee status,
 - The use of lump-sum guarantees or partial guarantees,
 - Issuing A.TR movement certificates and EUR.1 and EUR.MED invoice declarations on their own,
 - Submitting incomplete declaration and documents,

²⁰ Ministry of Customs and Trade. Authorized Economic Operator Program of Turkey

- Summary declaration with reduced data,
- Green-line facilitations,
- Fewer documentary and physical controls and priority lines for controls.

1.10 Authorized Trader Status

An Authorized Trader Status (ATS) certificate gives companies advantages such as simplified procedures and customs facilitations. There are three different classification levels of ATS certificates, namely A, B, and C. These levels are granted based on their export/import performance, number of employees, etc. ATS level A is the one with the largest number of benefits, while C has the lowest, table 8 below provides a summary of the different simplified and customs facilitations given to each ATS level²¹.

Table 8. Simplified procedures granted depending on the class of ATS

Simplified procedures	Authorized Trader Status (ATS)		
	A Class	B Class	C Class
Declaration with incomplete document	✓	✓	✓
Beneficiating from some special procedures for all kinds of goods	✓	✓	✓
Partial security -Induced Security for customs transactions	✓	✓	✓
Flat rate security	✓	✓	✓
Authorization to order ATR certificate	✓	✓	✓
Post Control	✓	✓	
	✓		

In order to be eligible to hold an ATS, a company needs to be established in Turkey and submit their applications to regional customs and trade directorates demonstrating:

- Proven Financial Solvency
- Judicial Reliability
- Customs Compliance

²¹ Turkish Ministry of Customs and Trade (2015)

1.11 List of major customs clearance agencies/agents

Importers may declare their merchandise themselves or through a customs broker. Table 9 below provides a list of clearance agencies in Turkey.

Table 9. List of major customs clearance agencies/agents.			
No.	Clearance Agency Name	Address	Website
1	Dörtel Gümrük Servisi	Çırağan Cad. No.6 Karakaş İş Hanı Beşiktaş 34349 / İstanbul /	http://www.dortel.com
2	Mızrak Gümrük Müşavirlik Ticaret Ltd.Şti.	Mudanya Yolu Huzur Sok Altı Çınar İş Hanı K:2 No:3 Hamitler 16940 / Bursa /	
3	Barsan Global Lojistik	Okmeydanı Cad. Nadide Sok. Barsan İş Merkezi No:1 Şişli 34384 / İstanbul	http://www.barsan.com
4	Oğuz Gümrükleme ve Dış Ticaret Ltd.Şti.	Gazeteciler Sitesi Yazarlar Sok. No:28, Esentepe 34394 / İstanbul /	http://www.oguzgumrukleme.com.tr
5	Imer Gumruk Musavirligi Ltd Sti	Maya Han, K:3 10 Altan Erbulak Sokak Mecidiyekoy / İstanbul	http://www.imer.com
6	Ctt Uluslararası Tasimacilik Ve Lojistik Sanayi Ticaret Ltd Sti	S.Turkmen Apartmani, Daire:3 1 inonu Mahallesi, Kayisdagi Caddesi Yazici Sokak Atasehir / İstanbul	http://www.transctt.com
7	GLINE GROUP / GLN Uluslararası Nakliyat Ltd.Şti.	Mektep Sok. No:49 Beyoğlu 34320 / İstanbul	
8	Jumbo Uluslararası Nakliyat ve Dış Ticaret Ltd.Şti.	Bağlarbaşı Gazi Cad. Reisulküttap Sok. No:48/B D:5 Üsküdar 34664 / İstanbul	http://www.jumbotransgroup.com
9	Nora Uluslararası Nakliyat İthalat İhracat Ticaret Ltd. Şti.	1456 Sok. No:48 Kristal-2 İş Merkezi K:4 D:21 Alsancak 35221 / İzmir	http://www.norainternational.com .
10	İnterfor Denizcilik Taşımacılık İç ve Dış Ticaret Ltd.Şti.	Büyükdere Cad. Tefvik Erdönmez Sok. 8.Blok K.4/D.7 Esentepe 34394 / İstanbul	

Table 9. List of major customs clearance agencies/agents.

