

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

Sector: Crystal Glass Products

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:**

Directive 69/493/EEC on Crystal Glass was transposed by the Regulation on Crystal Glass Products, which was published in the Official Gazette No. 24700, dated 19 March 2002.

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

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

Regulation on Crystal Glass Products (69/493/EEC) was entered into force on 19 June 2002.

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

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)
EU Harmonization Division
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**

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:**

The Standing Committee Meetings have not been attended so far, but participation is desired.

The Contact Unit for Standing Committee on Crystal Glass Products:

Ministry of Industry and Trade
DG for Industry
Earth Products Industry Division

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
Earth Products Industry Division

Note: 600 personnel employed in 81 provincial directorates carry out market surveillance of all products falling under Regulations, which the MIT is responsible for implementation, including the Regulation on Crystal Glass.

- ***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 69/493/EEC 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, Gas Emission, Noise Emission, MD, Lifts, ATEX, Motor Vehicles, Crystal Glass Products) for 2006. All other costs (travel, daily allowances, training, etc.) are paid out of the general budget.

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 nonconformity, informing the public through media of the non-conforming products as well as of the manufacturer) according to the provisions of the “Regulation on The 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, the “Regulation No. 2001/3529 on Market Surveillance of Products” (published in the Official Gazette No. 24643 dated 17 January 2002), and the Law No. 4703. 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.

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, which are accredited under the scope of calibration activities by Turkish Accreditation Agency (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. İstanbul 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:

METROLOGY STRUCTURE IN TURKEY

Scientific Metrology: TÜBİTAK National Metrology Institute

Legal Metrology : The 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.

There is only one voluntary national standard on Crystal Glass Products (TS 6500) and there is no harmonized European standard (EN) on Crystal Glass Products.

Accreditation:

TÜRKAK is the sole national accreditation body established by 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 the EA since 2003. It takes part in EA technical committees and General Assemblies regularly. TÜRKAK applied to EA to join multilateral agreements (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 TÜRKAĞ is going to join above-mentioned EA MLAs in mid 2006.

Number of accreditations and its operational sections given by TÜRKAĞ 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, 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) defines the 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 the MIT according to the 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 EU system.

MIT strengthened and re-organized its existing system according to the new legislation:

“Regulation on the Procedures and Principles for Market Surveillance to be Performed By Ministry of Industry and Trade” was published in the Official Gazette on 09 May 2003 and it entered into force as of 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 this 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,
- According to this Regulation, 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 period of between 2003-2005, which has been 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

The market surveillance for crystal glass products is carried out under the Law and Regulations mentioned above.

There are currently no laboratories owned by the Ministry of Industry and Trade. An inventory survey has been carried out to determine competent laboratories to render testing services.

The laboratories of TSE and Türkiye Şişe ve Cam Fabrikaları A.Ş. are the potential testing laboratories for market surveillance purposes.

Market Surveillance Activities :

Period 2004 -2005

Total number of Products Inspected: 11

Conforming: 11

Non-Conforming: -

Further evolution

The Regulation on Crystal Glass (69/493/EEC) has been fully prepared considering the original Directive 69/493/EEC and has been transposed into Turkish legislation.

The provincial organisation of the Ministry consisting of 81 provincial directorates is intended to perform effective market surveillance. In this context, there are 670 personnel (mostly engineers) including those employed at the headquarters. There is 1 personnel at the headquarters, who is responsible for the coordination of market surveillance under the Regulation on Crystal Glass.

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

Necessary actions are increasingly taken to improve the awareness of manufacturers and consumers for an effective market surveillance. In this context, cooperation has been established between the Ministry and the NGOs.