



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM: ATEX (94/9/EC)

**Country Session: The Republic of TURKEY
20-24 February 2006**



RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE (MIT) IS RESPONSIBLE FOR TRANSPOSITION AND IMPLEMENTATION OF THE DIRECTIVE 94/9/EC.



LEGAL BASIS - I

RELATED EU LEGISLATION:

DIRECTIVE 94/9/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 23 MARCH 1994 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES CONCERNING EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES.



LEGAL BASIS - II

TRANSPOSING REGULATION:

THE REGULATION ON EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES AS AMENDED (94/9/EC) WAS TRANSPOSED AND PUBLISHED IN THE OG NO. 24919, DATED 27.10. 2002.

THE TRANSITIONAL PERIOD LAID DOWN IN THE REGULATION ENDED ON 31.12.2003.



EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION

- THE TRANSPOSED REGULATION WAS SENT TO THE EUROPEAN COMMISSION.
- THE PROCESS OF EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION IS CONTINUING.



RELATED STANDARDS

- THE HARMONISED EUROPEAN STANDARDS ARE TRANSPOSED AND PUBLISHED AS NATIONAL STANDARDS BY TURKISH STANDARDS INSTITUTE.
- THE NUMBER OF EN STANDARDS IS 51.
- ALL OF THESE EN STANDARDS HAVE BEEN TRANSPOSED AND PUBLISHED AS TURKISH STANDARDS.



CONFORMITY ASSESSMENT- I

IN ORDER TO ENSURE TRANSPARENCY AND INDEPENDENCE OF NBs TO BE DESIGNATED BY THE MIT, THERE WAS A NEED TO ANNOUNCE THE APPLICATION, ASSESSMENT AND DESIGNATION PROCEDURES AND THE CRITERIA FOR THE NBs AND CABs ON DIRECTIVE BASIS TO THE CANDIDATE BODIES.

IN THIS CONTEXT, THE COMMUNIQUÉ ON THE CRITERIA FOR DESIGNATION OF NBs FOR THE PRODUCTS COVERED BY ATEX DIRECTIVE WAS PUBLISHED IN OG NO. 25103, DATED 09.05.2003.



CONFORMITY ASSESSMENT - II

ACCORDING TO THE ABOVE MENTIONED CRITERIA, CABs WISHING TO BE APPOINTED BY THE MIT AS A NB SHOULD FULFILL THE FOLLOWING REQUIREMENTS:

- THE REQUIREMENTS LAID DOWN IN THE REGULATION ON CONFORMITY ASSESSMENT AND NBs PUBLISHED IN THE OG NO. 24643, DATED 17 JANUARY 2002.
- MINIMUM CRITERIA FOR NBs SET OUT IN THE ANNEX TO THE DIRECTIVE.



CONFORMITY ASSESSMENT - III

COMMUNIQUÉ COVERS;

- TECHNICAL AND ADMINISTRATIVE CRITERIA TO BE MET BY CABs (NO ADDITIONAL CRITERIA OTHER THAN THOSE MENTIONED IN THE DIRECTIVE, REFERENCE TO EN 45000 SERIES)
- APPLICATION PROCEDURE (WHERE TO APPLY, ACCOMPANYING DOCUMENTS FOR APPLICATION)
- EVALUATION PROCEDURE
- DESIGNATION
- DUTIES AND RESPONSIBILITIES OF CABs



CONFORMITY ASSESSMENT - IV

PROTOCOL WITH TURKISH ACCREDITATION AGENCY (TÜRKAK):

- THE MIT SIGNED A PROTOCOL WITH TÜRKAK ON 18.04.2003.
- ACCORDING TO THIS PROTOCOL, TÜRKAK MAKES ALL NECESSARY ASSESSMENTS FOR DESIGNATION.
- UPON THE POSITIVE ASSESSMENT REPORT OF TÜRKAK, THE MIT MAKES THE FINAL DECISION TO NOTIFY THE CANDIDATE BODY TO THE COMMISSION.
- HOWEVER, SINCE TURKEY'S CABs ALREADY NOTIFIED TO THE EUROPEAN COMMISSION HAVE NOT BEEN ALLOCATED IDENTIFICATION NUMBERS SINCE THE END OF 2003, POTENTIAL NBs ARE RELUCTANT TO APPLY.



MARKET SURVEILLANCE - I

THE MIT HAS BEEN CARRYING OUT MARKET SURVEILLANCE ACTIVITIES ACCORDING TO NATIONAL LEGISLATION WITH ITS INSPECTORS AT 81 PROVINCIAL DIRECTORATES SINCE ITS ESTABLISHMENT.

