



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

**AGENDA ITEM: ELECTROMAGNETIC COMPATIBILITY
(89/336/EEC)**

**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 89/336/EEC.



LEGAL BASIS - I

RELATED EU LEGISLATION:

COUNCIL DIRECTIVE OF 3 MAY 1989 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO ELECTROMAGNETIC COMPATIBILITY (89/336/EEC)

AMENDED BY

92/31/EEC
93/68/EEC

REPLACED BY

2004/108/EC.



LEGAL BASIS - II

TRANSPOSING REGULATION:

THE REGULATION ON ELECTROMAGNETIC COMPATIBILITY (89/336/EC) WAS PUBLISHED IN THE OG NO. 24773, DATED 2 JUNE 2002. REGULATION ENTERED INTO FORCE AS OF 2 JUNE 2003 AFTER ONE YEAR TRANSITION PERIOD.

THE DIRECTIVE 2004/108/EC IS PLANNED TO BE TRANSPOSED TILL THE END OF 2006.

THE LEGAL BASIS OF THE REGULATION IS THE LAW NO. 4703 ON PREPARATION AND IMPLEMENTATION OF TECHNICAL LEGISLATION ON PRODUCTS, PUBLISHED IN THE OG NO. 24459, DATED 11.7.2001.



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 HARMONIZED EUROPEAN STANDARDS ARE TRANSPOSED AND PUBLISHED AS NATIONAL STANDARDS BY TURKISH STANDARDS INSTITUTE (TSE).
- THE NUMBER OF EN STANDARDS UNDER THE REGULATION ON EMC IS 125 OUT OF WHICH 105 WERE TRANSPOSED AND PUBLISHED AS TURKISH STANDARDS. THE TRANSPOSITION OF THE REMAINING 20 EN STANDARDS ARE IN PROGRESS.
- 5 MANDATORY NATIONAL STANDARDS UNDER THE REGULATION ON EMC WERE WITHDRAWN BY A COMMUNIQUE IN THE OG NO. 25826, DATED 26 MAY 2005.
- ALTHOUGH, ALL OF THE EN STANDARDS HAVE NOT BEEN TRANSPOSED YET, THE TECHNICAL COUNCIL OF TSE DECIDED TO ADOPT ALL EN STANDARDS AS NATIONAL STANDARDS, WHETHER TRANSPOSED OR NOT.



CONFORMITY ASSESSMENT- I

IN ORDER TO ENSURE TRANSPARENCY AND INDEPENDENCE OF NBs TO BE DESIGNATED BY 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 EMC REGULATION WAS PUBLISHED IN OG NO. 25103 AND 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

THE 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):

- 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, MIT MAKES THE FINAL DECISION TO NOTIFY THE CANDIDATE BODY TO THE COMMISSION VIA UFT.



CONFORMITY ASSESSMENT - V

APPLICATIONS FROM THE FOLLOWING CABs HAVE BEEN RECEIVED UNDER THE COMMUNIQUE AND SENT TO TÜRKAK FOR ASSESSMENT:

- TURKISH STANDARDS INSTITUTE
- MEYER CERTIFICATION SERVICES CO. LTD.
- TÜBİTAK NATIONAL METROLOGY INSTITUTE, UME



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

- 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 THE UNDERSECRETARY OF MIT HAS BEEN ESTABLISHED.
- THIS COMMISSION MEETS EVERY THREE MONTHS, MAKES THE GENERAL POLICY OF MIT, ENSURES CO-ORDINATION AMONG DIFFERENT DGs AND PROVINCIAL DIRECTORATES CONCERNING MARKET SURVEILLANCE.



MARKET SURVEILLANCE - IV

- 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.
- MIT HAS STARTED TO IMPOSE SANCTIONS SINCE 2005 ACCORDING TO 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, 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-CONFORMING 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 MIT DIFFER ACCORDING TO THE LEVEL OF NON-COMPLIANCE AND THOSE MEASURES ARE IMPLEMENTED PURSUANT TO THE “PRINCIPLE OF PROPORTIONALITY”.



MARKET SURVEILLANCE - VIII

PROJECTS FOR THE IMPROVEMENT OF THE MARKET SURVEILLANCE CAPACITY OF MIT IN THE FIELD OF EMC, LVD, MACHINERY, AND PRESSURE EQUIPMENT

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 MIT:

SUPPORT TO THE TURKISH CABs AND MIT IN THE IMPLEMENTATION OF SOME NEW APPROACH DIRECTIVES (MACHINERY, LVD, EMC AND PRESSURE VESSELS) (2003)

