



**SCREENING CHAPTER 01  
FREE MOVEMENT OF GOODS**

**AGENDA ITEM : MACHINERY DIRECTIVE (98/37/EC)**

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



## RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE IS RESPONSIBLE FOR  
TRANSPOSING AND IMPLEMENTING THE DIRECTIVE 98/37/EC.



## LEGAL BASIS - I

### RELATED EU LEGISLATION:

DIRECTIVE 98/37/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 22 JUNE 1998 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO MACHINERY (AMENDED BY 98/79/EC)



## LEGAL BASIS - II

### TRANSPOSING REGULATION:

THE REGULATION ON SAFETY OF MACHINERY (98/37/EC) WAS PUBLISHED IN THE OG NO. 24776, DATED 5 JUNE 2002.

THE MANDATORY IMPLEMENTATION OF THE REGULATION BEGAN ON 5 DECEMBER 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- I

- THE HARMONISED EUROPEAN STANDARDS ARE TRANSPOSED AND PUBLISHED AS NATIONAL STANDARDS BY TURKISH STANDARDS INSTITUTE.
- THE NUMBER OF EN STANDARDS UNDER THE REGULATION ON MACHINERY IS 577 OUT OF WHICH 499 HAVE BEEN TRANSPOSED AND PUBLISHED AS TURKISH STANDARDS.
- THE TRANSPOSITION OF REMAINING 78 EN STANDARDS IS IN PROGRESS.
- 26 MANDATORY NATIONAL STANDARDS UNDER THE REGULATION ON MACHINERY WERE WITHDRAWN UPON PUBLICATION OF A COMMUNIQUÉ IN THE OG NO. 25826, DATED 26 MAY 2005.



## RELATED STANDARDS- I

ALTHOUGH, ALL OF THE EN STANDARDS HAVE NOT BEEN TRANSPOSED YET, THE TECHNICAL COUNCIL OF TURKISH STANDARDS INSTITUTE 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 MACHINERY DIRECTIVE WAS PUBLISHED IN 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):

- 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 IN ORDER FOR A CANDIDATE BODY TO BE NOTIFIED TO THE EUROPEAN COMMISSION.



**NB APPLICATIONS RECEIVED BY THE MIT  
UNDER THE REGULATION ON SAFETY OF MACHINERY**

<b>ORGANISATION</b>	<b>DATE OF APPLICATION</b>	<b>PROGRESS</b>
TURKISH STANDARDS INSTITUTE	05.06.2003	assessment by TÜRKAİ
AGRICULTURAL EQUIPMENT AND MACHINERY TESTING CENTER	21.08.2003	assessment by TÜRKAİ
CHAMBER OF MECHANICAL ENGINEERS	23.10.2003	assessment by TÜRKAİ
BEC CERTIFICATION AND INSPECTION SERVICES CO. LTD.	20.03.2003	assessment by TÜRKAİ
MEYER CERTIFICATION SERVICES CO. LTD.	01.11.2004	assessment by TÜRKAİ





## PROJECTS WITHIN THE SCOPE OF PRE-ACCESSION FINANCIAL PROGRAMME

THE PROJECT “SUPPORT TO TURKISH CONFORMITY ASSESSMENT BODIES AND THE MIT FOR IMPLEMENTATION TO CERTAIN NEW APPROACH DIRECTIVES” WAS INCLUDED IN THE TURKEY-EU FINANCIAL COOPERATION PROGRAM 2003 TO SUPPORT THE CABs IN TURKEY. THE MIT, THE MoH AND TELECOMMUNICATIONS AUTHORITY ARE THE BENEFICIARIES OF THIS PROJECT.

TWO POTENTIAL BENEFICIARIES OF THE EQUIPMENT SUPPLY COMPONENT OF THIS PROJECT HAVE BEEN SELECTED.





## 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 THE 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 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 EQUIPMENT) (2003)

TWINNING FOR MARKET SURVEILLANCE

GENERAL TRAINING FOR 418 INSPECTORS

TRAINING ON MD FOR 88 INSPECTORS

TAIEX FOR MS (ONLY MIT)

GENERAL TRAINING FOR 20 INSPECTORS

TRAINING ON MD 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

- MARKET INSPECTIONS ARE CARRIED OUT BOTH DIRECTLY AND ON COMPLAINT BASIS.
- DIRECT INSPECTIONS ARE SUPPORTED BY CAMPAIGNS.
- ACTION IS ALSO TAKEN UPON COMPLAINTS RAISED BY MANUFACTURERS AND CONSUMERS.





