



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

**AGENDA ITEM : APPLIANCES BURNING GASEOUS FUELS
(90/396/EEC)**

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



RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE (MIT) IS RESPONSIBLE FOR TRANSPOSITION AND IMPLEMENTATION OF GAS BURNING APPLIANCES DIRECTIVE (90/396/EEC).



LEGAL BASIS - I

RELATED EU LEGISLATION:

COUNCIL DIRECTIVE OF 29 JUNE 1990 ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING TO APPLIANCES BURNING GASEOUS FUELS 90/396/EEC (GAD)

AMENDED BY:

COUNCIL DIRECTIVE 93/68/EEC OF 22 JULY 1993



LEGAL BASIS - II

TRANSPOSING REGULATION:

REGULATION ON THE APPLIANCES BURNING GASEOUS FUELS (90/396/EC),
PUBLISHED IN THE OG OF 1 APRIL 2002 AND ENTERED INTO FORCE ON 1
JANUARY 2004.



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 (TSE).
- THE NUMBER OF EN STANDARDS UNDER THE DIRECTIVE ON APPLIANCES BURNING GASEOUS FUELS IS 131 OUT OF WHICH 119 WERE TRANSPOSED AND PUBLISHED AS TURKISH STANDARDS BY THE TSE.
- REFERENCE NUMBERS OF THESE STANDARDS HAVE BEEN PUBLISHED IN OG.
- 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.



RELATED STANDARDS- II

Types of gas and the corresponding supply pressures according to Article 2(2) of Council Directive 90/396/EEC of 29 June 1990

(2005/C 11/___)

(This publication is based on information received by the Commission services from Turkey)

TURKEY

**THE TYPES OF
GAS AND
CORRESPONDING
SUPPLY
PRESSURES FOR
TURKEY WAS
PUBLISHED ON
THE OFFICIAL
JOURNAL OF EU.
(15.01.2005)**

Country	Gas family	Wobbe index (gross) in		Supply pressure in mbar ⁽⁴⁾		
		MJ/m ³ or kWh/m ³ (0°C)	MJ/m ³ or kWh/m ³ (15°C)	min.	nom.	max.
TURKEY	SECOND					
	Group H		45,7-54,7 MJ/m ³	17 ⁽¹⁾	20 ⁽¹⁾	25 ⁽¹⁾
	THIRD					
	Group P		72,9-76,8 MJ/m ³ ⁽²⁾	25	37	45
	Group B/P		72,9-87,3 MJ/m ³ ⁽³⁾	25	28-30	35

- (1) Pressure level commonly used in the 'low pressure' distribution network. Some other higher pressures may be used, the most usual one is 300 mbar.
- (2) Commercial propane.
- (3) Commercial propane-butane mixture.
- (4) Pressure at the inlet of the gas appliance



RELATED STANDARDS - III

EN 437 AND EN 30-1 WHICH ARE REFERRED IN GAS APPLIANCES DIRECTIVE WERE HARMONISED AND IMPLEMENTED BY TSE AS TS-EN STANDARDS. AFTERWARDS, TSE HAS INFORMED CEN AND EUROPEAN COMMISSION-DG ENTERPRISE ABOUT TYPES OF GAS AND ITS CONNECTIONS USED IN TURKEY IN ORDER THAT CEN COULD MAKE THE NECESSARY AMENDMENTS IN THESE EN STANDARDS IN APRIL 2003.



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 CONFORMITY ASSESSMENT BODIES FOR THE PRODUCTS COVERED BY GAS APPLIANCES DIRECTIVE WAS PUBLISHED IN OG NO. 25030, DATED 24.2.2003



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 RELATED 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

APPLICATIONS FROM THE FOLLOWING CABs HAVE BEEN RECEIVED UNDER THE COMMUNIQUÉ AND SENT TO TÜRKAK FOR ASSESSMENT:

- THE FOLLOWING CABs HAVE BEEN NOTIFIED TO THE EUROPEAN COMMISSION:
 - TSE: ANNEX II.3 (MODULE D) AND ANNEX II.4 (MODULE E)
 - TURKISH LLYOD FOUNDATION: ANNEX II.1 (MODULE B), ANNEX II.2 (MODULE C), ANNEX II.3 (MODULE D), ANNEX II.4 (MODULE E), ANNEX II.5 (MODULE F), ANNEX II.6 (MODULE G)
- THE FOLLOWING CABs ARE UNDER THE ASSESSMENT OF TÜRKAK:
 - MEYER CERTIFICATION SERVICES CO. LTD
 - CHAMBER OF MACHINERY ENGINEERS
- 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.



