



SCREENING CHAPTER 14 TRANSPORT POLICY

**AGENDA ITEM: LAND TRANSPORT/ROAD/
Transportable Pressure Equipment**

**THE REPUBLIC OF TURKEY
25-28 SEPTEMBER 2006**



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Responsible Authorities

- The Ministry of Industry and Trade (MIT) is responsible for transposition and implementation of:
 - The Transportable Pressure Equipment Directive (1999/36/EC)
 - Council Directive on Seamless, Steel Gas Cylinders (84/525/EC),
 - Council Directive Seamless, Unalloyed Aluminium and Aluminium Alloy Gas Cylinders (84/526/EC),
 - Directive on Welded Unalloyed, Steel Gas Cylinders (84/527/EC).
 - Pressure Equipment Directive (97/23/EC)

- Ministry of Transport (MoT) is responsible for transposition and implementation of:
 - Directive on Transport of Dangerous Goods by Road (94/55/EC)
 - Directive on Transport of Dangerous Goods by Rail (96/49/EC)



Legislation

1. By-Law on Transportable Pressure Equipment (1999/36/AT)
(Official Gazette, 05 June 2003, no 24776 - entered into force on 01 January 2004)
2. By-Law on Seamless, Steel Gas Cylinders (Official Gazette, 10 November 2000, no 24226 - entered into force on 01 July 2003)
3. By-Law on Seamless, Unalloyed Aluminium and Aluminium Alloy Gas Cylinders (Official Gazette 01 March 2001, no 24333, entered into force on 01 July 2003)
4. By-Law on Welded Unalloyed, Steel Gas Cylinders (Official Gazette 25 January 2001, no 24298, entered into force on 01 July 2003)



Legislation (CONT'D)

5. By-Law on Pressure Equipment (97/23/EC)

(Official Gazette 10 April 2002, no 24722 - entered into force on 01 January 2004).

DG for Measurement and Standards of MIT transposed and put into force the relevant EU directives by the above-mentioned legislation (taking the amendments into account).

6. By-Law on Transport of Dangerous Goods by Road, (Official Gazette: 22 October 1976, no 15742).



Legislation (CONT'D)

Exchange of Opinion with the European Commission

- The transposed legislation was sent to the European Commission.
- The process of opinion exchange with the European Commission is continuing.



Related Standards

The harmonised European standards are transposed and published as national standards by Turkish Standards Institute (TSE).

Under the Transportable Pressure Equipment Directive (1999/36/EC); there are two directives (94/55/EC and 96/49/EC) for which the MoT is the responsible authority for transposing.

Since these directives have not yet been transposed reference numbers of the standards could not be published in Official Gazette.

Although all of the EN standards have not been transposed yet, the technical council of TSE decided to adopt all EN standards as national standards, whether transposed or not.



Conformity Assessment

- In order to ensure transparency and independence of Notified Bodies (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 Conformity Assessment Bodies (CABs) on directive basis to the candidate bodies.
- In this context, the Communiqué on the Basic Criteria for the Designation of Notified Bodies and Approved Bodies in Accordance with the Transportable Pressure Equipment Regulation (ÖSGM/2003-8) and Communiqué on the Basic Criteria for the Designation of Conformity Assessment Bodies in Accordance with the Transportable Pressure Equipment Regulation (ÖSGM/2003-7) were published in Official Gazette no. 25030, dated 24 February 2003.



Conformity Assessment (CONT'D)

- According to the above mentioned criteria, CABs should fulfill the following requirements to be appointed by the MIT as a NB
 - The requirements laid down in the By-Law on Conformity Assessment and NBs published in the Official Gazette no. 24643, dated 17 January 2002.
 - Minimum criteria for NBs set out in the Annexes of the related directives.



Conformity Assessment (CONT'D)

The Communiqués cover;

- Technical and administrative criteria to be met by CABs (no additional criteria other than those mentioned in the directive, reference to EN 45000 series standards)
- Application procedure (where to apply, accompanying documents for application)
- Evaluation procedure
- Designation
- Duties and responsibilities of CABs



Conformity Assessment (CONT'D)

Protocol with Turkish Accreditation Agency (TURKAK):

- The MIT signed a protocol with TURKAK on 18.04.2003.
- According to this protocol, TURKAK makes all necessary assessments for designation.
- Upon the positive assessment report of TURKAK, MIT makes the final decision to notify the candidate body to the Commission via Undersecretariat of Foreign Trade (UFT).



