

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

EU Directive: Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity – R&TTE Directive

Transposing Turkish legislation: Regulation on Radio and Telecommunication Terminal Equipment (Official Gazette No. 25105, dated 11 May 2003).

The Purpose of Turkish Regulation: The purpose of this Regulation is to regulate the provisions and procedures relating to the conformity assessment procedures, minimum criteria for the assignment of the notified body, market surveillance and inspection in order to ensure that the radio and telecommunication terminal equipment is placed into the market with the essential security requirements to be met.

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

11 May 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**

Telecommunications Authority (TA)

Technical Regulations and Standardization Department

Mrs. Ayfer AYDIN

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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 list of the potential CABs to be notified to the European Commission is given below.

The name of the potential notified body		The Directive/s and modules under which such bodies would perform their conformity assessment activities	The name and full contact details (telephone, fax and e-mail) of a contact person within the potential notified body
1	TÜBİTAK - UME	R&TTE Directive; Modules; Annex III; Internal Production Control Plus Specific Apparatus Tests Annex IV: Technical Construction File	Dr. Ramiz Hamid TÜBİTAK - UME Tel : +90 262 679 50 00 Fax : +90 262 679 50 01 ramiz.hamid@ume.tubitak.gov.tr
2	YILDIZCELL-UNIVERSITY	R&TTE Directive; Modules; Annex III; Internal Production Control Plus Specific Apparatus Tests Annex IV: Technical Construction File	Dr. Aktül KAVAS YILDIZ TECHNICAL UNIVERSITY Tel : +90 212 261 20 02 Fax : +90 212 261 42 84 kavas@yildiz.edu.tr

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:**

TA attends and follows Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM) and Group of Administrative Co-operation between Surveillance Authorities under the R&TTE Directive (ADCO). Contact details of the representatives of Telecommunications Authority are given below.

Mrs. Ayfer AYDIN	Miss. Arzu CİHAN
Engineer-Member of the TCAM	Engineer-Member of the TCAM
Tel: +90 312 550 53 37	Tel: +90 312 550 53 37
Fax: +90 312 550 51 64	Fax: +90 312 550 51 64
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Address: Telecommunications Authority	Address: Telecommunications Authority
Technical Regulations and Standardization Department	Technical Regulations and Standardization Department
Yesilirmak Sok. No:16	Yesilirmak Sok. No:16
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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:

TA. Technical Regulations and Standardization Department.

Contact details of persons in charge of the implementing the provisions of R&TTE Directive in TA are given below.

Dr. Mehmet ALTUNER	Mrs. Ayfer AYDIN	Miss. Arzu CIHAN
Head of Department	Engineer	Engineer
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Address: Telecommunications Authority	Address: Telecommunications Authority	Address: Telecommunications Authority
Technical Regulations and Standardization Department	Technical Regulations and Standardization Department	Technical Regulations and Standardization Department
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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**
- **What means/methods will be available in your country for enforcing compliance with the Directive(s)?**
- **Which are the reactive methods available?**

The implementing Regulation on R&TTE Directive was published in the Official Gazette No.25105, dated 11 May 2003.

The implementing Regulation on Market Surveillance was published in the Official Gazette No.25386, dated 27 February 2004. Implementing regulation on Market Surveillance regulated the working principles and procedures for market surveillance concerning R&TTE.

The implementing Regulation on Notified Bodies was published in the Official Gazette No.25385, dated 26 February 2004. Implementing regulation on Notified Bodies regulated the specify procedures and principles regarding the notified bodies to perform conformity assessment under Regulation on R&TTE

Due to the implementation of R&TTE Directive, the Authority prepared and published works which are given below:

- **Notification form**

It was prepared in accordance with EU TCAM Committee format and published in TA web site.

