

IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:**A. Standard questionnaire to be filled for each sector individually:**

Sector: LVD

1. Harmonisation of laws including technical regulations**1.1. Legal basis**

- **References (and copies) of the publication of acts and decrees transposing Directive(s) into the national legislation of your country:**

Directive 73/23/EEC on electrical equipment designed for use within certain voltage limits was transposed by the Regulation on Electrical Equipment Designed for use within Certain Voltage Limits, which was published in the Official Gazette No. 24637, dated 11 January 2002.

The Regulation, which was already transposed and put into force, has been sent to the European Commission for review. The regulation was revised considering the Commission's comments. The exchange of opinion process is continuing between Turkey and the European Commission.

- **Date of entry into application of the national measures transposing the Directive:**

Regulation on LVD (73/23/EEC) was entered into force as of 11 January 2003.

- **If not yet transposed, please indicate the state of play, expected timing, steps to be undertaken, difficulties encountered (if any):**

N/A.

1.2. Responsible authority

- **Name and contact details of the competent authority (government, ministry, department, service) and person(s) in charge of transposing the Directive into national legislation**

Ministry of Industry and Trade
DG for Industry
EU Harmonization Division

1.3. Notified bodies

- **Has your country the intention to notify conformity assessment bodies for the Directive? If so, could you already identify these bodies (name, and contact details) and indicate the conformity tasks (products and modules) that they will be entitled to perform**

Two applications have been received within the scope of Regulation on LVD and these applications have been sent to TÜRKAK for assessment. Upon the positive assessment report of TÜRKAK, MIT will make the final decision to notify the candidate conformity assessment body to the Commission.

Contact detail of the applicants are given below:

BEC Certification and Inspection Services Co. Ltd.:

LVD

Yeni Bağdat Caddesi 530/2 Sokak No:15 Gebze - Kocaeli / TURKEY

Tel No: + 90 262 642 0402 e-mail: bec@becturkey.com

Meyer Certification Services Co. Ltd.

LVD

İmes Sanayi Sitesi B Blok 206 Sokak No:44 Dudullu – Istanbul / TURKEY

Tel No: + 90 216 365 0503 e-mail: posta@meyer.gen.tr

2. Implementation

2.1. Participation in Standing Committee and Experts' Group

- **Name, function and contact details of the representatives (and their alternates, if any) of your country's governmental authorities designated or to be designated to represent your country in the meetings of the standing committee and experts' group established under the Directive:**

Participation in the related Committee is desired.

The Contact Unit for Standing Committee on LVD:

Ministry of Industry and Trade

DG for Industry

2.2. Implementing structure

- ***Responsible authority central/local:***

Name and contact details of the competent authority (government ministry, department, service) and person(s) in charge of implementing the provisions of the Directive in the territory of your country:

Ministry of Industry and Trade

DG for Industry

Note: 600 personnel employed in 81 provincial directorates carry out market surveillance of all products falling under Regulations which the Ministry of Industry and Trade is responsible for implementation, including Regulation on Low Voltage.

- **Implementation:**

- **Explain how implementation of the Directive in your country will be ensured (monitoring and control tools: market surveillance and others)**
- **Explain how market surveillance is carried out and on which basis**
- **Resources available: specify the number and qualification of personnel designated for market surveillance activities (divided in office staff/field personnel)**
- **Cost: What budget will be provided for market surveillance activities? How will this be financed?**

The market surveillance under 73/23/EEC is carried out pursuant to the provisions of “Law No. 4703 on Preparation and Implementation of Technical Legislation on Products” (hereinafter referred to as Law No.4703) (published in the Official Gazette No. 24459, dated 11 July 2001), the “Regulation No. 2001/3529 on Market Surveillance of Products” (published in the Official Gazette No. 24643, dated 17 January 2002) and the “Regulation on Procedures and Principles for Market Surveillance to be Performed by the Ministry of Industry and Trade” (published in the Official Gazette No. 25103, dated 9 May 2003).

A budget of approximately 200,000 Euros has been allocated for the costs of testing under market surveillance activities of the DG for Industry of the MIT for all directives (namely; LVD, EMC, Noise Emission, Gas Emission, MD, Lifts, ATEX, Motor Vehicles) for 2006. All other costs (travel, daily allowances, training, etc.) are paid out of the budget of the Ministry. Personnel expenses of the provincial directorates are allocated from the budget of these directorates.