Conformity Assessment (CONT'D)

For By-Law on Transportable Pressure Equipment (99/36/AT), TSE and Turkish Lloyd Foundation have been notified to the European Commission for the following modules:

TSE:

Production Quality Assurance : Module D, Annex IV

Production Quality Assurance : Module D1, Annex IV

Product Quality Assurance : Module E, Annex IV

Product Quality Assurance : Module E1, Annex IV

Full Quality Assurance : Module H, Annex IV

Full Quality Assurance with Design Examination and Special Surveillance of

Final Test : Module H1, Annex IV

Periodic Inspection Through Quality Assurance : Module 2, Annex IV



Conformity Assessment (CONT'D)

Turkish Lloyd Foundation:

Internal Manufacturing Checks	: Module A1, Annex IV
EC Type Examination	: Module B, Annex IV
EC Product Verification	: Module F, Annex IV
EC Unit Verification	: Module G, Annex IV
Production Quality Assurance	: Module D, Annex IV
Production Quality Assurance	: Module D1, Annex IV
Product Quality Assurance	: Module E, Annex IV
Product Quality Assurance	: Module E1, Annex IV
Full Quality Assurance	: Module H, Annex IV
Full Quality Assurance with Design Examination And Special Surveillance of Final Test	: Module H1, Annex IV
Periodic Inspection of Products	: Module 1, Annex IV
Periodic Inspection Through Quality Assurance	: Module 2, Annex IV



Conformity Assessment (CONT'D)

- The assessment process of TÜRKAK for the following CABs for transportable pressure equipment is in progress :
 - ✓ Chamber Of Mechanical Engineers
 - ✓ Meyer Certification Ltd.
 - ✓ İPRAGAZ (as approved body)
 - ✓ BUREAU VERITAS, BV
 - ✓ EVAS (as approved body)



Market Surveillance

- The MIT has been carrying out market surveillance activities according to national legislation with its inspectors at 81 provincial directorates since its establishment.
- According to the Law on the Establishment and Duties of the MIT no. 3143, market controls on almost all industrial products have been performed by MIT since 1985.
- The experience gained by the MIT since 1985 has contributed to MIT's adaptation to the requirements of the market surveillance foreseen by the EU legislation.



Market Surveillance (CONT'D)

- The MIT strengthened and re-organised its existing system according to the new legislation.
- Market surveillance is carried out pursuant to the provisions of:
 - The Law on the Preparation and Implementation of Technical Legislation on Products no. 4703 (Official Gazette 11 July 2001, no 24459)
 - The By-Law on Market Surveillance of Products no. 2001/3529 (Official Gazette 17 January 2002, no 24643),
 - The By-Law on Procedures and Principles for Market Surveillance to be Performed by the MIT (Official Gazette 09 May 2003, no 25103)



Market Surveillance (CONT'D)

According to the By-Law on Procedures and Principles for Market Surveillance to be Performed by the MIT :

- DG for Industry, DG for Measurement and Standards, DG for Protection of Consumers and Competition are responsible for market surveillance together with 81 provincial directorates.
- Coordination Commission consisting 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 Adviser, Head of Data Processing Department was established under the presidency of the Undersecretary of MIT.
- This Commission meets every three months, makes the general policy of MIT, ensures co-ordination among different DGs and provincial directorates concerning market surveillance.



Market Surveillance (CONT'D)

- The MIT has been performing market surveillance since 2003.
- Until the year 2005, this surveillance was in the form of providing information about inadequacies found as well as giving information about the new system to the manufacturers.
- MIT has started to impose sanctions since 2005 according to the relevant legislation.
- The total number of inspectors : 670
 - DG for Industry: 25
 - DG for Measurement and Standards: 25
 - DG for Protection of Consumers and Competition : 20
 - Provincial offices : 600
- In-house training seminars were held for inspectors in 81 provincial directorates and DGs.



Market Surveillance (CONT'D)

The list of risky products:

- The MIT has been preparing the list of risky products in order to take appropriate measures and to make use of it for future market surveillance activities.
- While preparing the list of risky products, MIT makes use of:
 - RAPEX web site
 - MIT checks RAPEX web site weekly.
 - Newly notified risky products related with TPED, PED, SPVD or AEROSOL dispensers are then added to the list of risky products.
 - MIT conducts the necessary market surveillance.
 - Notifications by the member states (CIRCA),
 - Complaints of consumers, manufacturers or association of pressure equipment sector,
 - Accidents,
 - Other sources.



Market Surveillance (CONT'D)

Projects within the scope of pre-accession financial programme (2003 programming):

➤ “Support to the Turkish Conformity Assessment Bodies and the MIT in the Implementation of some New Approach Directives” Project.

- 3 beneficiary ministries.

