



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM: PRE-PACKAGING

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



RESPONSIBLE AUTHORITY

THE MIT IS RESPONSIBLE FOR THE TRANSPOSITION AND THE IMPLEMENTATION OF PRE-PACKAGING DIRECTIVES IN TURKEY.



TRANSPOSITION OF THE EU LEGISLATION



RELATED EU LEGISLATION - I

- COUNCIL DIRECTIVE (76/211/EEC) OF 26 JANUARY 1976 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO THE MAKING-UP BY WEIGHT OR BY VOLUME OF CERTAIN PRE-PACKED PRODUCTS,

AMENDED BY :

COMMISSION DIRECTIVE 78/891/EEC OF 28 SEPTEMBER 1978

- COUNCIL DIRECTIVE (80/232/EEC) OF 15 JANUARY 1980 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO THE RANGES OF NOMINAL QUANTITIES AND NOMINAL CAPACITIES PERMITTED FOR CERTAIN PRE-PACKAGED PRODUCTS,

AMENDED BY:

COMMISSION DIRECTIVE 86/96/EEC/EEC OF 18 MARCH 1986

COMMISSION DIRECTIVE 87/356/EEC OF 25 JUNE 1987



RELATED EU LEGISLATION - II

- COUNCIL DIRECTIVE (75/106/EEC) OF 19 DECEMBER 1974 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO THE MAKING-UP BY VOLUME OF CERTAIN PRE-PACKAGED LIQUIDS

AMENDED BY :

COMMISSION DIRECTIVE 78/891/EEC OF 28 SEPTEMBER 1978

COMMISSION DIRECTIVE 79/1005/EEC OF 23 NOVEMBER 1979

COMMISSION DIRECTIVE 85/10/EEC OF 18 DECEMBER 1984

COMMISSION DIRECTIVE 88/316/EEC OF 7 JUNE 1988

COMMISSION DIRECTIVE 89/676/EEC OF 21 DECEMBER 1989

- COUNCIL DIRECTIVE (75/107/EEC) OF 19 DECEMBER 1974 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO BOTTLES USED AS MEASURING CONTAINERS



TRANSPOSING LEGISLATION - I

1. REGULATION ON MAKING UP BY VOLUME OF CERTAIN PRE-PACKAGED LIQUIDS (75/106/EEC) WAS PUBLISHED IN THE OG NO. 24722, DATED 10 APRIL 2002. IT WILL ENTER INTO FORCE ON 1 JULY 2006.
2. REGULATION ON BOTTLES USED AS MEASURING CONTAINERS (75/107/EEC) WAS PUBLISHED IN THE OG NO. 24723, DATED 11 APRIL 2002 AND ENTERED INTO FORCE ON 31 DECEMBER 2005.



TRANSPOSING LEGISLATION - II

3. REGULATION ON MAKING-UP BY WEIGHT OR BY VOLUME OF CERTAIN PRE-PACKAGED PRODUCTS (76/211/EEC) WAS PUBLISHED IN THE OG NO. 24722, DATED 10 APRIL 2002 AND ENTERED INTO FORCE ON 31 DECEMBER 2005.
4. REGULATION ON RANGES OF NOMINAL QUANTITIES AND NOMINAL CAPACITIES PERMITTED FOR CERTAIN PRE-PACKAGED PRODUCTS (80/232/EEC) WAS PUBLISHED IN THE OG NO. 24722, DATED 10 APRIL 2002. IT WILL ENTER INTO FORCE ON 1 JULY 2006.

DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION

- ALTHOUGH 75/106/EEC AND 80/232/EEC WERE TRANSPOSED IN 2002, THEY DID NOT ENTER INTO FORCE BECAUSE OF A EUROPEAN COURT OF JUSTICE DECISION (C-3/99 CIDER-RUWET-STASSEN'S DECISION).
- THE CONTENT OF THIS SPECIFIC DECISION DIRECTLY CHANGED THE SCOPE OF THESE TWO DIRECTIVES FOR PROPER IMPLEMENTATION OF "FREE MOVEMENT OF GOODS" PRINCIPLE.
- ACCORDING TO THIS DECISION, THE PROVISIONS OF THESE DIRECTIVES BECAME MANDATORY JUST FOR THE PRODUCT GROUPS MENTIONED BELOW;
 - ✓ 75/106/EEC-ANNEX III: A.1(A), A.1(B) WINES, A.2(A) SPARKLING WINES, A.4 ALCOHOLIC BEVERAGES.
 - ✓ 80/232/EEC – ANNEX I: A.11 KNITTING YARNS.



EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION

- WITHIN THE CONTEXT OF C-3/99 CIDER-RUWET-STASSEN'S DECISION, THE MIT HAS REVISED THE ISSUED VERSIONS OF THE TURKISH REGULATIONS HARMONIZING DIRECTIVES 75/106/EEC AND 80/232/EEC AND SENT THE DRAFT TEXTS TO THE EUROPEAN COMMISSION.
 - ✓ I. NOTIFICATION TO THE COMMISSION in JUNE 2004.
 - ✓ II. NOTIFICATION TO THE COMMISSION in MARCH 2005.
 - ✓ III. NOTIFICATION TO THE COMMISSION in OCTOBER 2005

THE OPINION OF THE EUROPEAN COMMISSION IS NOW EXPECTED.