- **Methods of enforcement:**

- **What means/methods will be available in your country for enforcing compliance with the Directive(s)?**
- **Which are the reactive methods available?**
- **Rights of the authority: What are the powers of the authority?**
- **Penalties: which will be the penalties applicable to violation of the national implementing measures?**

All actions are taken and penalties applied (including administrative fines, withdrawal from the market and disposal of product, granting time limit for remedying the nonconformity, informing the public through media of the nonconforming products as well as of the manufacturer) according to the provisions of the Law No.4703, the “Regulation no. 2001/3529 on Market Surveillance of Products” and the “Regulation on Procedures and Principles for Market Surveillance to be performed by the Ministry of Industry and Trade”. In each case, such actions and penalties are applied considering the level of nonconformity and the principle of proportionality.

The personnel in charge of market surveillance is authorized to make examinations on the product, review the documents and/or conformity marking, make physical examination, take samples for testing.

To provide an effective implementation of the Regulation, there is a technical committee on Industry of Electric Electronic (ELTEK), in which the private and public sector representatives participate.

For raising awareness among the consumers and manufacturers, cooperation is established between the MIT and NGOs.

3. Calibration, metrology, standards, testing, certification, conformity assessment, accreditation and market surveillance

Please provide information on the relevant regimes for the products in this sector:

- **short description and**
- **further evolution.**

Calibration:

The testing instruments and equipment used in conformity assessment activities by conformity assessment bodies and testing laboratories serving machinery industry are calibrated at regular intervals.

The major calibration bodies in Turkey are;

- Turkish Standards Institute (TSE),
- National Metrology Institute (UME).

There are 21 calibration laboratories, which are accredited under the scope of calibration activities by TÜRKAK.

1. Turkish Standards Institute Metrology and Calibration Department
2. Egemet Kalibrasyon-Ölçüm Ticaret Ltd. Şti. Calibration Laboratory
3. Elimko Elektronik İmalat ve Kontrol Ticaret Limited Şirketi – Temperature Calibration Laboratory
4. Turkish Standards Institute Quality Campus – Metrology and Calibration Directorate
5. Anadolu Kalibrasyon Mühendislik ve Petrol Ürünleri Pazarlama San. ve Tic. Ltd. Şti. – Calibration Laboratory
6. Simkal Kalibrasyon ve Danışmanlık San. ve Tic. Ltd. Şti. – Calibration Center
7. Profilo Telra Elektronik Sanayi ve Ticaret A.Ş.- Calibration Laboratory
8. Pakkens Calibration Laboratory

9. Esdař Elektronik Sistemler Destek San. ve Tic.A.ř. Calibration Laboratory
10. Baykon Endüstriyel Kontrol Sistemleri A.ř. Calibration Laboratory
11. Otoyol Sanayi A.ř. Calibration Center
12. Ums Uzmanlar Metroloji Servisi Müh. Müř. Mümes. San ve Tic. Ltd. řti. Ankara Calibration Laboratory
13. Heraeus Electro-Nite Termoteknik San. ve Tic. A.ř. Calibration Laboratory
14. Uzmanlar Metroloji Servisi Sanayi ve Ticaret Ltd. řti. Istanbul Calibration Laboratory
15. Uzmanlar Kalibrasyon Servisi Sanayi ve Ticaret Ltd. řti. Calibration Laboratory
16. Mcm Kalibrasyon Hizmetleri Teknik Dan. Paz. Ltd. řti.
17. Kal-Met Kalibrasyon Ticaret Limited řirketi Calibration Laboratory
18. Metav Makine Sanayi ve Ticaret Limited řirketi Calibration Laboratories
19. Markal Kalibrasyon ve Danıřmanlık Hizmetleri San. ve Tic. Ltd. řti.
20. Emre Müřavirlik Kalibrasyon Turizm ve Dıř Ticaret Ltd. řti.
21. Turkish Air Forces Command, 3rd Air Forces Completion and maintenance Center Command Calibration Center

Metrology:

Scientific Metrology : TÜBİTAK National Metrology Institute

Legal Metrology : MIT – DG for Measurements and Standards

Industrial Metrology : Accredited Calibration Laboratories

Standards:

The Turkish Standards Institute (TSE) is an independent, non-governmental and public organization which is responsible for drawing up standards for all kinds of products and services.