TWINNING FOR MS

GENERAL TRAINING FOR 418 INSPECTORS

TRAINING ON LVD-EMC FOR 148 INSPECTORS

TAIEX FOR MS

GENERAL TRAINING FOR 20 INSPECTORS

TRAINING ON LVD-MC 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

PERIOD 2004 -2005

ELECTRICAL – ELECTRONIC INDUSTRY

TOTAL NUMBER OF PRODUCTS INSPECTED	:	3,714
NUMBER OF CONFORMING PRODUCTS	:	3,292
NUMBER OF NON-CONFORMING PRODUCTS	:	422
AMOUNT OF FINE	:	44,375 €



MARKET SURVEILLANCE CAMPAIGN - I

- ONE OF THE CAMPAIGNS ORGANISED ON 18-29 APRIL 2005 COVERED “SMALL HOUSEHOLD APPLIANCES” AND THIS CAMPAIGN WAS CARRIED OUT THROUGHOUT 81 PROVINCES.
- IN THIS CAMPAIGN, VACUUM CLEANERS, FOODSTUFF GRINDERS AND MIXERS, FRUIT AND VEGETABLE PRESSES, BLENDERS, SHAVERS, EPILATION DEVICES, IRONS, WATER BOILERS, HAIR DRYERS, GRILLS, TOASTERS, COFFEE AND TEA MAKERS, FRYERS, ETC. HAVE BEEN INSPECTED.



SMALL HOUSEHOLD APPLIANCES (18-29 APRIL 2005) CAMPAIGN RESULTS:

NUMBER OF PRODUCTS INSPECTED	: 1905
CONFORMING	: 1734
NON-CONFORMING	: 171
DOMESTIC PRODUCT	: 609
IMPORTED FROM EU MS	: 571
IMPORTED FROM 3RD COUNTRIES	: 351
NO COUNTRY OF ORIGIN	: 374



MARKET SURVEILLANCE CAMPAIGN – II

- ANOTHER CAMPAIGN COVERED “CONSUMER ELECTRONIC EQUIPMENT” WAS CARRIED OUT ON 13-24 JUNE 2005 IN 81 PROVINCES.
- IN THIS CAMPAIGN TELEVISIONS, AUDIO-SETS, HOME THEATRES, VIDEO PLAYERS, CASH REGISTERS, DIGITAL CAMERAS, VIDEO RECORDERS, PROJECTION EQUIPMENT, ELECTRONIC SCALES, ETC. WERE INSPECTED.



CONSUMER ELECTRONIC EQUIPMENT (13-24 JUNE 2005)

CAMPAIGN RESULTS:

NUMBER OF PRODUCTS INSPECTED	: 1256
CONFORMING	: 1161
NON-CONFORMING	: 95
DOMESTIC PRODUCT	: 496
IMPORTED FROM EU MS	: 57
IMPORTED FROM 3RD COUNTRIES	: 377
NO COUNTRY OF ORIGIN	: 326



IMPORT CHECKS - I

- IMPORT CONTROLS OF PRODUCTS COVERED BY EMC DIRECTIVE HAVE BEEN CARRIED OUT IN ACCORDANCE WITH THE “**COMMUNIQUE ON THE IMPORTS OF CE MARKED PRODUCTS (2004/22)**”, PUBLISHED BY THE UFT SINCE 10 APRIL 2004.



IMPORT CHECKS - II

- ACCORDING TO THE COMMUNIQUÉ, RELEVANT MINISTRIES ARE AUTHORISED TO CHECK THE PRODUCTS IN ACCORDANCE WITH RELEVANT REGULATIONS.
- THE PRODUCTS IMPORTED FROM EU MEMBER STATES ARE DIRECTLY RELEASED INTO FREE CIRCULATION WHEREAS THOSE FROM 3RD COUNTRIES ARE SUBJECT TO INSPECTION.
- MIT ASSIGNED TSE TO CARRY OUT SUCH CHECKS ON THE PRODUCTS COVERED BY LVD, EMC AND MD.



NATIONAL TECHNICAL COMMITTEE (ELTEK)

- ELTEK FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A COMMUNIQUÉ PUBLISHED IN THE OG OF 9 JANUARY 2005 TO DISCUSS AND TAKE ADVISORY DECISIONS ON TRANSPOSITION AND IMPLEMENTATION OF LVD.
- 2 MEETINGS HAVE BEEN ORGANISED SO FAR.
- WHEN NECESSARY, RELATED PUBLIC AND PRIVATE INSTITUTIONS ARE ALSO INVITED TO THE MEETINGS.



PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP

- THE MEETINGS OF THE STANDING COMMITTEE AND EXPERTS' GROUP HAVE NOT BEEN ATTENDED SO FAR. HOWEVER, ATTENDANCE IS PLANNED IN THE FUTURE.
- INVITATIONS FROM THE EUROPEAN TRAINING INSTITUTE TO WORKING GROUP MEETINGS ARE RECEIVED.



THANK YOU FOR YOUR ATTENTION