



**SCREENING CHAPTER 01  
FREE MOVEMENT OF GOODS**

**AGENDA ITEM: THE EMISSION OF GASEOUS  
POLLUTANTS (97/68/EC)**

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



## RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE IS RESPONSIBLE FOR  
TRANSPOSITION AND IMPLEMENTATION OF THE DIRECTIVE 97/68/EC.



## LEGAL BASIS - I

### RELATED EU LEGISLATION:

97/68/EC DIRECTIVE ON TYPE APPROVAL RELATING TO THE MEASURES AGAINST THE EMISSION OF GASEOUS AND PARTICULATE POLLUTANTS FROM INTERNAL COMBUSTION ENGINES TO BE INSTALLED IN NON-ROAD MOBILE MACHINERY

### AMENDED BY;

2002/88/EC

2004/26/EC



## LEGAL BASIS - II

### TRANSPOSING REGULATION

THE REGULATION HAS BEEN PUBLISHED IN THE OG NO. 24984, DATED 5.1.2003, AND AMENDED BY THE OG NO. 25515, DATED 7.7.2004.

THE MANDATORY IMPLEMENTATION OF THE REGULATION BEGAN ON 4 APRIL 2003 FOLLOWING THE TRANSITIONAL PERIOD LAID DOWN IN THE REGULATION.



## LEGAL BASIS - III

### TRANSPOSING REGULATION:

ACCORDING TO THE TEMPORARY ARTICLE 2,

(AMENDMENT: OG NO. 25515, DATED 07.07.2004, ART. 1)

PHASE II SHALL BE PUT INTO FORCE AS OF 1.1.2007 FOR THE ENGINES WHOSE POWER OUTPUT VALUES ARE REFERRED TO IN ARTICLE 11(B) HEREOF. THE MANUFACTURERS ARE OBLIGED TO OBTAIN EC TYPE APPROVAL CERTIFICATE FOR THEIR ENGINES ACCORDING TO PHASE II AFTER THAT DATE.



## LEGAL BASIS - IV

### TRANSPOSITION OF THE AMENDMENTS TO 97/68/EC:

- 2002/88/EC,
- 2004/26/EC

ARE IN PROGRESS.



## CONFORMITY ASSESSMENT

### TECHNICAL SERVICES:

- TURKISH STANDARDS INSTITUTE (TSE)
- ISTANBUL TECHNICAL UNIVERSITY (ITU)



## 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

### 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 THE MIT DIFFER ACCORDING TO THE LEVEL OF NON-COMPLIANCE AND THOSE MEASURES ARE IMPLEMENTED PURSUANT TO THE “PRINCIPLE OF PROPORTIONALITY”.



## 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

- 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.





## MARKET SURVEILLANCE ACTIVITIES IN 2005

	<b>QTY.</b>	<b>CONFORMING</b>	<b>NON-CONFORMING</b>
<b>MANUFACTURERS</b>	<b>5</b>	<b>5</b>	<b>-</b>
<b>EQUIPMENT</b>	<b>21</b>	<b>21</b>	<b>-</b>
<b>EQUIPMENT BRANDS</b>	<b>4</b>	<b>4</b>	<b>-</b>



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

MAKTEK FORMED BY REPRESENTATIVES FROM PUBLIC AND PRIVATE SECTORS WAS ESTABLISHED BY A COMMUNIQUE 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 ORGANISED SO FAR. WHEN NECESSARY, RELATED PUBLIC AND PRIVATE INSTITUTIONS ARE ALSO INVITED TO THE MEETINGS.

THE ISSUES RELATING TO IMPLEMENTATION OF 97/68/EC ARE DISCUSSED IN TECHNICAL SUBCOMMITTEE ON CONSTRUCTION EQUIPMENT WORK MACHINES UNDER MAKTEK.



## **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



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THANK YOU FOR YOUR ATTENTION