## IMPORT CHECKS - I

IMPORT CHECKS HAVE BEEN CARRIED OUT IN ACCORDANCE WITH THE  
“**COMMUNIQUÉ ON THE IMPORTS OF CE MARKED PRODUCTS (2004/22)**”  
OF 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 THE EU MEMBER STATES ARE DIRECTLY RELEASED INTO FREE CIRCULATION WHEREAS THOSE FROM THIRD COUNTRIES ARE SUBJECT TO INSPECTION.
- THE MIT ASSIGNED TSE TO CARRY OUT SUCH CHECKS ON THE PRODUCTS COVERED BY LVD, EMC AND MD.



## MARKET SURVEILLANCE ACTIVITIES FOR THE PRODUCTS OF THE MACHINERY INDUSTRY DURING THE PERIOD OF 2004-2005

TOTAL NUMBER OF PRODUCTS INSPECTED : **1,881**

NUMBER OF CONFORMING PRODUCTS : **1,621**

NUMBER OF NON-CONFORMING PRODUCTS : **260**



## MARKET SURVEILLANCE CAMPAIGN FOR CONSTRUCTION EQUIPMENT

A CAMPAIGN WAS CARRIED OUT IN THE AREA OF “CONSTRUCTION EQUIPMENT” ON 4-24 APRIL 2005.

IN THIS ACTIVITY, HYDRAULIC EXCAVATORS, WHEEL LOADERS, BACKHOE-LOADERS, MATERIAL HANDLING EQUIPMENTS, FORKLIFTS, HYDRAULIC HAMMERS, HYDRAULIC CRAWLER DRILL MACH. CRUSHERS, ASPHALT PLANTS, CONCRETE BATCHING PLANTS, CONCRETE MIXER TRUCKS, TRUCK MOUNTED CRANES, AERIAL PLATFORMS, VARIOUS COMPONENTS AND SPARE PARTS HAVE BEEN INSPECTED.

### CAMPAIGN RESULTS

NUMBER OF PRODUCTS INSPECTED	: 219
CONFORMING	: 170
NON-CONFORMING	: 49





## MARKET SURVEILLANCE CAMPAIGN FOR MACHINE TOOLS AND EQUIPMENT

ANOTHER CAMPAIGN COVERING “MACHINE TOOLS AND EQUIPMENT” WAS CARRIED OUT ON 16 MAY-3 JUNE 2005 IN 81 PROVINCES.

IN THIS CAMPAIGN NC, CNC, BANDSAW MACHINES, ETC. HAVE BEEN INSPECTED.

### CAMPAIGN RESULTS

NUMBER OF PRODUCTS INSPECTED	: 424
CONFORMING	: 358
NON-CONFORMING	: 66



## **NATIONAL TECHNICAL COMMITTEE ON MACHINERY (MAKTEK) - I**

- MAKTEK FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A COMMUNIQUÉ PUBLISHED IN THE OG NO. 25245, DATED 30 SEPTEMBER 2003 TO DISCUSS AND TAKE ADVISORY DECISIONS ON TRANSPOSITION AND IMPLEMENTATION OF THE EU TECHNICAL LEGISLATION ON MACHINERY.
- 9 MEETINGS HAVE BEEN CONVENED SO FAR. WHEN NECESSARY, RELATED PUBLIC AND PRIVATE INSTITUTIONS ARE ALSO INVITED TO THE MEETINGS.



## NATIONAL TECHNICAL COMMITTEE ON MACHINERY - II

THE FOLLOWING TECHNICAL SUBCOMMITTEES HAVE ALSO BEEN ESTABLISHED:

- TECHNICAL SUBCOMMITTEE ON AGRICULTURAL MACHINERY
- TECHNICAL SUBCOMMITTEE ON CONSTRUCTION MACHINERY AND EQUIPMENT MACHINERY
- TECHNICAL SUBCOMMITTEE ON MACHINE TOOLS



## **PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP**

MEETINGS OF THE FOLLOWING COMMITTEES ATTENDED BY THE MIT:

- 98/37/EC WORKING GROUP ON MACHINERY
- ADCO WORKING GROUP ON MACHINERY





THANK YOU FOR YOUR ATTENTION