The harmonized European standards are transposed and published as national standards by Turkish Standards Institute.

- The number of EN standards under LVD is 649.
- 594 out of 649 EN standards have been transposed and published as Turkish standards.
- The transposition of remaining 55 EN standards is in progress.

Mandatory implementation of 95 national standards under LVD has been repealed upon publication of a Communiqué in the Official Gazette No. 25826, dated 26 May 2005.

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:

Based on its inventory of the conformity assessment bodies made during 2002 by the MIT in their field of responsibility, the Ministry still considers these conformity assessment bodies to cover the needs of the Turkish market, except for testing of explosives for civil use. There are around 1 200 public service laboratories in Turkey, all areas included. Some organisations have very advanced laboratories, like the Istanbul Technical University. A lot of testing laboratories exist in the private sector and big exporting companies often have their own laboratories.

Some Notified Bodies established in the Member States have already representations and operate in Turkey.

In order to ensure transparency and independency 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 the directive basis to the candidate bodies.

The “Communiqué on the Basic Criteria for Appointment of Conformity Assessment Bodies for the Products Covered by LVD” has been published by the Ministry of Industry and Trade in the Official Gazette No. 25114, dated 21.05.2003.

According to the above-mentioned criteria, CABs wishing to be appointed by the Ministry as a notified body should meet the following requirements:

- The requirements laid down in the Regulation No. 2001/3531 on Conformity Assessment and Notified bodies, which is an implementing Regulation of the Law No. 4703 and published in the Turkish Official Gazette No. 24643, dated 17 January 2002.
- Minimum criteria set out in the Annex of the related directive for notified bodies,

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

Accreditation:

TÜRKAK is the sole national accreditation body established by law no. 4457 to assess competence, against internationally recognised standards of organisations that provide certification, testing, inspection and calibration services

TÜRKAK has a management system fully compatible with ISO/IEC 17011.

TÜRKAK has 4 operational sections responsible for the following accreditation activities:

- Accreditation of Laboratories (ISO/IEC 17025)
- Accreditation of Systems Certification Bodies (EN 45012 / ISO/IEC G 66)
- Accreditation of Product Certification and Inspection Bodies (EN 45011/ISO 17020)
- Accreditation of Personnel Certification Bodies (SO/IEC 17024)

TÜRKAK is a full member of EA since 2003. It takes part in EA technical committees and General Assemblies regularly. TÜRKAK applied to EA to join MLAs for testing labs, calibration labs, inspection bodies and system certification bodies in 2005.

EA Peer-evaluation of TÜRKAK took place in January 2006 and revealed satisfactory results. It is estimated that TÜRKAK is going to join above-mentioned EA MLAs in mid 2006

Number of Accreditations and its operational sections given by TÜRKAK are listed below (as of 31 January 2006):

| | |
|--------------------------|-------------|
| Testing Laboratories | : 32 |
| Calibration Laboratories | : 21 |
| ISO 9001 Certification | : 14 |
| ISO 14011 Certification | : 5 |
| Personnel Certification | : 2 |
| Product Certification | : 2 |
| <u>Inspection</u> | <u>: 13</u> |
| TOTAL | : 89 |

Protocol with TÜRKAK

The MIT signed a Protocol with TÜRKAK (Turkish Accreditation Agency) on 18.4.2003.

- According to this Protocol, TÜRKAK makes all necessary assessment for designation.
- Upon the positive assessment report of TÜRKAK MIT makes the final decision to notify the candidate body to the Commission.

2 applications have been received under the criteria set out in the Communiqué. Assessment of applications by TÜRKAK is in progress, and those which will be concluded to be satisfactory shall be appointed as Notified Bodies under LVD.

Market Surveillance

Since its establishment, MIT has been carrying out market surveillance activities according to its national legislation with its inspectors at 81 provincial directorates.

The “Law No. 3143 on the Organization and Tasks of Ministry of Industry and Trade” issued in 1985 constitutes current organizational structure of the MIT. Since 1985, market controls on almost all industrial products such as pressure equipment, measuring instruments, construction products have been performed by the MIT according to national legislation.

The experience gained by MIT since 1985 has contributed to the MIT’s adaptation to the requirements of the market surveillance system foreseen by the New Approach Directives.