ACCORDING TO LAW NO. 3143 ON THE ESTABLISHMENT AND DUTIES OF THE MIT, MARKET CONTROLS ON ALMOST ALL INDUSTRIAL PRODUCTS HAVE BEEN PERFORMED BY MIT SINCE 1985.

THE EXPERIENCE GAINED BY THE MIT SINCE 1985 HAS CONTRIBUTED TO MIT'S ADAPTATION TO THE REQUIREMENTS OF THE MARKET SURVEILLANCE FORESEEN BY THE EU LEGISLATION.



MARKET SURVEILLANCE - II

- THE MIT STRENGTHENED AND RE-ORGANISED ITS EXISTING SYSTEM ACCORDING TO THE NEW LEGISLATION.
- MARKET SURVEILLANCE IS CARRIED OUT PURSUANT TO THE PROVISIONS OF:
 - ✓ THE LAW NO. 4703 ON THE PREPARATION AND IMPLEMENTATION OF TECHNICAL LEGISLATION ON PRODUCTS (PUBLISHED IN THE OG NO. 24459 DATED, 11.07.2001),
 - ✓ THE REGULATION NO. 2001/3529 ON MARKET SURVEILLANCE OF PRODUCTS (PUBLISHED IN THE OG NO. 24643, DATED 17.01.2002),
 - ✓ THE REGULATION ON PROCEDURES AND PRINCIPLES FOR MARKET SURVEILLANCE TO BE PERFORMED BY THE MIT (PUBLISHED IN THE OG NO. 25103, DATED 09.05.2003).



MARKET SURVEILLANCE - III

ACCORDING TO THE LATTER REGULATION:

- THREE DGs ARE RESPONSIBLE FOR MARKET SURVEILLANCE TOGETHER WITH 81 PROVINCIAL DIRECTORATES: DG FOR INDUSTRY, DG FOR MEASUREMENT AND STANDARDS, DG FOR PROTECTION OF CONSUMERS AND COMPETITION.
- COORDINATION COMMISSION CONSISTING OF THE DIRECTOR GENERALS OF THE DG FOR INDUSTRY, DG FOR STANDARDS AND MEASUREMENT, DG FOR PROTECTION OF CONSUMERS AND COMPETITION AND DG FOR EU COORDINATION, THE FIRST LEGAL ADVISER, HEAD OF DATA PROCESSING DEPARTMENT UNDER THE PRESIDENCY OF UNDERSECRETARY OF THE MIT HAS BEEN ESTABLISHED.
- THIS COMMISSION MEETS EVERY THREE MONTHS, MAKES THE GENERAL POLICY OF THE MIT, ENSURES CO-ORDINATION AMONG DIFFERENT DGs AND PROVINCIAL DIRECTORATES CONCERNING MARKET SURVEILLANCE.



MARKET SURVEILLANCE - IV

- THE MIT HAS BEEN PERFORMING MARKET SURVEILLANCE SINCE 2003.
- UNTIL THE YEAR 2005, THIS SURVEILLANCE WAS IN THE FORM OF PROVIDING INFORMATION ABOUT INADEQUACIES FOUND AS WELL AS GIVING INFORMATION ABOUT THE NEW SYSTEM TO THE MANUFACTURERS.
- THE MIT HAS STARTED TO IMPOSE SANCTIONS SINCE 2005 ACCORDING TO THE EU-BASED LEGISLATION.
- THE TOTAL NUMBER OF INSPECTORS : 670
 - DG FOR INDUSTRY: 25
 - DG FOR MEASUREMENT AND STANDARDS: 25
 - DG FOR PROTECTION OF CONSUMERS AND COMPETITION : 20
 - PROVINCIAL OFFICES : 600
- IN-HOUSE TRAINING SEMINARS WERE HELD FOR INSPECTORS IN 81 PROVINCIAL DIRECTORATES AND DGs.



MARKET SURVEILLANCE - V

POWERS AND DUTIES OF MIT:

IN ORDER TO ENSURE THAT ONLY SAFE PRODUCTS ARE PLACED ON THE MARKET, THE MIT;

- PERFORMS INSPECTIONS AT PLACES LIKE WAREHOUSES, SHOPS, COMMERCIAL HOUSES AND STORAGE CLOSEOUTS AND OTHER PLACES WHICH ARE SUBJECT TO INSPECTION,
- REVIEWS THE DOCUMENTS AND/OR CONFORMITY MARKINGS REFERRED IN THE RELEVANT TECHNICAL REGULATION,
- MAKES PHYSICAL EXAMINATION AND INSPECTION,
- TAKES SAMPLES FOR TESTING IF NECESSARY,
- WHEN NECESSARY, BENEFITS FROM THE OPINIONS AND ADVICES OF EXPERTS.