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

- 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

- 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.
- 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

IN ORDER TO ENSURE THAT ONLY SAFE PRODUCTS ARE PLACED ON THE MARKET, 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

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 - VII

PROJECTS AND TRAINING ACTIVITIES PERFORMED UNDER GAS APPLIANCES SECTOR:

TWINING PROJECT FOR STRENGTHENING THE CAPACITY OF TURKISH MINISTRIES FOR MS IN SECTORS 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, LIFTS. THIS PROJECT IS AT THE CONTRACTING LEVEL.

TAIEX, STUDY VISIT TO ENGLAND (DTI) ON THE IMPLEMENTATION AND MS OF GAS APPLIANCES DIRECTIVE ON 7-9 DECEMBER 2005.



MARKET SURVEILLANCE - VIII

BUDGET ALLOCATED FOR MARKET SURVEILLANCE ACTIVITIES (2006):

- DG FOR MEASUREMENT AND STANDARD IS RESPONSIBLE FOR 6 NEW AND GLOBAL APPROACH AND 32 OLD APPROACH DIRECTIVES.
- BUDGET FOR THE MARKET SURVEILLANCE ACTIVITIES OF THESE DIRECTIVES IS AROUND 400,000 EUROS.
 - ✓ 171,875 EUROS OF THIS AMOUNT IS FOR TAKING SAMPLES, TESTING AND TRAINING EXPENSES.
 - ✓ 228,500 EUROS OF THIS AMOUNT IS FOR THE PERSONNEL EXPENSES.



MARKET SURVEILLANCE - IX

TESTING LABORATORIES FOR MS:

CURRENTLY THERE ARE NO LABORATORIES OWNED BY MIT. AN INVENTORY REGARDING THE TESTING FACILITIES IN TURKEY HAS BEEN PREPARED AND THE COMPETENT LABORATORIES HAVE BEEN DETERMINED.

THE POTENTIAL LABs ACCORDING TO THIS INVENTORY ARE:

- TSE (ANKARA CENTRAL LABORATORY)
- DEKA TEST MAKINE MÜMESSILLİK SANAYİ VE TİCARET A.Ş.

FOR TESTING REQUIREMENT DURING THE MS ACTIVITIES, TENDER PROCESS IS LAUNCHED FOR THE POTENTIAL MS LABs.



MARKET SURVEILLANCE ACTIVITIES

DG FOR MEASUREMENT AND STANDARDS HAS BEEN PREPARING ITS MARKET SURVEILLANCE PROGRAM FOR ONE YEAR ACTIVITY PERIOD. ACCORDING TO THIS PROGRAM MARKET SURVEILLANCE HAS BEEN PERFORMED SINCE 01.01.2004.

MARKET SURVEILLANCE HAS BEEN PERFORMED TOGETHER WITH PROVINCIAL OFFICE INSPECTORS. IN ADDITION, PERIODICAL, INSTANT AND UPON COMPLAINT INSPECTIONS IS BEING PERFORMED BY DG FOR MEASUREMENT AND STANDARDS.

ON THE FOLLOWING TABLES, THE MARKET SURVEILLANCE RESULTS ARE GIVEN FOR THE YEARS 2004 AND 2005.



RESULTS OF THE MS ACTIVITIES PERFORMED IN 2004-2005

YEAR	NON-CONFORMING	CONFORMING	TOTAL
2004	320	203	523
2005	329	74	403



NATIONAL TECHNICAL COMMITTEE (GAZTEK)

- GAZTEK FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A COMMUNIQUE PUBLISHED IN THE OG OF 6 MAY 2004 TO DISCUSS AND TAKE ADVISORY DECISIONS ON TRANSPOSITION AND IMPLEMENTATION OF THE EU TECHNICAL LEGISLATION ON GAS APPLIANCES.
- FOUR MEETINGS HAVE BEEN ORGANIZED SO FAR. WHEN NECESSARY, RELATED PUBLIC AND PRIVATE INSTITUTIONS ARE ALSO INVITED TO THE MEETINGS.



INFORMATION

THE GUIDELINE DOCUMENTS FOR GAS APPLIANCES WERE TRANSLATED INTO TURKISH BY THIS TECHNICAL COMMITTEE.

UPON THE APPROVAL OF THE COMMISSION, THESE DOCUMENTS WILL BE MADE AVAILABLE ON THE WEB-SITE OF MIT.



PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP

THE REPRESENTATIVES OF MIT ATTEND THE MEETINGS OF COMMISSION'S WORKING GROUP "GAS APPLIANCES" (WGGA).



THANK YOU FOR YOUR ATTENTION