According to the “Regulation on Procedures and Principles for Market Surveillance to be Performed by the MIT”, a Coordination Commission was established in order to ensure co-ordination among different DGs and provincial directorates concerning market surveillance. The Commission, which makes the general policy of the MIT, consists of the Director Generals of the DG for Industry, DG for Measurement and Standards, DG for Protection of Consumers and Competition and DG for EU Coordination, the first Legal Consultant of the Ministry, Head of Data Processing Department and meets every three months under the presidency of the Undersecretary of the Ministry.

Between the years 2003-2005 which were regarded as a transition period, the MIT performed market surveillance in the form of providing information to the manufacturers about the new system. By the end of this transition period, the MIT has started to impose sanctions within the context of market surveillance activities.

| | |
|--|-------|
| The total number of inspectors | : 670 |
| DG for Industry | : 25 |
| DG for Measurement and Standards | : 25 |
| DG for Consumer Protection and Competition | : 20 |
| Provincial directorates | : 600 |

Testing Laboratories For Market Surveillance:

Currently, there are no laboratories owned by the MIT.

An inventory survey has been carried out to determine competent laboratories to render testing services.

The laboratories of TSE, UME, ESİM and MEYER are the potential testing laboratories for market surveillance purposes.

The market surveillance results for the years 2004 and 2005: Electrical – Electronic Industry (Turkey Wide)

Total Number of Products Inspected : 3714

Number of Conforming Products : 3292

Number of Nonconforming Product : 422

Amount of Fine : 44,375 Euros

Market Surveillance Campaign:

One of the campaigns organised in between April 18-29, 2005 covered “Small Household Appliances” and was implemented throughout 81 provinces.

In this campaign, vacuum cleaner, foodstuff grinders and mixers, fruit and vegetable presses, complete sets, blenders, shavers, epilation devices, irons and presses, water boilers, hair dryers, grills, toasters, coffee and tea makers, fryers, etc. have been inspected.

Small Household Appliances (April 18-29, 2005)
Campaign Results

Number of Products Inspected : 1905

Conforming : 1734

Nonconforming : 171

Domestic Product : 609

Imported from EU Member States : 571

Imported from 3rd Countries : 351

No Country of Origin : 374

Another campaign covered “Electronic Consumers’ Equipment”, and has been implemented in between June 13-24, 2005 in 81 provinces.

In this campaign, televisions, audio-sets, home theatres, video players, cash registers, digital cameras, video recorders, projection equipment, electronic weigher etc. have been inspected.

Electronic Consumers’ Equipment
(June 13-24, 2005)
Campaign Results

Number of Products Inspected : 1256

Conforming : 1161

Nonconforming : 95

Domestic Product : 496

Imported from EU Member States : 57

Imported from 3rd Countries : 377

No Country of Origin : 326

Further evolution

Most of the EN standards under the Regulation have been transposed, and transposition of remaining standards are planned to be completed within 2006. Standardization activities under the Regulation are also followed closely. Necessary measures have been taken to transpose the harmonized EN standards as well as amendments thereto and new standards into national standards.

The Standing Committee Meetings have not been attended so far, but it is planned to attend in the near future. By this virtue, any amendments to the Directive will be closely followed to update the Regulation in coordination with the Member States.

The activities of the Technical Committee on Industry of Electric Electronic (ELTEK) formed by private and public sector representatives will increasingly continue.

The provincial organization of the Ministry consisting of 81 provincial directorates is intended to perform effective market surveillance. In this context, there are 670 personnel including those employed at the headquarters and mostly engineers. There are 7 personnel at the headquarters, who are responsible for coordination of market surveillance and, and 148 personnel in provincial directorates are assigned to carry out market surveillance under the Regulation on LVD and EMC.

These personnel are being trained under the EU-funded twinning projects. Our purpose is to consistently improve the number and qualifications of the personnel in charge of market surveillance and the equipment used in market surveillance activities.

Studies are in progress on establishing a database to be used for the results of market surveillance activities by the MIT.

The meetings of ADCO Group of LVD and EMC will be attended to establish useful cooperation with Member States regarding market surveillance practices in the Member States. Our intention is to become a member of the systems and organizations as soon as possible to ensure fast information exchange with the Member States.

For raising awareness, informative seminars as well as cooperation with the NGO's will continue.