- This project has three components:

Comp. 1: Feasibility study for the supply of equipment for cabs
(was completed)

Comp. 2: Supply of equipment for CABs (was completed)

Comp. 3: Twinning for MIT

(contract have been done between MIT and BAM, ON, BSI. BAM is the project leader)



Market Surveillance (CONT'D)

Projects within the scope of pre-accession financial programme (2003 programming)

- Twinning component of the project:
 - The purpose of this component is to strengthen the capacity of the MIT in the area of market surveillance. In particular, Twinning aims;
 - To facilitate the adoption of the relevant EU acquis,
 - To improve the administrative competence and technical skills of the MIT,
 - To improve information and communication flows to internal and external stakeholders of the MIT in the area of market surveillance.



Market Surveillance (CONT'D)

Projects within the scope of pre-accession financial programme (2003 programming)

Training activities:

- General training on “new approach”,
- Directive based training,
- Training on NDT and welding,

Target is to train 155 inspectors on TPED, PED AND SPVD.



Market Surveillance (CONT'D)

Other activities:

- The MIT has had access to “Circa” database, since may 2004.
- Participated in the following TAIEX activities:
 - TAIEX technical visit to Germany on pressure equipment (including Transportable Pressure Equipment Directive) TÜV-NORD, Hamburg/Germany , 10 – 13 May 2005
 - Workshop on WGP, Bratislava – Slovakia, 11 – 13 April 2005
 - Workshop on WGP, Warsaw – Poland, 24 – 26 August 2004



Market Surveillance (CONT'D)

- DG for Measurement and Standards prepares its market surveillance program annually. According to this program market surveillance has been performed since 01.01.2004.
- Market surveillance has been performed together with provincial office inspectors. In addition, periodical, instant and upon complaint inspections are being performed by DG for Measurement and Standards.




MARKET SURVEILLANCE ON SIMPLE PRESSURE VESSELS AND PRESSURE EQUIPMENT IN 2004

DIRECTIVE	NUMBER OF NON-CONFORMING PRODUCTS		NUMBER OF CONFORMING PRODUCTS		TOTAL NUMBER
	DOMESTIC	IMPORTED	DOMESTIC	IMPORTED	
(87/404/EC) SIMPLE PRESSURE VESSELS	132	1	38	3	174
(97/23/EC) PRESSURE EQUIPMENT	400	21	430	5	856
TOTAL	654		476		1030



MARKET SURVEILLANCE ON SIMPLE PRESSURE VESSELS AND PRESSURE EQUIPMENT IN 2005

REGULATION	NUMBER OF NON-CONFORMING PRODUCTS	NUMBER OF CONFORMING PRODUCTS	TOTAL NUMBER
(99/36/EC) TRANSPORTABLE EQUIPMENT	Imported products have marking 	Since under the TPED two directives have not yet been transposed, there is difficulty for the implementation	-
(87/404/EC) SIMPLE PRESSURE VESSELS	163	4	167
(97/23/EC) PRESSURE EQUIPMENT	364	549	913
GENERAL TOTAL	527	553	1080



MARKET SURVEILLANCE ON AEROSOL DISPENSERS IN 2005

REGULATION	CONFORMING NUMBER OF PRODUCTS	NON CONFORMING NUMBER OF PRODUCTS	TOTAL NUMBER OF PRODUCTS
(75/324/EC) AEROSOL DISPENSERS	46	64	110

MS ON AEROSOL DISPENSERS STARTED IN 2005



Market Surveillance (CONT'D)

- 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 around 400,000 €.
 - 171,875 € of this amount is for taking samples, testing and training expenses.
 - 228,500 € of this amount is for the personnel expenses.



Market Surveillance (CONT'D)

National Technical Committee (BASTEK) on pressure vessels:

BASTEK formed by representatives from public and private sectors was established by a communiqué published in the Official Gazette of 6 May 2004 to discuss and take advisory decisions on transposition and implementation of the EU technical legislation on pressure equipment.

- 4 meetings have been organized so far.
- When necessary, related public and private institutions are also invited to the meetings.



Market Surveillance (CONT'D)

Participation in standing committee and experts group

- DG for Measurement and Standards is the contact point for ADCO and pressure equipment working groups.
- The MIT receives documents, notification and invitations, etc., via Circa.
- The MIT attends following meetings;
 - ADCO Meetings
 - Pressure Equipment Guideline Working Group
 - Pressure Equipment Working Group
 - Workshops



WEB-SITE:

The MIT has a web-site accessible for all stakeholders ;

<http://www.sanayi.gov.tr>

It is possible to obtain information and the related documents on MIT's;

- Organisation
- Legislation
- Notification
- Activities
- Training, etc.