No.	Clearance Agency Name	Address	Website
11	Sc Denizcilik Ltd Sti	Kat:3, Daire:5 9 Caferaga Mahallesi Moda Caddesi, Kagni Sokak Kadikoy / İstanbul	http://www.shipcoltd.com
12	E Kol Makine Turizm Gida insaat Lojistik Sanayi ic Ve Dis Ticaret Ltd Sti	128 Ataturk Caddesi Alibeykoy, Eyup / İstanbul	http://www.ekoloj.com
13	Ans Kargo izmir Lojistik Tasimacilik Ve Ticaret Ltd Sti	Borahan is Hani, K:4, D:409 16 1456. Sokak Alsancak / Izmir	http://www.anscargoizmir.com

For a more exhaustive list of customs agencies and their contact information (phone, email, other services that they may offer, and web address) please refer to Kompass (<http://lb.kompass.com/>)

2 The customs regimes in Turkey

2.1 The import regime decree

In an effort to maintain a transparent and open trade regime, Turkey's international rights, obligations, and economic needs are published on the "import regime decree" by the Ministry of Economy on the official journal every year. The import regime decree provides a classification list of products: Agricultural Products (I), Industrial Products (II), Processed Agricultural Products (III), Fish and Fishery Products (IV), Suspension Products (V), Certain Goods for Use in Civil Aircrafts (VI). If goods appear listed under the second and fifth list, then the lower duty rate is applied. The suspension product (V) list refers to goods for which customs duties have been either reduced or suspended. This last list has been elaborated in cooperation with the EU.

2.1.1 Generalize System of Preferences

Turkey has aligned its preferences with the EU's preferences under the Generalized System of Preferences (GSP) as a result of the EU-Turkey Customs Union. The GSP regulates autonomous duty preferences in favour of the least developed countries and some developing countries. Tariff preferences to these groups of countries for Industrial products applied by the EU are also applied by Turkey (import decree - List II-)²².

2.1.2 Suspension list

Another result of the EU-Turkey Customs Union is the alignment of the Turkish suspension list with that of EU. The suspension list refers to all of those goods for which a reduced or duty free import tariff rate is applied. Most of these goods are raw materials or intermediate inputs for chemical and electronic industries. Those goods are listed in list V²³.

²² Global Trade Deloitte

²³ Global Trade Deloitte

2.1.3 End use products

The EU end use products can be identified by the symbol (a) added to the end of the item description in lists I, II, and V²⁴.

2.2 The different import regimes in Turkey

The process of assigning goods to one of the customs regimes (or treatment, or end-use) can be initiated by a direct representation of the owner of goods, those who act on their behalf, or indirectly by designated and authorized representative (e.g., customs agent, customs broker, etc.)²⁵. The different customs regimes in Turkey are: 1) free circulation (release for consumption), 2) customs warehousing, 3) inward processing, 4) processing under customs control, 5) outward processing, and 6) transit²⁶.

2.2.1 Release for free circulation

The free circulation regime means that the goods will be released for consumption after fulfilling all import requirements (e.g. payment of any duties and taxes due, and all applicable authorizations and certificates). The documentation needed for declaring the goods under the free movement are the Customs Import Declaration Single Administrative Document (SAD), commercial invoice, certificate of origin, packaging List, Bill of Lading, AWB, CMR and other certificates depending on the nature of the product and if the importer wants to claim preferential tariff rate under a free trade agreement.

2.2.2 Customs Warehousing

The customs warehousing procedure allows the storage in a customs warehouse of: the goods not in free circulation, without such goods being subject to import duties or commercial policy measures; and the goods in free circulation being placed in a customs warehouse will attract the application of measures normally attaching to the export of such goods.

In Turkey, the warehouse keeper is the person authorized to operate the customs warehouse. The depositor must be the person bound by the declaration placing the goods under the

²⁴ Global Trade Deloitte

²⁵ Turkish Customs Law 4458

²⁶ European Commission (2006), Country dossier Turkey

customs warehousing procedure or to whom the rights and obligations of such a person have been transferred.

A customs warehouse in Turkey may be a public warehouse or a private warehouse. The fairs and exhibitions where goods not in free circulation are exhibited are also deemed as warehouses in Turkey. "Public warehouse" means a customs warehouse available for use by any person for the warehousing of goods. "Private warehouse" means a customs warehouse reserved for only the warehousing of goods by the warehouse keeper.