- THE MIT IS ALSO AWARE OF THE COMMISSION'S NEW PROPOSAL NO. COM 2004 / 708 ON "PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN RULES ON NOMINAL QUANTITIES FOR PRE-PACKED PRODUCTS, REPEALING COUNCIL DIRECTIVES 75/106/EEC AND 80/232/EEC, AND AMENDING COUNCIL DIRECTIVE 76/211/EEC" AND WILL FOLLOW THE PROCESS REGARDING THIS PROPOSAL.



RELATED STANDARDS

- CURRENTLY, THERE IS ONLY ONE INTERFACING MANDATORY TURKISH STANDARD UNDER PRE-PACKAGING SECTOR:
- TS 4331: “PACKAGING - GENERAL PRINCIPLES PART 3: MARKING AND LABELLING OF PACKAGES”.
- THE MANDATORY APPLICATION OF THIS STANDARD WILL CEASE WITH THE ENTRY INTO FORCE OF REGULATIONS 75/106/EEC AND 80/232/EEC.



MARKET SURVEILLANCE ACTIVITIES

- UP TO DATE, THE MIT HAS NOT CARRIED OUT ANY MARKET SURVEILLANCE UNDER THIS SECTOR BECAUSE OF THE AMENDMENTS MADE ON THE MANDATORY ENFORCEMENT DATES OF RELEVANT REGULATIONS. BUT AS THE CASE FOR ALL LEGISLATION, MARKET SURVEILLANCE ACTIVITIES WILL BE CARRIED OUT AT BOTH CENTRAL AND LOCAL LEVEL.
- MARKET SURVEILLANCE ACTIVITIES WILL BE PERFORMED RANDOM AND SPOT CHECKS, PERIODICALLY AND/OR UPON COMPLAINT.
- THE TOTAL NUMBER OF INSPECTORS ASSIGNED FOR THE MARKET SURVEILLANCE OF PRE-PACKAGED PRODUCTS IS 154. 4 OF THEM IS RESIDENT TECHNICAL STAFF OF DG FOR MEASUREMENT AND STANDARDS. 150 OF THEM IS SCATTERED AMONG THE 81 PROVINCIAL OFFICES OF THE MIT.



MARKET SURVEILLANCE - VII

PROJECTS AND TRAINING ACTIVITIES:

- TURKEY-EU FINANCIAL COOPERATION PROGRAMME, 2004: “SUPPORT TO THE MS LABS FOR THE IMPLEMENTATION OF EC DIRECTIVES IN THE AREAS OF LIFTS, LEGAL METROLOGY AND PRE-PACKAGING, NON-AUTOMATIC WEIGHING INSTRUMENTS AND TEXTILES”. TOR IS READY. AT THE STAGE OF CALL FOR TENDERS.
- “TWINNING PROJECT FOR STRENGTHENING THE CAPACITY OF TURKISH MINISTRIES FOR MS IN SECTOR OF TEXTILES, CIVIL EXPLOSIVES, PROTECTIVE EQUIPMENT USED IN EXPLOSIVE ENVIRONMENT, GAS APPLIANCES, NON-AUTOMATIC WEIGHING INSTRUMENTS, LEGAL METROLOGY AND PRE-PACKAGING, NEW HOT WATER BOILERS AND LIFTS”. THE CONTRACT IS BEING PREPARED BY THE MINISTRY AND PARTNER COUNTRY.



MARKET SURVEILLANCE - VIII

PROJECTS AND TRAINING:

- “PROJECT ON SUPPORT TO THE QUALITY INFRASTRUCTURE IN TURKEY”, THEORETICAL AND PRACTICAL TRAINING ON PRE-PACKAGING WERE GIVEN TO MIT INSPECTORS, 3-5 NOVEMBER 2003.
- TAIEX, STUDY VISIT TO GERMANY ON THE IMPLEMENTATION OF PRE-PACKAGING LEGISLATION AND MS OF PRE-PACKAGED PRODUCTS, 6-8 APRIL 2005.
- IN-HOUSE TRAINING SEMINARS FOR THE INSPECTORS.
- SEMINARS FOR SECTOR REPRESENTATIVES.



NATIONAL TECHNICAL COMMITTEES

TECHNICAL COMMITTEE ON PRE-PACKAGED PRODUCTS (HAZTEK) FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A REGULATION PUBLISHED IN THE OG NO. 25966, DATED 14 OCTOBER 2005 TO DISCUSS AND TAKE ADVISORY DECISIONS ON TRANSPOSITION AND IMPLEMENTATION OF THE EU TECHNICAL LEGISLATION ON PRE-PACKAGING.



PARTICIPATION IN STANDING COMMITTEES AND EXPERTS GROUPS

UP TO NOW, MIT HAS NOT BEEN REPRESENTED IN THE STANDING COMMITTEE AND EXPERTS' GROUP ON PRE-PACKAGING, BUT PARTICIPATION IS DESIRED.



THANK YOU FOR YOUR ATTENTION