MARKET SURVEILLANCE - VI

POWERS AND DUTIES OF MIT:

FOR NON-COMPLIANT AND UNSAFE PRODUCTS, THE MIT TAKES NECESSARY MEASURES IN ACCORDANCE WITH THE LAW NO. 4703.



MARKET SURVEILLANCE - VII

SANCTIONS TO BE APPLIED IN CASE OF NON-CONFORMITY:

- IN CASE OF NON-CONFORMITIES FOUND DURING MARKET SURVEILLANCE ACTIVITIES, THE ADMINISTRATIVE FINES AS WELL AS SANCTIONS ARE IMPOSED PURSUANT TO THE LAW NO. 4703.
- SANCTIONS INCLUDE WITHDRAWAL FROM THE MARKET AND DISPOSAL OF PRODUCT, PROHIBITION OF PLACING ON THE MARKET, SETTING DEADLINES TO CORRECT NON-CONFORMITIES, SOME OF WHICH ARE ACCOMPANIED BY ADMINISTRATIVE FINE.
- MEASURES TAKEN BY THE MIT DIFFER ACCORDING TO THE LEVEL OF NON-COMPLIANCE AND THOSE MEASURES ARE IMPLEMENTED PURSUANT TO THE “PRINCIPLE OF PROPORTIONALITY”.



MARKET SURVEILLANCE - VIII

PROJECTS WITHIN THE SCOPE OF PRE-ACCESSION FINANCIAL ASSISTANCE:

IN ORDER TO IMPROVE THE TECHNICAL COMPETENCE OF INSPECTORS, FURTHER TRAININGS HAVE BEEN ORGANISED WITHIN THE FRAMEWORK OF SOME EU PROJECTS IN ADDITION TO THE IN-HOUSE TRAININGS PERFORMED BY THE MIT:

- **TWINNING FOR MARKET SURVEILLANCE:**
 - GENERAL TRAINING FOR 418 INSPECTORS

- **TAIEX FOR MARKET SURVEILLANCE:**
 - GENERAL TRAINING FOR 20 INSPECTORS
 - TRAINING ON ATEX FOR 20 INSPECTORS



MARKET SURVEILLANCE - IX

BUDGET ALLOCATED FOR MARKET SURVEILLANCE ACTIVITIES:

- APPROXIMATELY 200,000 EUROS HAVE BEEN ALLOCATED FOR TESTING EXPENSES UNDER MARKET SURVEILLANCE ACTIVITIES OF DG FOR INDUSTRY FOR THE YEAR 2006.
- ALL OTHER COSTS (TRAVEL, DAILY ALLOWANCES, TRAINING, ETC.) ARE COVERED OUT OF THE CENTRAL GOVERNMENT BUDGET.
- THIS AMOUNT IS FOR MARKET SURVEILLANCE ACTIVITIES OF DG FOR INDUSTRY DIRECTIVES EMC; LVD; MOTOR VEHICLES, ATEX, LIFT, MACHINERY, EXPLOSIVES FOR CIVIL USES, CABLEWAYS, NOISE EMISSION, GASEOUS EMISSIONS, CRYSTAL GLASS.



MARKET SURVEILLANCE ACTIVITIES

- NO MARKET SURVEILLANCE ACTIVITY HAS BEEN CARRIED OUT UNDER 94/9/EC SO FAR.
- THE MIT HAS SUFFICIENT NUMBER OF PERSONNEL, HOWEVER, FURTHER TRAINING OF THIS PERSONNEL REGARDING ATEX IS NEEDED.



NATIONAL TECHNICAL COMMITTEE (ELTEK)

- ELTEK FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A COMMUNIQUÉ PUBLISHED IN THE OG DATED 09.01.2005 TO DISCUSS AND TAKE ADVISORY DECISIONS ON TRANSPOSITION AND IMPLEMENTATION OF LVD AND EMC.
- A SUBCOMMITTEE ON ATEX HAS BEEN ESTABLISHED UNDER ELTEK TO STUDY THE ISSUES RELATING TO THE IMPLEMENTATION OF REGULATION ON ATEX.



PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP

MEETINGS OF THE FOLLOWING COMMITTEE CONVENED SEMI-ANNUALLY ARE ATTENDED BY THE MIT:

- 94/9/EC WORKING GROUP ON ATEX

PARTICIPATION TO ADCO WORKING GROUP ON ATEX IS DESIRED.



THANK YOU FOR YOUR ATTENTION