There are some restrictions with regard to the placement of the goods to the warehouses. In this regard, inflammables and explosives or goods which constitute a hazard, which are likely to affect other goods aside or which require special installations or buildings can be accepted only by public or private warehouses appropriate for their characteristics.

In Turkey, the warehouse keeper is responsible for ensuring that while the goods are in the customs warehouse they are not removed from customs supervision; fulfilling the obligations that arise from the storage of goods covered by the customs warehousing procedure; and complying with the particular conditions specified in the authorization.

In Turkey, there is no limit to the length of time goods may remain under the customs warehousing procedure. However, in cases deemed necessary by the customs administrations, they may set a time limit by which the depositor must assign the goods a new customs-approved treatment or use.

Import goods may undergo the usual forms of handling intended to preserve them, improve their appearance or marketable quality or prepare them for distribution or resale. The forms of handling may be performed in accordance with the permission of customs administrations. In Turkey, the customs administrations may allow goods placed under the customs warehousing regime to be transferred from one customs warehouse to another.

Where a customs debt is incurred in respect of import goods, the cost of warehousing and of preserving goods while they remain in the warehouse, needs not be included in the customs value if they are shown separately from the price actually paid or payable for the goods. However, customs duties will not be demanded; in the case of loss and deficiency as a result of the characteristics of the goods or of the processes made under the control of the customs administration; in the case of destruction, loss or theft for which the warehouse keepers and depositors are demonstrated to the customs administration that they are not faulty. In case the

goods have been insured on the basis their customs value, the duties of the deficient goods are collected from the insurant or from the person on whose behalf the insurance was made.

2.2.3 Inward processing

The objective of the inward processing regime is to help manufacturers to source inputs by suspending customs duties, taxes, and commercial measures. There are two types of inward processing regimes: the suspension system, and the drawback system. In the suspension system, goods not in free circulation and which are intended for re-export in the form of compensating products can be imported temporarily provided that the goods are covered by a security. After the re-export of compensating products, the security is returned. In the drawback system, the import duties are collected when the inputs are imported and returned when the compensating goods are exported.

In order to be eligible for inward processing, firms must apply for an authorization online to the either Ministry of Economy through the General Secretary of Exporters Associations or customs administration. The application must be accompanied of the following documents: inward processing project form, table of raw materials, a list of authorized signatures, petition, trade registration journal, capacity report, and some other technical documents when required.

After approval of the authorization, companies can import and export goods without paying customs duties within the authorized period. Usually the discharge period is for 12 months, but in some cases, depending on the nature of production facilities, the period can go up to 24 months. Extensions to the period of discharge are allowed to a maximum of half of the original period.

2.2.4 Processing Under Customs Control

The objective of the processing under customs control regime is to facilitate operations in Turkey. This regime allows goods which have not yet been released for free circulation to be used in operations that can alter the nature or state and permit the release of these processed goods for free circulations at the rate that is appropriate to these goods.

Free Trade Zones

In order to engage in a Free Trade Zone operation, a company needs to apply to an “Operating license” from the Directorate General of Free Trade Zone of the Ministry of Economy. Goods entering into a free trade zone in Turkey or that are released from a free trade zone to enter into free circulation are controlled by Ministry of Customs and Trade. “Goods may be entered into free circulation under the regime of release for free circulation and the provisions of Article 161 of Customs Law; can be placed under the inward processing regime, under the procedure for processing under customs control, under the temporary importation procedure or be abandoned in accordance with Article 164; or be destroyed.²⁷”

2.2.5 Outward Processing

The outward processing regime allows the export of goods that are in free movement to a third country in order to be processed. Once the processing is completed in the third country, then goods are entered back into free movement. Customs duties and taxes are calculated from the price difference between the pre-processed (outgoing) and completed (incoming) goods.

2.2.6 Temporary import

The temporary import regime allows the use of goods in the customs territory of Turkey with an exception of total or partial import duties provided that the goods are not in free circulation, intended for re-export, and have not suffered any transformation (except for depreciation due to normal use of the goods)²⁸.

2.2.7 Transit

The transit regime allows the movement of goods through the Customs Territory of Turkey from: a foreign country to a foreign country, a foreign country to Turkey, Turkey to a foreign country, and inland customs office to another inland customs office.

