



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM: LIFTS (95/16/EC)

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



RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE (MIT) IS RESPONSIBLE FOR TRANSPOSING AND IMPLEMENTING THE DIRECTIVE 95/16/EC.



LEGAL BASIS - I

RELATED EU LEGISLATION:

DIRECTIVE 95/16/EC OF EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 29.06.1995 ON APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO LIFTS.



LEGAL BASIS - II

TRANSPOSING REGULATION:

THE REGULATION ON LIFTS (95/16/EC) WAS PUBLISHED IN THE OG. NO. 25021 DATED 15.02.2003.

THE REGULATION WAS PUT INTO FORCE ON 15.08.2004 UPON EXPIRY OF THE TRANSITION PERIOD OF 18 MONTHS.

THE TEMPORARY ARTICLE 1 OF THE REGULATION ON LIFTS (95/16/EC) WAS AMENDED AND THE TRANSITION PERIOD WAS EXTENDED UNTIL MARCH 1, 2005 BY A REGULATION PUBLISHED IN THE OG NO. 25698 DATED 12.01.2005 IN ORDER TO SOLVE THE PROBLEMS ENCOUNTERED IN LICENSING PROCEDURES.



LEGAL BASIS - III

REGULATION ON LIFTS (95/16/EC):

UPON REVISION OF THE REGULATION ON LIFTS (95/16/EC), “PART 7: INSTALLATION AND OPERATION OF LIFTS” IN THE PREVIOUS VERSION OF THE REGULATION SHALL BE REGULATED SEPARATELY IN ANOTHER PIECE OF LEGISLATION, AS SUGGESTED BY THE EUROPEAN COMMISSION.



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 TSE.
- 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.



TRANSPOSED EN STANDARDS

STANDARD	DATE OF ADOPTION
TS 10922 EN 81-1	03.04.2001
TS EN 81-2	07.03.2002
TS EN 81-28	28.01.2004
TS EN 81-58	28.01.2004
TS EN 81-70	28.01.2004
TS EN 81-72	28.01.2004
TS EN 12385-5	29.04.2005
TS EN 81-70/A1	27.09.2005
TS EN 81-1/A2	27.12.2005
TS EN 81-2/A2	27.12.2005
TS EN 12016	27.12.2005
TS EN 13015	02.02.2006

Source:TSE



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, COMMUNIQUÉ ON THE CRITERIA FOR DESIGNATION OF NBs FOR THE PRODUCTS COVERED BY LIFTS DIRECTIVE WAS PUBLISHED IN THE OG NO. 25114, DATED 21 MAY 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

4 APPLICATIONS WERE RECEIVED BY MIT WITHIN THE SCOPE OF THE REGULATION ON LIFTS. TURKEY'S CABS (ALREADY NOTIFIED TO THE COMMISSION OR POTENTIAL NBs) ARE GIVEN BELOW:

- TURKISH STANDARDS INSTITUTE (ALREADY NOTIFIED TO THE COMMISSION) REGULATION ON LIFTS (95/16/EC) (MODULES D, E, H)
- BEC CERTIFICATION AND INSPECTION SERVICES CO. LTD.(UNDER TÜRKAK'S ASSESSMENT) REGULATION ON LIFTS (95/16/EC) (MODULE H)



CONFORMITY ASSESSMENT - VI

- CHAMBER OF MECHANICAL ENGINEERS (UNDER TÜRKAK'S ASSESSMENT) REGULATION ON LIFTS (95/16/EC) (MODULES B, C,D, E, F, G, H)
- MEYER CERTIFICATION SERVICES CO. LTD. (UNDER TÜRKAK'S ASSESSMENT) REGULATION ON LIFTS (95/16/EC) (MODULES B, D, E, F, G, H)
- AS TURKEY'S CABs ALREADY NOTIFIED TO THE EUROPEAN COMMISSION HAVE NOT BEEN ALLOCATED IDENTIFICATION NUMBERS SINCE THE END OF 2003, OTHER POTENTIAL NBs ARE RELUCTANT TO APPLY.



CONFORMITY ASSESSMENT - VII

- SOME OF THE NBs ESTABLISHED IN THE MEMBER STATES ALREADY HAVE REPRESENTATIONS AND OPERATE IN TURKEY.
- ABOUT 250 CERTIFICATES HAVE BEEN ISSUED BY 12 NBs FOR CE MARKING UNDER 95/16/EC AS OF THE END OF 2005.
- MOST OF THESE CERTIFICATES ARE UNDER MODULE H.



