

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

“European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts” was transposed by the Regulation on Lifts (95/16/EC). Transposing Turkish Regulation was published in the Official Gazette No. 25021, dated 15 February 2003. The English version of the Regulation has been sent to the Commission for review, and a draft regulation has been prepared considering the Commission’s comments. The exchange of opinion process is continuing.

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

Regulation on Lifts (95/16/EC) was entered into force on 15 August 2004

- **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

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**

Four applications were received by the MIT within the scope of the Regulation on Lifts. Turkey’s CABs (already notified to the Commission or potential notified bodies) are given below:

Turkish Standards Institute (already notified to the Commission):
Regulation on Lifts (95/16/EC) (Modules D, E, H)
Necatibey Cad. No:112 Bakanlıklar/ANKARA
Tel No:0312-4188575

BEC Certification and Inspection Services Co. Ltd.(under TÜRKAK's assessment):
Regulation on Lifts (95/16/EC) (Module H)
Yeni Bağdat Caddesi 530/2 Sokak No:15 Gebze/KOCAELİ
Tel No: 0 262 6420402 e-mail: bec@becturkey.com

Chamber of Mechanical Engineers (under TÜRKAK's assessment):
Regulation on Lifts (95/16/EC) (Modules B, C,D, E, F, G, H)
Sümer Sokak-2 No:36/1-A Demirtepe/ANKARA
Tel No: 0 312 2313159 e-mail: mmo@mmo.org.tr

Meyer Certification Services Co. Ltd. (under TÜRKAK's assessment):
Regulation on Lifts (95/16/EC) (Modules B, D, E, F, G, H)
İmes Sanayi Sitesi B Blok 206 Sokak No:44 Dudullu/İSTANBUL
Tel No: 0 216 3650503 e-mail: posta@meyer.gen.tr

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
Lifts and Cableway Installations Division

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
Lifts and Cableway Installations 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 Regulation on Lifts.

- **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 95/16/EC 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).

A budget of approximately 200,000 Euros 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) for 2006. All other costs (travel, daily allowances, training, etc.) are paid out of the budget of the Ministry.

- **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 non-conformity, informing the public through media of the non-conforming 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 non-conformity 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.

To provide an effective implementation of the Regulation, there is a Technical Committee on Lifts, in which the private and public sector representatives participate.

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 lift 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, which are accredited under the scope of calibration activities by TÜRKAK.

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. Mümes. 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:

Transposed EN Standards related to Lifts Directive

STANDARD	DATE OF ADOPTION
TS 10922 EN 81-1	03.04.2001
TS EN 81-2	07.03.2002
TS EN 81-28	28.01.2004

TS EN 81-58	28.01.2004
TS EN 81-70	28.01.2004
TS EN 81-72	28.01.2004
TS EN 12385-5	29.04.2005
TS EN 81-70/A1	27.09.2005
TS EN 81-1/A2	27.12.2005
TS EN 81-2/A2	27.12.2005
TS EN 12016	27.12.2005
tst EN 13015	30.12.2005 (Draft)

Metrology Structure in Turkey

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 harmonized European standards under 95/16/EC have been transposed and published as national standards by the Turkish Standards Institute.

Certification and Conformity Assessment:

Some Notified Bodies established in the Member States have already representations and operate in Turkey. About 250 certificates have been issued by 12 NBs for CE marking under the Lifts Directive as of the end of 2005. Most of these certificates were issued under Module H.

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.

Thus, “Communiqué on the Criteria for Designation of Conformity Assessment Bodies for the Products Covered by Lifts Directive” was published by the MIT in the Official Gazette No. 25114, dated 21 May 2003.

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 the Law No. 4703 and published in the 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

Accreditation:

TÜRKAK is the sole national accreditation body established by the Law No. 4457 to assess competence, compared to 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 (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 laboratories, calibration laboratories, 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
Inspection	: 13
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 MIT. 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 the MIT since 1985 has contributed to the 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, the MIT performed market surveillance in the form of providing information to the manufacturers about the new system. By the end of this transition period, the 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.

Testing Laboratories for Market Surveillance:

Currently, the laboratories of TSE are used for market surveillance purposes. Construction of testing tower is in progress in two leading universities in Istanbul and İzmir respectively, and the construction of both testing towers will be completed till the end of this year, and they will be ready to serve the lift industry. These testing towers will make a valuable contribution to testing services under market surveillance activities. The contract for the project “Support to Market Surveillance laboratories for Lifts” under the Financial Cooperation Program 2004 is

about to be concluded. The Chamber of Mechanical Engineers, Chamber of Electrical Engineers and Turkish Standards Institute are the potential conformity assessment bodies. Furthermore, additional potential laboratories are searched considering the future requirements of market surveillance activities.

Market Surveillance Activities for Lifts in 2005:

Total number of products inspected	: 423
Number of conforming products	: 277
Number of nonconforming products	: 146

Further evolution:

The Regulation on Lifts (95/16/EC) has been prepared fully considering the original Directive 95/16/EC and made national piece of legislation.

All of the EN standards under the Regulation have been transposed. Standardization activities under the Regulation are also followed closely. Necessary measures have been taken to transpose the harmonized EN standards as well as amendments thereto and new standards into national standards.

The meetings of the Working Group of Lifts will be attended soon. By this virtue, any amendments to the Directive will closely followed to update the Regulation in coordination with the Member States.

The activities of the Technical Committee on Lifts formed by private and public sector representatives will increasingly continue.

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.

The contract for a twining project under the financial cooperation program 2004 covering the lifts is about to be concluded. Training of inspectors will be carried under that project.

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

The meetings of ADCO Group of Lifts will be attended to establish useful cooperation with Member States regarding market surveillance practices in the Member States. Our intention is 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.