

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

The list of the national legislation transposing the relevant EU legislation

EU legislation	Harmonised Turkish legislation	Measurement Equipments	Official Gazette Date-number	Date of enforcement
90/384/EEC	90/384/AT	Non-automatic Weighing Instruments	17/4/2002 – 24729	1/1/2004
86/217/EEC	86/217/AT	Tyre Pressure Gauges for Motor Vehicles	23/1/2001-24296	1/1/2004
76/765/EEC	76/765/AT	Alcohol Meters and Alcohol Hydrometers	14/2/2001-24318.	1/6/2003
76/766/EEC	76/766/AT	Alcohol Tables	13/2/2001-24317	1/6/2003
76/891/EEC	76/891/AT	Electrical Energy Meters	15/2/2001-24319	30/06/2004
71/317/EEC	71/317/AT	5 to 50 kg Medium Accuracy Weights	10/4/2002 – 24722	1/1/2004
74/148/EEC	74/148/AT	1 mg to 50 kg of above Medium Accuracy	10/4/2002 – 24722	1/1/2004
77/95/EEC	77/95/AT	Taximeters	14/4/2002 – 24726	30/06/2004
71/349/EEC	71/349/AT	Calibration of the Tanks of Vessels	11/4/2002-24723	1/1/2004
75/33/EEC	75/33/AT	Cold-water meters	26/4/2002-24737	30/06/2004
79/830/EEC	79/33/AT	Hot-water meters	5/5/2002-24746	30/06/2004
77/313/EEC	77/313/AT	Measuring Systems for Liquids Other Than Water	8/5/2002-24749	30/06/2004
71/348/EEC	71/348/AT	Ancillary Equipment for meters for Liquids Other Than Water	8/5/2002-24749	30/06/2004
71/319/EEC	71/319/AT	Meters for Liquids Other Than Water	8/5/2002-24749	30/06/2004
71/318/EEC	71/318/AT	Gas Volume Meters	8/5/2002-24749	30/06/2004
71/316/EEC	71/316/AT	Common Provisions for Both Measuring Instruments and Methods of Metrological Control	3/6/2002-24774	1/6/2003

EU legislation	Harmonised Turkish legislation	Measurement Equipments	Official Gazette Date-number	Date of enforcement
73/362/EEC	73/362/AT	Material measures of length	5/6/2002-24776	1/1/2004
80/181/EEC	80/181/AT	Units of Measurement	21/6/2002-24972	1/1/2004
71/347/EEC	71/347/AT	The Measuring of the Standard Mass per Storage Volume of gran	27/7/2002-24828	1/1/2004
75/410/EEC	75/410/AT	Continuous Totalizing Weighing Machines	6/8/2002-24838	30.06.2004
78/1031/EEC	78/1031/AT	Automatic Check weighing and Weight Grading Machines	2/8/2002-24834	1/1/2004

The legal basis for transposition and implementation is “Law No. 4703 on the Preparation and Implementation of Technical Legislation on Products published in Official Gazette No. 24459, dated 11 July 2001 (hereinafter Law No. 4703) and “Law No. 3516 Metrology and Measurements”, which was published in the Official Gazette No. 20026, dated 11 January 1989.

All transposed legislation mentioned above has been sent to the Commission. The process of exchange of opinion is continuing.

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

See table above.

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

European Parliament and Council Directive 2004/22/EC on Measuring Instruments (2004/22/EC).

Translation of MID is completed. Expected date of publication of transposed legislation is 2007.

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 Measurement and Standards
GMK Bulvarı No. 128 Maltepe ANKARA

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**

The MIT notified Turkish Standards Institute (TSE) to the Commission for Module D of Regulation on Non-automatic Weighing Instruments as candidate NB.

TSE

Necatibey Caddesi No.112 Bakanlıklar ANKARA

The application of National Metrology Institute is under TÜRKAK assessment.

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 MIT is an associate member of WELMEC since 2005. It is planned to attend to WELMEC meetings in the future.

