

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

**Sector:** Textile

96/74/EC: Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on Textile Names

96/73/EEC: Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the Quantitative Analysis of Binary Textile Fibre Mixtures

73/44/EEC: Council Directive 73/44/EEC of 26 February 1973 on the Approximation of the Laws of the Member States relating to the Quantitative Analysis of Ternary Fibre Mixtures

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

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

The first national legislation corresponding to “Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on Textile Names” was the “Communiqué on Naming and Labelling of Textile Products” which was published in the Official Gazette No. 24575, dated 06 November 2001. But it was not a full transposition of the related Directive that it has been revised in 2005. The current national legislation transposing the relevant Directive is the “Regulation concerning Naming of Textile Products” which was published in the Official Gazette No. 25904, dated 12 August 2005.

“Directive 96/73/EC of The European Parliament and of the Council of 16 December 1996 on Certain Methods for the Quantitative Analysis of Binary Textile Fibre Mixtures” was transposed by the “Regulation on Certain Methods for the Quantitative Analysis of Binary Textile Fibre Mixtures” which was published in the Official Gazette No. 24381, dated 22 April 2001.

“Directive 73/44/EEC of 26 February 1973 on the Approximation of the Laws of the Member States relating to the Quantitative Analysis of Ternary Fibre Mixtures” was transposed by the “Regulation on the Quantitative Analysis of Ternary Fibre Mixtures” which was published in the Official Gazette No. 24382, dated 24 April 2001.

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

“Regulation Relating to Naming of Textile Products” was entered into force on 12 August 2005.

“Regulation on Certain Methods for the Quantitative Analysis of Binary Textile Fibre Mixtures” was entered into force on 22 April 2002.

“Regulation on the Quantitative Analysis of Ternary Fibre Mixtures” was entered into force on 24 April 2002.

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

2006/2/EC amending 96/73/EC and 2006/3/EC amending 96/74/EC have not been transposed. Technical studies for transposition of the concerned Directives are continuing.

### **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 (MIT)

- DG for Protection of Consumer and Competition

- DG for Measurement and Standard

### **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:**

N/A.

## **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:**

Up to date, the MIT has not been represented in “the Committee on the Directives on Names and Labelling of Textile Product”. However, participation to this committee is desired.

### **2.2. Implementing structure**

- **Responsible authority central/local:**

Ministry of Industry and Trade

- DG for Protection of Consumer and Competition

- DG for Measurement and Standards

- 81 Provincial Directorates of the MIT

- **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:**
- *Implementation:*
  - **Explain how implementation of the Directive in your country will be ensured (monitoring and control tools: market surveillance and others:**

In this respect, the MIT is organising training seminars on market surveillance to increase the competency of its inspectors both at the central and local level. On the other hand, the MIT is also arranging informative meetings for manufacturers of textile in collaboration with trade chambers to arise their awareness about the requirements of this Regulation. As well as these meetings, brochures and booklets concerning labelling and fibre compositions of textile products are published.

The conformity assessment of textile products in the market has been carried out by the testing laboratories of,

- Turkish Standards Institute,
  - Aegean University,
  - İstanbul Technical University and
  - Dokuz Eylül University.
- **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 textile sector 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).

Currently, the market surveillance activities under textile sector has been carried out at local level by 81 Provincial Directorates of the Ministry with 100 personnel who have been trained about the scope of these Regulations. In addition to these personnel, there are 20 controllers of the DG for Protection of Consumers and Competition designated for the market surveillance activities at central level.

A budget of approximately 25,000 Euros has been allocated for the costs of testing under market surveillance activities of the DG for Protection of Consumers and Competition of the MIT for all directives (namely; textile, footwear, energy labelling of household appliances) 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?**

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

Particularly, in case of infringement of this Regulation, an administrative fine (approximately 2,750 Euros) is imposed after the warning of the manufacturer/distributor by giving a period of 3 months to take corrective measures.

The MIT makes use of the following resources for market surveillance activities:

- RAPEX web site,
- Notifications of Member States (CIRCA),
- Complaints of consumers, manufacturers or Association of Textile Sector,
- Information obtained from the Consumer Protection Associations
- Information obtained from the proceeding inspection reports

The MIT, as a public authority, has the power of issuing technical regulations, monitoring the working of them by means of market surveillance and taking administrative actions in case of unconformity to legislation. The personnel in charge of market surveillance is authorised to make examinations on the product, review the documents and/or conformity marking, make physical examination, take samples for testing.

In each case, penalties are applied considering the level of non-conformity and the principle of proportionality.

Particularly, in case of infringement of this Regulation, an administrative fine (approximately 2,750 Euros) is imposed after the warning of the manufacturer/distributor by giving a period of 3 months to take corrective measures according to Article 12 of Law No. 4703.