The Common Transit Procedure (CTP) is used for the movement of goods between the 28 EU Member States, the EFTA countries (Iceland, Norway, Liechtenstein and Switzerland) and Turkey (since 1 December 2012), Republic of Macedonia (since 1 July

²⁷ European Commission (2006), Country dossier Turkey

²⁸ Customs Law 4458

2015) and also Republic of Serbia (since 1 February 2016). The legal basis of CTP is the Common Transit Convention (CTC) of 20 May 1987. CTP provides for customs and excise duties and other charges on goods to be suspended during their movement. Turkey became party to CTC since 1 December 2012.

CTP has been developed, for both economic operators and customs administrations, into an instrument of commercial policy essential for facilitating and managing the huge growth of international trade in goods. This system allows that goods can be dispatched between the Community customs territory and EFTA countries with a minimum of formalities and with customs duties and national charges suspended.

National Transit and Common Transit are the two types of transit procedures. National Transit Procedure is a transit procedure which allows movement of goods from a departure authority to an arrival authority both of which located within the Customs Territory of Turkey. On the other hand, Common transit is a customs procedure that allows movement of goods from one contracting party to another. Within provisions of CTP, "T1" symbol is applied for non-Community goods and "T2" for Community goods. Also, "TR" symbol is applied for National Transit Procedure in Turkey."

2.2.8.1 TIR System

The TIR System is the only international customs transit system with the widest geographical coverage currently available. In common with other customs transit procedures, the TIR procedure enables goods to move under customs control across international borders without the payment of the duties and taxes that would normally be due at importation (or exportation). A condition of the TIR procedure is that the movement of the goods must include transport by road. ²⁹

Goods move from a customs office of departure in one country to a customs office of destination in another country under cover of an internationally accepted customs transit document, the TIR Carnet, which also provides a financial guarantee for the payment of the

²⁹ http://ec.europa.eu/taxation_customs/business/customs-procedures/what-is-customs-transit/tir-transports-internationaux-routiers-international-road-transport_en

suspended duties and taxes. The guarantee system is managed by an international organization, which is currently the International Road Transport Union (IRU).³⁰

The Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) is the legal basis of TIR System and it has 70 Contracting Parties. TIR System is operational in 58 countries and Turkey is the biggest beneficiary country of the system.

2.2.8.2 Security in Transit regime

The security for transit should guarantee the full amount of customs debt including customs duties and other charges. The different types of securities are:

- Security for single transit operation
- Comprehensive guarantee
- Global security number of transit operation

2.2.8 Re-export destruction and abandonment

The re-export, destruction, and abandonment regime allows the re-export of goods, not in free circulation, from the customs territory of Turkey.

Goods not in free circulation can be destroyed or abandoned only under the supervision of the customs administration.

2.2.9 Returned goods

This is the case of goods that have been exported from Turkey and that from some reason have been returned to the country. The returned goods can be granted a relief of customs duties, provided that the goods return within three years from the time of the export, and that a formal request for the exemption of import duties is submitted by the declarant.

2.2.10 Security

In order to assure the payment of customs duties and fees (or customs debt), the customs administration requires the customs debt to be backed by a security issued by the person who

³⁰ http://ec.europa.eu/taxation_customs/business/customs-procedures/what-is-customs-transit/tir-transports-internationaux-routiers-international-road-transport_en

is, or will become, liable for the debt.³¹ The security is released after the payment of the customs debt.

2.2.11 Penalties

According to the Customs Law 4458 there are two types of penalties:

- Penalties to be charged on operations that result in a tax loss: A penalty of three fold of the customs duties can be charged as a fine in case of discrepancies that affect the tariff treatment, for example: the goods' nature, characteristics, measurements, weight, declared value of the goods being lower than their real value. The penalty will apply if the tariff difference between the tariff computed based on the declaration is 5% the tariff computed based on the examination.
- Fines relating to irregularities: these types of fines are issued to those persons violating the formats and procedures laid down by the by-laws, regulations, notifications, and instructions issued on the basis of CL. A twofold irregularity fine is applied if the declarant does not present the summary declaration or other document used as a summary declaration within the given time period. And a fourfold fine is applied when goods in warehouses are being handled without authorization.

2.2.12 Appeals

Petitions for corrections of customs duties may be submitted to the customs administration within a period of 15 days after the notification of the customs duties is received.