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 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

- 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 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 WHERE LIFTS ARE INSTALLED AND ARE IN SERVICE,
- 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 MIT DIFFER ACCORDING TO THE LEVEL OF NON-COMPLIANCE AND THOSE MEASURES ARE IMPLEMENTED PURSUANT TO THE “PRINCIPLE OF PROPORTIONALITY”.



MARKET SURVEILLANCE - VIII

PROJECTS AND TRAINING ACTIVITIES :

IN ORDER TO IMPROVE THE TECHNICAL COMPETENCE OF INSPECTORS, FURTHER TRAINING PROGRAMMES WERE CARRIED OUT THROUGH SOME EU PROJECTS IN ADDITION TO THE IN-HOUSE TRAINING PERFORMED BY MIT.

THE CONTRACT FOR THE TWINNING PROJECT “STRENGTHENING THE CAPACITY OF TURKISH MINISTRIES FOR MARKET SURVEILLANCE IN SELECTED AREAS” INCLUDING THE LIFTS IS ABOUT TO BE CONCLUDED.



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

THE MARKET SURVEILLANCE ACTIVITIES HAVE BEEN INITIATED FOR THE LIFTS AND SAFETY COMPONENTS UPON ENTRY INTO MANDATORY IMPLEMENTATION OF THE REGULATION ON LIFTS (95/16/EC).



RESULTS OF MARKET SURVEILLANCE FOR LIFTS AND SAFETY COMPONENTS FOR 2005

INSPECTION OF LIFT INSTALLATION		INSPECTION OF SAFETY COMPONENTS		TOTAL
NUMBER OF REPORTS	325	NUMBER OF REPORTS	98	423
CONFORMING	187	CONFORMING	90	277
NON- CONFORMING	138	NON-CONFORMING	8	146

NOTE: THE MANUFACTURERS ARE GRANTED TIME LIMIT TO REMEDY NONCONFORMITIES.



RESULTS OF MARKET SURVEILLANCE FOR LIFT INSTALLATIONS FOR 2005

NUMBER OF INSTALLERS INSPECTED	265
NUMBER OF PRODUCTS INSPECTED	325
CONFORMING	187
NON-CONFORMING	138



RESULTS OF MARKET SURVEILLANCE FOR SAFETY COMPONENTS FOR 2005

NUMBER OF ENTERPRISES INSPECTED	DISTRIBUTOR: 34 MANUFACTURER: 9
NUMBER OF PRODUCTS INSPECTED	98
CONFORMING	90
NON-CONFORMING	8



NATIONAL TECHNICAL COMMITTEE

- FOR THE SOUND IMPLEMENTATION OF THE TRANSPOSED LEGISLATION, MIT OBSERVED THAT THE ESTABLISHMENT OF SECTORAL TECHNICAL COMMITTEES IS AN EFFICIENT WAY OF PROGRESS. THOSE COMMITTEES CONSTITUTE A GROUND FOR COMMUNICATION AND COORDINATION AMONG ALL STAKEHOLDERS.
- THE COMMUNIQUÉ ON COMPOSITION AND TASKS OF TECHNICAL COMMITTEE ON LIFTS HAVE BEEN PUBLISHED IN THE OG NO. 25521 DATED 13.7.2004 AND ENTERED INTO FORCE ON THE DATE OF ITS PUBLICATION. THE TECHNICAL COMMITTEE ON LIFTS HAVE BEEN CONVENED THREE TIMES SO FAR.
- THE COMMITTEE IN WHICH BOTH PRIVATE AND PUBLIC SECTORS ARE REPRESENTED IS INTENDED TO DEVELOP CLOSE COOPERATION WITH TURKISH INDUSTRY AND IT IS ALSO PLANNED TO ESTABLISH SUBCOMMITTEES THEREUNDER TO DISCUSS THE PROBLEMS IN DETAIL AND PRODUCE SPECIFIC SOLUTIONS.



PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP

- MIT HAS NOT PARTICIPATED TO THE STANDING COMMITTEE AND EXPERTS' GROUP MEETINGS YET.
- PARTICIPATION IN THE RELATED COMMITTEE IS DESIRED.
- INVITATIONS FROM THE EUROPEAN TRAINING INSTITUTE TO WORKING GROUP MEETINGS ARE RECEIVED.



THANK YOU FOR YOUR ATTENTION