

IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:

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

Sector: Civil Explosives

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:**
- “Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses” was transposed by the Regulation on Certification, Placing on the Market and Supervision of Explosives for Civil Use (93/15/EEC). This regulation was published in the Official Gazette No. 24907, dated 15 October 2002.

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

-The Regulation on Certification, Placing on the Market and Supervision of Explosives for Civil Use (93/15/EEC) entered into force on 1 July 2003.

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

- Issues relating to transportation, storage and keeping of explosives are regulated by the Ministerial Decree No. 87/12028 dated 29 September 1987 on “rules and procedures for production, import, transport, storage, sales, use, disposal and inspection of explosives”.

- Import of civil explosives is regulated by Import Communiqué No.2006/11 was published in the Official Gazette dated 31 December 2005.

- **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

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.

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 Civil Explosives:

Chemical Industry Division

DG for Industry

Ministry of Industry and Trade

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:

Chemical Industry Division

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 the Regulations which the Ministry of Industry and Trade is responsible for implementation, including civil explosive.

- ***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 93/15 is carried out pursuant to the provisions of the 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).

70 personnel in the 81 provincial directorates carry out market surveillance under the coordination of 4 personnel in Chemical Industry Division of DG for Industry of MIT.

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; LVD, EMC, Noise Emission, Gas Emission, MD, Lifts, ATEX, Motor Vehicles, Civil Explosives) for 2006. All other costs (travel, daily allowances, training, etc.) are paid out from the budget of MIT.

• ***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?

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 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.

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 are calibrated at regular intervals.

There are 21 calibration laboratories listed below, which are accredited under the scope of calibration activities by TÜRKAİ.

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. Mumes. 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, 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.

58 EN standards under the list of 93/15/EEC have been transposed and published as Turkish Standards by Turkish Standards Institute (TSE).

There are no mandatory national standards related to products covered by 93/15/EEC.

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 organizations 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.

In order to ensure transparency and independency of NBs to be designated by the 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 93/15/EC” was published by MIT 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 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 and 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

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, the 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 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, cal 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, the 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 the 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

Training Activities for Inspectors:

In-house training seminars were held for inspectors in 81 provincial directorates and DGs.

In order to improve the competence of inspectors, further trainings were ensured by some EU projects in addition to the in-house training performed by the MIT:

A workshop on CE marking and market surveillance under 93/15/EC has been delivered by the German Federal Institute for Materials Research and Testing (bam) in Ankara and financed by TAIEX for administrators, inspectors and sector representatives.

Laboratory Capacity for Market Surveillance:

The laboratories of the Institution for Mechanical and Chemical Industry are the potential testing laboratories for market surveillance purposes.

The market surveillance results for the years 2004 and 2005:

Market surveillance activities under the Regulation on certification, placing on the market and supervision of explosives for civil use in the period 2004-2005:

total number of products inspected: 28
conforming : 16
nonconforming: 12

Further evolution

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

The 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.