Any person who is aggrieved by a written decision by the Ministry of Customs and Trade of the Republic of Turkey or an officer of the Ministry in relation to a customs matter covered by customs legislation may appeal such decision. The Turkish Customs Code and its implementing regulation contain the legislation in question.

The appeals should be set out, in writing, the basis of the appeal and forward it, together with any relevant documentation (or copies), to the higher authority of the first customs administration within 15 days. If there is not any higher authority, the appeal should be made to the same customs authority which made the notification.

After the appealing, the person lodging the appealing will be advised, in writing, of the outcome of the lodgment of appeal within 30 days from the date of lodgment. The reasons for

³¹ Global Trade Deloitte

the determination of the appeal will be given. Or, an explanation will be made to the applicant for the delays in a reasonable time.

If the customs authority does not make a notification of the outcome of the appealing within 60 days, the application is assumed to be rejected by the administration.

After the notification, the person may appeal administrative decision to the higher authority, in case there is not any higher authority to the same authority, within 15 days with a written petition. Judicial appeal is not possible before completing the administrative appeal procedure.

In this case, the judicial review process starts after the decision of the higher authority's notification. Following the notification of the outcome of the second administrative appeal, the person can sue at a tax court within 30 days.

2.2.13 Customs Reconciliation Procedure

In addition to the administrative and judicial appealing procedures, "Reconciliation Procedure" has been playing a major role on resolving the customs disputes in the Republic of Turkey. In this case, the taxpayers and the customs officers have the opportunity to negotiation and discussion.

According to Reconciliation Regulation dated 2011, the taxpayers can apply for reconciliation in case there is misinterpretation or misapplication of provisions of law and/or there is a conflict between the court decisions and the administrative opinion on a customs issue. Reconciliation Procedure has a wide content that covers all additionally accrued custom duties and fines except for several cases. For instance, in cases where financial burdens are part of customs tax value but cannot be collected by the customs authority or if the process of collection of receivables started or financial burdens attached to the crime of smuggling, these cannot be held within the scope of reconciliation.

Reconciliation Procedure starts with a reconciliation request to be made by the taxpayer within fifteen days as of the notification of the tax and fines, to the Reconciliation Commissions of Regional Directorate of Customs and Trade for the requests up to 500.000.- TL and to the Central Reconciliation Commission is authorized for the reconciliation requests above 500.000. TL.

Lastly, if the reconciliation process goes smoothly for a deal, this deal decision of the reconciliation commissions is final, and there is not any more administrative or judicial appealing after the actualization of a reconciliation procedure. However, in case of a failure of the reconciliation, there is still the opportunity for administrative and judicial appealing in accordance with the above-mentioned provisions.

2.3 Filling in the Single Administrative Document (SAD) form

When filling in the single administrative document, there are some necessary codes for identifying customs regimes, ports, etc.

Goods that are entered for free circulation regimes can be identified with codes beginning with 4 in Box 37 of the SAD, as listed below:

- 40 Home use with simultaneous entry for free circulation
- 41 Home use with simultaneous entry for free circulation for the inward processing procedure (drawback system)
- 42 Home use with simultaneous entry for free circulation of goods subject to a zero rated onward supply
- 51 Inward Processing Procedure (suspension system)
- 53 Import under Temporary Procedure
- 61 Re-importation with simultaneous release for free circulation and home use
- 71 Placing of goods under the customs warehousing procedure
- 90 Locally produced goods subject to Excise Duty
- 91 Procedure for placing of goods under processing under customs control
- 93 Destruction of Goods
- 99 Other

Table 10 below provides the codes associated to the main Turkish entry Ports. This information is requested in Box 29 of the SAD form.

Table 10. Customs codes for main ports of entry in Turkey.

Code	Port	Code	Port	Code	Port
00110	HOPA	00146	MUDANYA	00138	KDZ.EREĐLÝ
00111	PAZAR	00147	BANDIRMA	00139	KARASU
00112	RÝZE	00148	ERDEK	00140	KEFKEN
00113	SÜRMENE	00149	KARABÝGA	00141	İÝLE
00114	TRABZON	00150	SÝLÝVRÝ	00142	ÝĐNEADA
00115	VAKFIKEBÝR	00151	TEKÝRDAĐ	00143	ÝSTANBUL
00116	GÖRELE	00152	GELÝBOLU	00144	ÝZMÝT
00117	TÝREBOLU	00153	ÇANAKKALE	00145	GEMLÝK
00118	GÝRESUN	00154	ENEZ	00175	FETHÝYE
00119	ORDU	00155	GÖKÇEADA	00176	NEMRUT
00120	FATSA	00156	BOZCAADA	00177	DATÇA

Table 10. Customs codes for main ports of entry in Turkey.

