



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM: EXPLOSIVES FOR CIVIL USE (93/15/EC)

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



RESPONSIBLE AUTHORITIES

- THE MINISTRY OF INDUSTRY AND TRADE (MIT) IS RESPONSIBLE FOR THE TRANSPOSING THE DIRECTIVE 93/15/EC.
- BOTH THE MINISTRY OF INTERIOR AND MIT ARE RESPONSIBLE FOR IMPLEMENTATION OF THE DIRECTIVE 93/15/EC.



LEGAL BASIS - I

TRANSPOSING LEGISLATION:

- THE “REGULATION ON CERTIFICATION, PLACING ON THE MARKET AND SUPERVISION OF EXPLOSIVES FOR CIVIL USE” HAS BEEN PREPARED BASED ON THE DIRECTIVE 93/15/EC ON EXPLOSIVES FOR CIVIL USE AND PUBLISHED IN THE OG NO. 24907, DATED 15.10.2002.
- FOLLOWING THE TRANSITIONAL PERIOD, THE MANDATORY IMPLEMENTATION OF THE REGULATION STARTED ON 01.07.2003.



LEGAL BASIS - II

- 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 PURSUANT TO ASSOCIATION COUNCIL DECISION 1/95.
- ADMINISTRATIVE INCONVENIENCES AND ACTIVITIES WHICH ARE SUSPECTED TO CONSTITUTE CRIME ARE EVALUATED WITHIN THE FRAMEWORK OF THE DECREE NO. 87/12028 THE LAW NO. 4926, WHEN IT IS DETERMINED THAT IT CONSTITUTES A CRIME THE CASE IS SUBJECTED TO THE JUDICIARY PROCESS.



EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION

THE TRANSPOSED REGULATION WAS SENT TO THE EUROPEAN COMMISSION IN FEBRUARY 2006.



RELATED STANDARDS

THE NUMBER OF HARMONISED EUROPEAN STANDARDS UNDER THE REGULATION IS 58.

ALL OF THESE HARMONISED EUROPEAN STANDARDS HAVE BEEN TRANSPOSED BY TURKISH STANDARDS INSTITUTE (TSE) AND PUBLISHED AS NATIONAL STANDARDS.



CONFORMITY ASSESSMENT - I

- IN ORDER TO ENSURE TRANSPARENCY AND INDEPENDENCE OF NBs TO BE DESIGNATED BY THE 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 BASIC CRITERIA FOR APPOINTMENT OF NBs FOR THE PRODUCTS COVERED BY REGULATION ON EXPLOSIVES FOR CIVIL USE HAS BEEN PUBLISHED IN THE OG NO. 25103, DATED 09.05.2003.



CONFORMITY ASSESSMENT - II

ACCORDING TO COMMUNIQUÉ ON THE BASIC CRITERIA FOR APPOINTMENT OF NBs , 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 17.01.2002.
- 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 TO NOTIFY THE CANDIDATE BODY TO THE COMMISSION VIA UFT.
- THERE IS NO CAB OPERATING UNDER THE REGULATION, AND NO APPLICATION HAS BEEN RECEIVED BY THE MIT SO FAR.



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 THE MIT HAS BEEN ESTABLISHED.
- THIS COMMISSION MEETS EVERY THREE MONTHS; MAKES THE GENERAL POLICY OF THE 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

- MARKET SURVEILLANCE IS CARRIED OUT BOTH DIRECTLY AND ON COMPLAINT BASIS.
- ACTION IS ALSO TAKEN ACCORDING TO THE LAW NO. 4703 UPON COMPLAINTS RAISED BY MANUFACTURERS AND CONSUMERS.



MARKET SURVEILLANCE - VI

- 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 - VII

PROJECTS WITHIN THE SCOPE OF PRE-ACCESSION FINANCIAL ASSISTANCE:

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

A WORKSHOP ON CE MARKING AND MARKET SURVEILLANCE UNDER 93/15/EC HAS BEEN DELIVERED BY THE GERMAN FEDERAL INSTITUTE FOR MATERIALS RESEARCH AND TESTING (BAM) IN ANKARA AND FINANCED BY TAIEX FOR ADMINISTRATORS, INSPECTORS AND SECTOR REPRESENTATIVES.



MARKET SURVEILLANCE - VIII

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

MARKET SURVEILLANCE ACTIVITIES UNDER THE REGULATION ON CERTIFICATION, PLACING ON THE MARKET AND SUPERVISION OF EXPLOSIVES FOR CIVIL USE:

TOTAL NUMBER OF PRODUCTS INSPECTED :	28
CONFORMING	: 16
NON-CONFORMING	: 12



IMPORT– EXPORT CHECKS

- CONFORMITY CERTIFICATE FOR IMPORT AND EXPORT ISSUED BY THE GENERAL DIRECTORATE OF PUBLIC SECURITY OF THE MINISTRY OF INTERIOR IS REQUIRED. (THE MINISTERIAL DECREE NO. 87/12028 DATED 29.09.1987 AND IMPORT COMMUNIQUÉ NO.2006/11 PUBLISHED IN THE OG DATED 31.12.2005.)
- THE PRODUCTS COVERED BY THIS REGULATION ARE CHECKED BY THE MIT FOR CE MARKING AND REGULAR AFFIXING OF CE MARKING.



PRODUCTION CONTROL

- THE MANUFACTURING OF THE EXPLOSIVES FOR CIVIL USE IS SUBJECT TO PERMISSION OF THE GOVERNORSHIP.
- ANNUAL SECTORAL MEETINGS ARE HELD WITH MANUFACTURERS AND THE NATIONAL AUTHORITIES RESPONSIBLE FOR THE REGULATION TO DISCUSS THE SECTORAL ISSUES.



THANK YOU FOR YOUR ATTENTION