The Contact Unit for Standing Committee on Legal Metrology:

Ministry of Industry and Trade
DG for Measurement and Standards

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 Measurement and Standards
GMK Bulvarı No. 128 Maltepe ANKARA

81 provincial directorates of MIT.

- ***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?**

➤ For Old Approach legislation;

Type Approval Body: MIT (DG for Measurement and Standards)

A protocol between TSE and the MIT was signed on 10 February 2004. According to this protocol, TSE is assigned as Inspection Body (Official Gazette No. 25374, dated 22 February 2004)

Inspection Body: Turkish Standards Institution (TSE)

➤ For New Approach legislation;

Type Approval Body: Notified body

The implementation of the Directives related legal metrology is ensured by market surveillance activities. These activities are carried out at both central and local level.

In order to implement weighing instruments legislation effectively and to cooperate with all stakeholders (relevant public institutions and sectoral associations) a Technical Committee on Weighing Instruments has been established. The Communiqué regarding the establishment of this Committee published in Turkish Official Gazette dated 27 December 2003. Committee is chaired by the DG for Measurement and Standards of MIT.

The basis of legal metrology legislation is “Law No. 4703 on the Preparation and Implementation of Technical Legislation on Products” and “Law No. 3516 Metrology and Measurements” published in the Turkish Official Gazette No. 20026, dated 11 January 1989. Market surveillance is carried out according to the “Regulation on Procedures and Principles of Market Surveillance of the Products to be performed by the MIT”, which was published in the Turkish Official Gazette on 9 May 2003.

In the Regulation on Procedures and Principles of Market Surveillance of the Products to be performed by the MIT, the principles of inspection and the sanctions to be imposed are defined in detail together with the duties and responsibilities of the inspectors.

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.

Market surveillance is carried out by DG for Measurement and Standards at central level and 81 provincial directorates of the MIT at local level. According to the particular policy of DG for Measurement and Standards for legal metrology market surveillance activities will be performed periodically, on unscheduled basis and /or upon complaint.

For the products produced in scope of the type approvals that was given before the EU legislation, the market controls will be done according to the old system to the date of 30 June 2006. On the other hand the market surveillance activities according to the EU Legislation, have been started on 1 January 2006.

- 44 legal metrology inspectors at the central office of MIT
- 195 legal metrology inspectors at 81 provincial directorates of MIT

All these legal metrology inspectors are technical staff/personnel.

In house training for all legal metrology inspectors of MIT each year by the trainers of MIT, who are trained by UME.

For the inspections of the meters of liquids other than water, 41 testing vehicles are available.

DG for Measurement and Standards is responsible for 6 New and Global Approach and 32 Old Approach Directives. Budget for the market surveillance activities of these Directives is 400,000 Euros for the year of 2006.

- 171,875 Euros of this amount is for taking samples, testing and training expenses.
- 228,500 Euros of this amount is for the personnel expenses.
- The budget allocated is financed from the budget of the DG for Measurement and Standards. Personnel expenses of the provincial directorates are allocated from their own budget.

- **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?**

Enforcement is provided under the scope of the related technical legislation as mentioned before, by market surveillance. For the purpose of market surveillance, the MIT;

- Makes examinations at places like factory, warehouse, shop, commercial house and storage closeout and other places which are subject to inspection,
- Reviews the documents and/or conformity markings referred in the relevant technical regulation.
- Makes physical examination and inspection,
- Takes samples for testing if necessary,
- When necessary, benefits from the opinions and advices of experts.

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

- Complaints about the products and information received about the products
- Safeguard clauses of the EU Member States
- Information obtained from the proceeding inspection reports

- Information obtained from the Consumer Protection Associations
- Information obtained from WELMEC and OIML documents.

For non-conforming and unsafe products, the Ministry takes necessary measures (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) in accordance with The Law No. 4703). In each case, such actions and penalties are applied considering level of nonconformity and the principle of proportionality.

