

IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:**A. Standard questionnaire to be filled for each sector individually:****Sector:** Noise emission in the environment by equipment for use outdoors

Directive 2000/14/EC Relating to the Noise Emissions in the Environment by Equipment for use Outdoors– (Noise Emission Directive)

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:**

Regulation on Noise Emission in the Environment by Equipment For Use Outdoors transposing Directive 2000/14/EC was published in the Official Gazette No. 25001, dated 22 January 2003.

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

The date of the mandatory implementation of the Regulation on Noise Emission (2000/14/EC) for stage I is 3 July 2004 and for stage II is 3 January 2006.

The regulation was sent to the Commission in order to receive its comments in February 2006.

- **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

Eskişehir Yolu 7. Km. Ankara-Turkey

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

No application has been received yet. However, it should be noted that, as Turkey's conformity assessment bodies already notified to the Commission have not been allocated identification numbers since the end of 2003, other potential notified bodies are reluctant to apply.

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:**

Ministry of Industry and Trade
DG for Industry
Machinery Division

The technical committee meetings on 2000/14/EC have not been attended so far. Participation in the related Committee is desired.

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
Machinery 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 2000/14/EC.

- ***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 2000/14/EC is carried out pursuant to the provisions of the 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 June 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 Euro's has been allocated for the costs of testing under market surveillance activities of the DG for Industry of MIT for all directives (namely; Noise Emission, Gas Emission, LVD, EMC, MD, Lifts, ATEX, and 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?**

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.

All actions are taken and penalties are 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 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.

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 relating to scope of 2000/14/EC are calibrated at regular intervals.

The major calibration bodies in Turkey are;

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

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.

All standards related to 2000/14/EC Directive have been transposed and published as Turkish Standards by TSE.

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 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 criteria for designation of conformity assessment bodies for the products covered by 2000/14/EC Directive” was published Official Gazette No. 25950, dated 28 September 2005.

According to the above-mentioned criteria, CABs wishing to be appointed by the MIT 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 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

No NB has been appointed yet as no application has been received under 2000/14/EC .

Protocol with TÜRKAĞ

MIT signed a Protocol with TÜRKAĞ (Turkish Accreditation Agency) on 18 April 2003. According to this Protocol, TÜRKAĞ makes all necessary assessment for designation. Upon the positive assessment report of TÜRKAĞ, MIT will make the final decision to notify the candidate body to the Commission.

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.

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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:

MIT has been carrying out market control activities according to its national legislation with its inspectors at 81 provincial directorates of the Ministry since its establishment.

However, Law No. 3143 issued in 1985, constitutes current organizational structure of the Ministry. 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.

The experience gained by MIT since 1985 has contributed to 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, 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

Testing Laboratories for Market Surveillance:

There are currently no laboratories owned by MIT.

Turkish potential testing laboratories for market surveillance as follows:

- The Agricultural Equipment and Machinery Testing Center,
- Istanbul Technical University,
- TSE Turkish Standards Institute.

MARKET SURVEILLANCE ACTIVITIES

MARKET SURVEILLANCE IN 2005	QTY.	CONFORMING	NON-CONFORMING
MANUFACTURERS	5	5	-
EQUIPMENT	21	21	-
EQUIPMENT BRANDS	4	4	-

Further evolution:

Directive 2000/14/EC will be amended in a short time according to Directive 2005/88/EC amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

A technical subcommittee on 2000/14/EC is planned to establish under the Technical Committee on Machinery to discuss the issues specific to 2000/14/EC.

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 4 personnel at the headquarters, who are responsible for coordination of market surveillance and, these personnel will be 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 Ministry.

The technical committee meetings on 2000/14/EC 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 exchange of information with the Member States.

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