

#### IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:

##### A. Standard questionnaire to be filled for each sector individually:

*Sector:*

#### 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 89/336/EEC on electromagnetic compatibility was transposed by the Regulation on Electromagnetic Compatibility, which was published in the Official Gazette No. 24773, dated 2 June 2002.

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

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

Regulation on EMC (89/336/EEC) was entered into force as of 2 June 2003.

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

Council Directive 89/336/EEC is replaced by the Council Directive 2004/108/EC. It will be transposed by the end of 2006.

##### 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**

Three applications have been received within the scope of the Regulation on EMC and these applications have been sent to TÜRKAK for assessment.

Contact detail of the applicants are given below:

Turkish Standards Institute:

EMC

Necatibey Cad. No:112 Bakanlıklar – Ankara / TURKEY

Tel No: + 90 312 418 8575

Meyer Certification Services Co. Ltd.

EMC

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

Tel No: + 90 216 365 0503 e-mail: [posta@meyer.gen.tr](mailto:posta@meyer.gen.tr)

TÜBİTAK National Metrology Institute, UME:

EMC

P.K 54 41470 Gebze - Kocaeli / TURKEY

Tel No: + 90 262 679 5000 e-mail: [ume@ume.tubitak.gov.tr](mailto:ume@ume.tubitak.gov.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:**

The Standing Committee Meetings have not been attended so far. Participation in the related Committee is desired.

The Contact Unit for Standing Committee on Electromagnetic Compatibility:

Ministry of Industry and Trade

DG for Industry

Electrical and Electronic Industry Division

### **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

Electrical and Electronic Industry Division

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 Electromagnetic Compatibility..

- ***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 89/336/EEC is carried out pursuant to the provisions of the “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 have 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 from the budget of MIT.

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?**

The MIT strengthened and re-organized its existing system according to the transposed legislation.

In the “Regulation on Procedures and Principles for Market Surveillance to be Performed by the Ministry of Industry and Trade”, the principles of inspection and the sanctions to be imposed are defined in detail together with the duties and responsibilities of the inspectors.

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.

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 Regulation on Procedures and Principles of Market Surveillance of the Products to be performed by MIT published in the Official Gazette No. 25103, dated 9 May 2003, Regulation No. 2001/3529 on Market Surveillance of Products published in the Official Gazette No. 24643, dated 17 January 2002, and Law No. 4703. In each case, such actions and penalties are applied considering level of nonconformity and the principle of proportionality.

Sanctions include withdrawal from the market and disposal of product, prohibition of placing on the market, suspension of production, granting time limit for remedying nonconformity, some of which is accompanied by administrative fine.

In order 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. Esdaş Elektronik Sistemler Destek San. ve Tic.A.Ş. Calibration Laboratory
10. Baykon Endüstriyel Kontrol Sistemleri A.Ş. Calibration Laboratory
11. Otoyol Sanayi A.Ş. Calibration Center
12. Ums Uzmanlar Metroloji Servisi Müh. Müş. Mümes. San ve Tic. Ltd. Şti. Ankara Calibration Laboratory
13. Heraeus Electro-Nite Termoteknik San. ve Tic. A.Ş. Calibration Laboratory
14. Uzmanlar Metroloji Servisi Sanayi ve Ticaret Ltd. Şti. Istanbul Calibration Laboratory
15. Uzmanlar Kalibrasyon Servisi Sanayi ve Ticaret Ltd. Şti. Calibration Laboratory
16. Mcm Kalibrasyon Hizmetleri Teknik Dan. Paz. Ltd. Şti.
17. Kal-Met Kalibrasyon Ticaret Limited Şirketi Calibration Laboratory
18. Metav Makine Sanayi ve Ticaret Limited Şirketi Calibration Laboratories
19. Markal Kalibrasyon ve Danışmanlık Hizmetleri San. ve Tic. Ltd. Şti.
20. Emre Müşavirlik Kalibrasyon Turizm ve Dış Ticaret Ltd. Şti.
21. Turkish Air Forces Command, 3<sup>rd</sup> 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.

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.

The number of EN standards under the Regulation on EMC is 125. 105 of these EN standards have been transposed and published as Turkish Standards.

The transposition of remaining 20 EN standards is in progress.

Mandatory implementation of 5 national standards under EMC has been repealed upon publication of a Communiqué in the Official Gazette No. 25826, dated 26 May 2005.

Conformity Assessment:

Based on its inventory of the conformity assessment bodies made during 2002 by 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 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.

Communiqué on the criteria for designation of Conformity Assessment Bodies for the products covered by the EMC regulation was published by MIT in the Official Gazette No. 25103, dated 09 May 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 on conformity assessment and notified bodies published ,
- Minimum criteria set out in the Annex of the EMC 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

#### Protocol with TÜRKAK

Ministry 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 via UFT.

Three 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 the EMC regulation.

#### Accreditation:

TÜRKAK is the sole national accreditation body established by law no. 4457 to assess competence, against internationally recognized standards of organizations 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 (ISO/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.

The 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

### 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.

'Law numbered 3143 on the Organization and Tasks of Ministry of Industry and Trade' issued in 1985 constitutes current organizational structure of MIT. Since 1985, market controls on almost all industrial products such as pressure equipment, measuring instruments, construction products have been performed by MIT according to national legislation.

Since MIT has gained enough market control experience, transition to the new market surveillance system was not difficult for the ministry.

MIT strengthened and re-organized its existing system according to the new legislation:

“Regulation On Procedures And Principles Of Market Surveillance Of The Products To be Performed By MIT” has been published in the Official Gazette on 9 May 2003 and it entered into force as of the date of its publication.

In this regulation, the principles of inspection and the sanctions to be imposed are defined in detail together with the duties and responsibilities of the inspectors.

According to this regulation;

- Three performing 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,
- 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, MIT performed market surveillance in the form of providing information to the manufacturers about the new system. By the end of this transition period, 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

Period 2004 -2005  
Electrical – Electronic Industry  
(Turkey Wide)

Total number of Products inspected:	3714
Number of conforming Products:	3292
Number of non- conforming Products	422
Amount of Fine	: 44.75 Euro

Testing Laboratories for Market Surveillance:

Currently there are no laboratories owned by the Ministry of Industry and Trade.

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.

Market Surveillance Campaign:

One of the campaigns organized 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
Non-conforming:	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 13-24 June 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
Non-conforming:	95
Domestic Product:	496
Imported from EU Member States:	57
Imported from 3rd Countries:	377
No Country of Origin:	326

Further evolution

Regulation on Electromagnetic Compatibility, which transposed the Directive 89/336/EEC, is planned to be revised by the end of 2006 taking into consideration the amending Directive (2004/108/EC)

Most of the EN standards under the Regulation have been transposed, and transposition of remaining standards is planned be completed within 2006.

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

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 activities of the Technical Committee on Industry of Electric Electronic (ELTEK) formed by private and public sector representatives will increasingly continue. Necessary studies are performed under ELTEK to implement the Regulation effectively.

There are 7 personnel at the headquarters, who are responsible for coordination of market surveillance and, and 148 personnel in provincial directorates, who 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. MIT aims 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 Ministry.

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. MIT intends 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.