00121	ÜNYE	00157	M.ADASI	00178	FOÇA
00122	SAMSUN	00165	EDREMÝT	00182	KEMER
00123	GERZE	00166	AYVALIK	00183	KAP
00124	SÝNOP	00167	DÝKÝLY	00184	FÝNYKE
00125	AYANCIK	00168	ALÝADA	00185	ANTALYA
00126	ÝNEBOLU	00169	ÝZMÝR	00186	ALANYA
00127	CÝDE	00170	ÇEPME	00187	ANAMUR
00133	YALOVA	00171	KUADASI	00188	TAPUCU
00135	AMASRA	00172	GÜLLÜK	00189	MERSÝN
00136	BARTIN	00173	BODRUM	00190	ÝSKENDERUN
00137	ZONGULDAK	00174	MARMARÝS	00191	BOTA

2.4 Customs duties and taxes

According to the Turkish Customs Law, the customs value of a good for the purposes of the application of tariffs is based on the transaction value of that good (Chapter 3, Article 24-1). The customs administration determines whether the transaction value provided by the declarant is acceptable and free from any price influence as a result of an arrangement between seller and buyer. Other methods applied in hierarchical order are: Transaction value of identical products, transactional value of similar products, Deductive method, Computed value method, and Fallback method.

The harmonized system is used as a legal basis of Turkish customs tariffs. The Ministry of Customs and Trade publishes every year the Turkish Tariff Nomenclature (TTN) in columns: tariff codes, description of the goods and supplementary units, Turkey imposes zero tariffs to EU industrial and processed agricultural goods, and applies Community's Common Customs Tariff for Imports of these type of goods from third countries.

The calculation of Ad Valorem Customs duties are based on the CIF value of the goods. Other additional customs charges include a value-added tax (VAT) imposed on most imported goods. The VAT is computed on a C.I.F. basis plus duty rate and any other applicable charges levied before the goods clear customs. The payment of the VAT is the responsibility of the importer³².

³² Global Trade Deloitte

3 References:

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4 Annexes (Specimen Documents)

4.1 Customs declaration

Customs Import Declaration

Gümrük Beyannamesi

The Customs Import Declaration is prepared with eight copies and each copy is sent to various authorities. This sample is numbered 3/8. The procedure is the same as used with the EU Single Administrative Document.

Purpose - Customs clearance and duty payment

Issuing Authority – Turkish Customs Directorate

Where entry number is marked - Box 7

Where procedure code is marked – Box 37

Where duty payment is marked – Box 47

Where stamp is affixed – Box D

English Translation of Customs Import Declaration

Box A: Office of destination

Box 1: Declaration The “IM” code must be entered in the first subdivision.

Enter the appropriate code in the second subdivision (code 4 indicates the final importation into Turkey).

The third subdivision is used only for transit regimes

Box 2: Consignor/Exporter

Box 3: Forms

Box 4: Loading lists

Box 5: Items

Box 6: Total packages

Box 7: Reference number

Box 8: Consignee

Box 9: The person responsible for financial settlement

Box 10: Place of departure

Box 11: Place of transaction

Box 12: Value details

Box 14: Declarant/Representative

Box 15: Country of dispatch/export

Box 16: Place of origin

Box 17: Country of destination

Box 18: Identity and nationality of means of transport at departure

Box 19: Container (Ctr)

Box 20: Delivery terms

Box 21: Identity and nationality of active means of transport crossing the border

Box 22: Currency and total amount invoiced

Box 23: Exchange rate

Box 24: Nature of transaction

Box 25: Mode of transport at the border

Box 26: Inland mode of transport

Box 27: Place of loading

Box 28: Financial data

Box 29: Office of entry

Turkey 12

Box 30: Location of goods

Box 31: Packages and description of goods; Marks and numbers — Container
No(s) — Number and kind

Box 32: Item number

Box 33: Commodity Code

Box 34: Country-of-origin code

Box 35: Gross mass (kg)