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 listed below, which are accredited under the scope of calibration activities by TÜRKA:

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 Centre
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
Centre, Command Calibration Centre

Metrology:

Scientific Metrology : TÜBİTAK National Metrology Institute
Legal Metrology : MIT – DG for Measurements and Standards
Metrology : Accredited Calibration Laboratories

Standards:

- 11 mandatory standards on measuring instruments in the scope of the Regulation
(71/316/EEC) were abolished on 23.12.2004:

TS 786 IEC 60145 - Var-Hour (Reactive Energy) Meters

TS EN 61036 -- Alternating current static watt-hour meters for active energy (classes 1 and 2)

TS 6356/T3 Natural Gas Meter Connections-Dual Pipes Connection Amendment 3

TS 10876 Mechanical volume correctors for gas meters

TS 5477 EN 12261 - Gas meters-Turbine gas meters

TS 5910 - Gasmeters, Bellows Type (2,5 m³/h-400 m³/h)

TS 10877 EN 12405- Gas meters-Gas volume electronic conversion devices

TS 455 Bellows Gas Meters

TS 824 ISO 4064-1 - Measurement of water flow in closed conduits; meters for cold potable water; part 1: Specifications

TS 6769-1/T1 - Metering pumps and dispensers to be installed at filling stations and used to dispense liquid fuel part 1:Specification for construction

TS 12560/T1 - Power- Operated pumps for petroleum product dispensing systems

-Mandatory standard in the scope of the Regulation (90/384/EEC) was repealed on 26.05.2005. (TS EN 45501)

-The EN standard within the context of the Directive on Weighing Instruments has been transposed as Turkish Standard by TSE. Reference number of this standard was published in Turkish Official Gazette No. 25794, dated 22 April 2005

Conformity Assessment:

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 basic criteria for appointment of Conformity Assessment Bodies for the products covered by the Regulation Non-Automatic Weighing Instruments has been published by the Ministry of Industry and Trade in the Official Gazette No. 25030, dated 24 February 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 by Undersecretariat of Foreign Trade,
- 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:

Ministry signed a Protocol with TÜRKAK (Turkish Accreditation Agency) on 18 April 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.

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.

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:

The 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” was published in the Official Gazette on 9 May 2003 and entered into force on 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 the 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.

DG For Measurement and Standards has been preparing its Market Surveillance Program for one-year activity period. According to this program Market Surveillance has been done since 1 January 2004. Market Surveillance has been performed together with provincial directorate Inspectors. In addition, periodical, instant and upon complaint inspections is being Performed by DG for Measurement and Standards.

Market surveillance is carried out by DG for Measurement and Standards at central level and 81 provincial directorates of the MIT at local level. According to the particular policy of DG for Measurement and Standards for legal metrology market surveillance activities will be performed periodically, on unscheduled basis and /or upon complaint.

For the products produced in scope of the type approvals that was given before the EU legislation, the market controls will be done according to the old system to the date of 30 June 2006. On the other hand the market surveillance activities according to the EU legislation, have been started on 1 January 2006.

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

Market Surveillance Performed According to Law No 3516 (in 2005)

Random and spot inspections:	125,337 Units
Inspection (Upon Complaint):	87,675 Units
Penalties:	4.040 Units

Market Surveillance Performed According To The EU Legislation (2005)

Products could not be inspected according to the EU directives as a transition period until 31 December 2005 for new approach and 30 June 2006 for old approach directives were given for national type approval certificates.

Testing:

Testing laboratories for MS currently there is no laboratories owned by MIT. Testing services are being provided from National Metrology Institute (UME).

Further evolution

Measuring Instruments Directive (MID) is the most important development in the field of legal metrology and it requires the reorganization of the existing system. MIT takes the transposition and implementation of MID very seriously. Translation of MID has been completed and a working group was established for the transposition of it. Expected date of its publication is 2007.

Taking EU implementation and WELMEC documents into account MIT will strengthen its legal metrology structure.

DG for Measurement and Standards has been preparing its Market Surveillance Program for one-year activity period. According to this program Market surveillance has been done since 1 January 2004. Market Surveillance has been performed together with Provincial Directorate inspectors. In addition, periodical, instant and upon complaint inspections are performed by DG for Measurement and Standards.