



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

**AGENDA ITEM: GENERAL PRINCIPLES OF THE NEW APPROACH
AND
THE CONFORMITY ASSESSMENT**

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



LEGAL BASIS - I

LAW NO. 4703 ON THE PREPARATION AND IMPLEMENTATION OF THE
TECHNICAL LEGISLATION ON PRODUCTS

In force since 11 January 2002



LEGAL BASIS - II

4703 IS A FRAMEWORK LAW

- Lays down the common principles in the areas of “placing a product on the market, the responsibilities of the producer and the supplier, conformity assessment bodies and the notified bodies, and the market surveillance”.
- Applicable to products under the Old and New Approach as well as to those without a specific legislation.

(details are dealt with in the specific product legislation)



LEGAL BASIS - III

IMPLEMENTING REGULATIONS OF THE FRAMEWORK LAW:

- Regulation on the Market Surveillance of Products
- Regulation on the Conformity Assessment Bodies and the Notified Bodies
- Regulation on the Affixing and the Use of the CE Mark
- Regulation on the Notification of Technical Legislation and Standards Between Turkey and the EU



REQUIREMENTS FOR A PRODUCT TO BE PLACED ON THE MARKET - I

Article 5 (1st paragraph):

The new products to be placed on the market shall be in conformity with the relevant technical regulations. This provision shall also apply to used products which are planned to be placed on the market after being subject to a change and to old and used products which are imported from the countries except the EU Member States.



REQUIREMENTS FOR A PRODUCT TO BE PLACED ON THE MARKET - II

Article 5 (3rd paragraph):

Producers shall place only safe products on the market. Products in compliance with the relevant technical regulations, are assumed as safe. In the absence of a relevant technical regulation, safety of a product shall be assessed in accordance with the national or international standards and in the absence of these, with the codes of good practice in the sector concerned or with the state of science and technology or with the safety which consumers may reasonably expect.

(Reference to safety, including the safety of those products without a specific legislation)



DESCRIPTION OF A SAFE PRODUCT AND ESSENTIAL REQUIREMENTS

Safe product means any product which, under normal conditions of use, does not present any risk or presents only risks considered as acceptable and brings a high level of protection with respect to the essential requirements.

Essential requirements mean the minimum safety conditions which the product shall present regarding the level of protection for the health of persons, safety of persons and their properties, life and health of animals and plants, environment and the consumer,

(Each New Approach Legislation lays down the related essential requirements in parallel the corresponding EU Directive)



HARMONISED NATIONAL STANDARDS

Article 5 of Regulation on the Market Surveillance states that the products which are in conformity with the harmonised national standard or standards referred to in a technical Regulation shall be assumed to be in conformity with the essential requirements applicable to these products .

(Harmonised National Standard: any national standard which adopts the harmonised European standard and which is approved and published as a Turkish Standard by the Turkish Standards Institute)



THE RESPONSIBILITIES OF THE PRODUCER AND THE SUPPLIER

- Laid down in Article 5 of the Framework Law
- Further detailed in the Regulation on the Market Surveillance of Products
- Product specific responsibilities handled in the product legislation



CONFORMITY ASSESSMENT AND THE NOTIFIED BODIES

- General provisions covered by Articles 7, 8 and 9 of the Framework Law.
- Detailed principles can be found in the implementing Regulation on Conformity Assessment Bodies (CABs) and Notified Bodies (NBs).
- Most of the specific product legislation is also supported by a legislation handling the designation of NBs specifically in that sector.



GENERAL CRITERIA TO BE MET BY THE NOTIFIED BODIES

Article 4 of the Regulation on the CABs and the NBs:

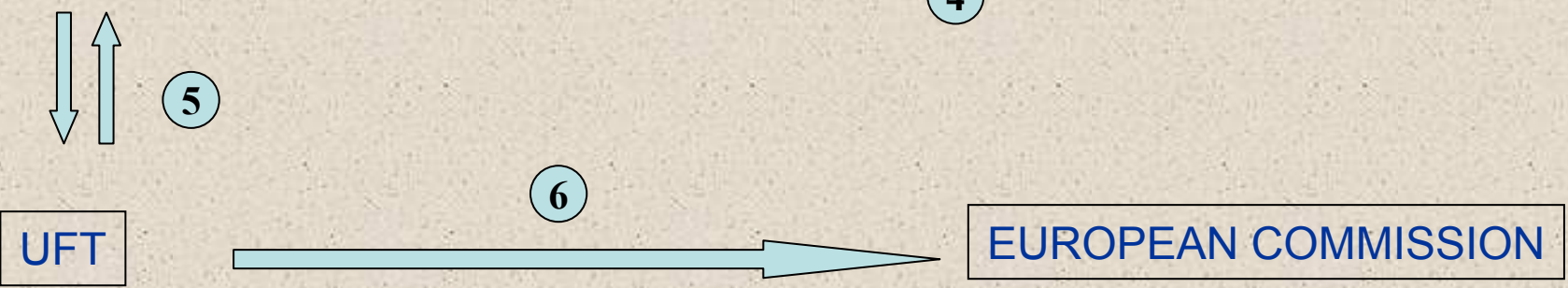
- lays down the criteria to be met by the notified bodies
- mainly focuses on the principles of independence, impartiality and technical competence
- states that the bodies accredited by the Turkish Accreditation Council or by the accreditation bodies member to EA and to other regional accreditation organizations with which EA has signed mutual recognition agreements are presumed to meet the concerned criteria.



NOTIFICATION PROCEDURE IN TURKEY

DESIGNATING AUTHORITIES:

- MINISTRY OF INDUSTRY AND TRADE
- MINISTRY OF HEALTH
- MINISTRY OF LABOUR
- MINISTRY OF PUBLIC WORKS
- TELECOMMUNICATIONS AUTHORITY
- UNDERSECRETARIAT FOR MARITIME





MODULES

Implementing Regulation on the Affixing and Use of the CE Mark has transposed the Council Decision 93/465.

- Principles and the procedures for the use of CE Mark
- Modules



MARKET SURVEILLANCE

- Article 10 and 11 of the Framework Law lays down the general principles for the market surveillance, restrictions on placing on the market of unsafe products and their withdrawal.
- The Regulation on the Market Surveillance of Products further details the issue
- The product legislation presents the product specific provisions (will be explained in detail under the related part of the agenda).



NEW APPROACH LEGISLATION OF TURKEY - I

General information on transposition and mandatory enforcement:

All New Approach Directives, which are going to be handled in the agenda of this screening meeting, have been transposed, except for;

- Directive 2005/32/EC on ECO-design requirements for energy using products,
- Directive 2004/22/EC on Measuring Instruments.

Mandatory enforcement for the transposing Regulations has started, except for the Regulation on Construction Products, and the Regulation on Cableway Installations Designed to Carry Persons.

NEW APPROACH LEGISLATION OF TURKEY - II

General information on the exchange of opinion with the European Commission:

- The process, which has started in late 2003, of the exchange of opinion with the European Commission on Turkey's transposed New Approach legislation is continuing.
- Vertical comments of the Commission are legislation specific, whereas horizontal comments (e.g. on definitions) are general in nature.



NEW APPROACH LEGISLATION OF TURKEY - III

General information on the potential NBs:

The process, which has started in late 2003, for the allocation of an identification number to the following candidate NBs of Turkey under several New Approach legislation is continuing:

- Turkish Standards Institute
- Turkish Llyod Foundation
- Turkish Cement Manufacturers' Association (TCMA) – The Council for Quality and Environment (CQE)



THANK YOU FOR YOUR ATTENTION