Box 36: Preference

Box 37: Procedure

- Box 38: Net mass (kg)
- Box 39: Quota
- Box 40: Summary declaration/Previous document
- Box 41: Supplementary units
- Box 42: Item price
- Box 43: Valuation method
- Box 44: Additional information/Documents produced/Certificates and authorizations
- Box 45: Adjustment
- Box 46: Statistical value
- Box 47: Calculation of taxes
- Box 48: Deferred payment
- Box 49: Identification of warehouse
- Box 50: Principle for the declaration
- Box 51: Transit routing
- Box 52: Bonds
- Box 53: Destination office
- Box 54: Place and date, signature and name of the declarant or his representative
- Box B: Accounting Details
- Box C: Office of Departure
- Box D/J: Control by office of departure/destination

In case of examination the results of such examination must be entered together with the registration number, name, signature and the seal of the responsible officer. The consent of the declarant regarding the calculation of the taxes is annotated. Following the payment of customs taxes, the cashier may insert some instructions regarding the payment.

T.C. GÜMRÜK BEYANNAMESİ		B E Y A N N A M E S İ		AŞEĞİ AKRACI/NANİSİ GÜMRÜK GABESİ	
3	8	1	4	A	
2	31	5	6	7	
8	9				
14	10	11	12	13	
14	15	16	17	17	
18	19	20	1		
21	22	23	24		
25	26	27	28		
29	30				
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	B			
51	C				
52	53				
54	54				

Source: European Commission Country Dossier Turkey

4.2 Customs Payment

Customs Pay Office Receipt

Gumruk Vezne Alindisi

Purpose – Proof of customs clearance

Issuing Authority – Customs Directorate

Where entry number is marked – Upper right corner

Where duty payment is marked – “Toplam” Total

Where stamp is affixed – Lower right corner

Further documents required – approval of Provincial Directorate of Agriculture

T.C. Series: MINISTRY OF FINANCE **Number:****DIRECTORATE Special No:**

CUSTOMS PAY OFFICE RECEIPT

CLEARED GOODS		SUPPORTING DOCUMENT'S		KIND OF THE CASH RECEIPT	TURKISH LIRA
Amount	Kind	Journal No:		Customs Taxes and Other Taxes and Duties	
		Declaration Accrual Document No:		VAT on importation	
		Deduction Warrant No:		Deposit	
				Custody	
				Others	

TOTAL

...../...../.....

Issued by
Name
Signature

Cashier
Name
Signature

Stamp

Source: European Commission Country Dossier Turkey.

GİRİŞEN İŞYANIN		DARANIĞI BELGİNİN		TANISILAN ÇEŞİTİ		E. Y. B. A.	
Kilogram	Çeşidi						
		Yükümlü Niteli		Gümrük Vergisi ve Diğer Vergi ve Resimler			
		Beyan İşlemi Tahsil Belgesi No:		İstisna Belgesi K. D. N.			
		Makkep Müahhizatı No:		Depozito			
				Belirtilen			
				Diğer			
				TOPLAM			

İşlemler

K. D. Y.

Düzenleyen: Adı Soyadı İmza

Veznedar: Adı Soyadı İmza

4.3 Stamps

Stamps

Purpose – Payment of Customs Duty

Issuing Authority – Finance Ministry

Where on the document is the stamp affixed – Lower right corner, stamped with circular TC stamp and the separate name stamp of the official.

At which point in the entry procedure is the stamp affixed - After payment of customs duty to the cashier.

Are there variations to the stamp (eg. date, location) – Officer's name stamp will vary.

Purpose – Acceptance of Import Declaration

Issuing Authority – Directorate General of Customs

Where on the document is the stamp affixed – Box D.

At which point in the entry procedure is the stamp affixed – When entry is made

Are there variations to the stamp (eg. date, location) – Date in center of stamp.

Source: European Commission Country Dossier Turkey

4.4 Citations

Citations

“Customs Law”

“Protocol 3 Annexed to the Decision No. 1/98 of the EC-Turkey Association Council Trade of Agricultural Products between Turkey and the EC” (1998)

“Agreement Establishing an Association between the European Economic Community and Turkey” (1963 and Additional Protocol)

Directorate General of Customs

ggm@gumruk.gov.tr

www.gtb.gov.tr/ <http://english.gtb.gov.tr/>

Source: European Commission Country Dossier Turkey