

ANNEX V

REFERRED TO IN ARTICLE 2.12

**MUTUAL RECOGNITION OF RESULTS OF CONFORMITY
ASSESSMENT OF PRODUCTS**

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MUTUAL RECOGNITION OF RESULTS OF CONFORMITY ASSESSMENT OF PRODUCTS

Article 1

Purpose

The purpose of this Annex is to contribute to the free movement of goods between the Parties by reducing technical barriers to trade related to conformity assessment of industrial products.

Article 2

Scope

1. In trade between Turkey and Iceland, Liechtenstein, and Norway (EEA EFTA States), this Annex applies to all products subject to EU legislation harmonised pursuant to Article 114 of the Treaty on the Functioning of the EU.
2. In trade between Turkey and Switzerland, this Annex applies to the products that are covered by the Agreement between the European Union and the Swiss Confederation on Mutual Recognition of Conformity Assessments of 1999 (EU-Switzerland MRA) where the respective legislation is deemed equivalent.
3. This Annex applies to products irrespective of their origin.

Article 3

Legislation

1. The product requirements covered by the EU–Turkey Customs Union apply to products to be placed on the Turkish market.
2. The product requirements covered by the EEA Agreement apply to products to be placed on the market of the EEA EFTA States.
3. The product requirements covered by the EU–Swiss MRA apply to products to be placed on the Swiss market.

Article 4

Conformity Assessment

The Parties agree to mutually accept the results of conformity assessments carried out by conformity assessment bodies notified under the EEA Agreement, the EU-Switzerland MRA or the EU-Turkey Customs Union.¹

Article 5

Import Checks

1. The products covered by this Annex and placed on the market in Turkey or in an EFTA State shall be assumed to comply with the relevant technical regulations when imported to another Party. An EU Declaration of Conformity, a certificate, an approval or an authorisation requested by the competent authorities pursuant to the relevant technical regulations of the EU for a product covered by this Annex shall satisfy the documentary requirements of a Party.

2. For products covered by this Annex, import checks shall be an exception and limited to checks of the documentation specified in paragraph 1, except as otherwise provided for in paragraph 3.

3. This Article shall not prevent the competent authorities to take the necessary measures if:

- (a) the product displays characteristics which give cause to believe that the product, when properly installed, maintained and used, presents a serious risk; or
- (b) the CE marking has been affixed to the product in a false or misleading manner.

Article 6

Verification of Notified Bodies

1. If a Party has reasonable doubts about the quality of the conformity assessment carried out by a notified body of another Party, it may request that Party to verify the technical competence and compliance with the relevant regulations applicable in that Party. The requesting Party shall justify its request in order to allow the requested Party to carry out the verification and promptly reply. The Parties shall ensure full cooperation, take all appropriate steps, and use all available means necessary to resolve any problems.

2. If the problems cannot be resolved to the satisfaction of the Parties concerned, they may notify the Joint Committee of their dissent, giving their reasons. The Joint Committee shall decide on appropriate action within two months.

3. Unless otherwise decided by the Joint Committee within the period laid down in paragraph 2, the notification of the conformity assessment body and the recognition of its

¹ The EFTA Secretariat publishes the list of notified or accepted conformity assessment bodies on the Website of the EFTA Secretariat.

competence to assess conformity under this Annex shall be suspended in part or in full at the end of that period by the responsible Party.

4. Based on new evidence found after the expiry of the period laid down in paragraph 2, a Party may request that the suspension pursuant to paragraph 3 be reviewed. In that case, experts from the Parties shall jointly examine the notified body concerned and report their findings to the designating authority of the responsible Party and the Joint Committee. On the basis of this report, the Joint Committee may decide to withdraw the suspension.

Article 7

Authorised Representatives in the Area of Medical Devices

With regard to the designation of an authorised representative for medical devices, it shall be sufficient for the purposes of this Annex for the manufacturer to be established or to have a designated representative, either in the EU, in an EFTA State or in Turkey.

Article 8

Exchange of Information

1. The Parties shall exchange all relevant information regarding the application of this Annex, including information on the procedure to ensure compliance by the notified bodies.

2. Switzerland shall notify Turkey of all changes in the scope of the sectors in the EU-Switzerland MRA whose legislation is deemed equivalent.