- **Frequency plan**

It has been published on TA and EU web sites.

http://www.tk.gov.tr/tm/marfl_ing.asp

and

<http://europa.eu.int/comm/enterprise/rtte/weblinks.htm#Turkey>

- **Interface specification**

It has been published on Turk Telecom (service provider) and EU web sites.

http://www.telekom.gov.tr/webtech/eng_default.asp?sayfa_id=28

and

<http://europa.eu.int/comm/enterprise/rtte/weblinks.htm#Turkey>

- **Harmonized Standards**

The list of harmonized standards and their transposition names (145 Harmonized standards) were published in the Official Gazette on 21.07.2004. The last list included 203 harmonized standards, which were published in the EU Official Gazette. And also transposition of the rest of the harmonized standards is still going on.

According to adaptation of R&TTE Directive and market surveillance Regulations:

- General Principles:

- Essential requirements and safety
- Safeguard clause
- Market education
- Dissuasive fines (scalable and progressive)

- Provisions for Market Surveillance and Inspection

- Review on markings and/or documents
- Inspection
- Testing and examination
- Enforcement

- The measures to be taken at the end of the examinations made on markings and documents (warnings, fines, etc.)

- The measures to be taken at the end of Sensorial Examination and Inspection (decision test or not)

- Measures to be taken at the end of Testing and Examination (fines, withdrawn from the market, publicity, eliminate products)
- Duty, Authority and Liability of The Inspectors (enforcement, penalties against inspectors)
- Liabilities of the Manufacturer and Distributor
- Confidentiality of information (Authority and inspectors)
- Cooperation with Other Authority in Turkey and EU
- Notification
- Penal Provisions (scalable and progressive)
- Annual Report
 - Resources available: specify the number and qualification of personnel designated for market surveillance activities (divided in office staff/field personnel)

Number of staff for market surveillance: 9

Number of staff for testing: 6

- Cost: What budget will be provided for market surveillance activities? How will this be financed?

In 2004, an amount of 30,000 Euros were allocated out of which 5,000 Euros was used for the market surveillance.

In 2005, 2 million Euros was used for Laboratory building and market surveillance activities in 2005.

The amount allocated for 2006 is 60,000 Euros.

- *Methods of enforcement*

Upgrading the physical infrastructure in telecommunications sector regarding market surveillance.

TA needs to build and achieve the EU level testing infrastructure and recognition, procurement of such equipment requires the experience of EU laboratories implementation for defining the right recognized systems and instruments to be used.

In order to establish the conformity assessment and market surveillance structure before the implementation of the R&TTE legislation in Turkey, a project was initiated in 2002.

This project provides TA to grant an aid in the context of the PHARE program in order to establish market surveillance structure parallel to EU and supports the infrastructure for the implementation of the concerned legislation.

Necessity of supporting the TA in the development of its administrative and technical capacities to complete the regulatory framework for the liberalization of the telecommunications market in Turkey in accordance with the EU *acquis communautaire*.

The overall objective of the project is to contribute to the enforcement of the EU acquis communautaire in the area of internal market, specifically focusing on market surveillance by means of upgrading the required laboratory infrastructure for telecom sector.

The project, which will be funded under Pre-accession Financial Aid 2003 Programme, will contribute to the implementation of the R&TTE Directive by providing the market surveillance support laboratory of the TA with additional equipment and related training on equipment.

The project budget will amount to some 4,77 million Euros out of which 3,58 million Euros will be financed by the EU and 1,19 million Euros will come from national co-financing. The project commenced in May 2004 and will end in August 2006.

Laboratory infrastructure in the telecom sector requires upgrading in order to:

- comply with EU regulations
- comply with the requirements of EU standards
- extend the range of testing fields not yet covered.

The supply of laboratory equipment will be done according to technical specifications, working methodologies compatible with EU quality and organization levels

The technical implementations of the laboratories and the requirements have already been supported through an EU Support contract for Quality Infrastructure in partnership with CEN.

The list of the laboratories to be implemented project on the upgrading the Physical Infrastructure in the Telecommunications sector regarding Market Surveillance are given below:

Radiocom Laboratory in EMC environment for accurate measurement, 10 m, 3 m and OATS facilities

Monitoring software for the radiocom EMC test labs

LVD laboratory

SAR effect laboratory (influence of radio propagation on human body)

QoS measurement instrumentation

Typical telecom laboratory instrumentation (analysers, generators, antennas...) in order to assess potential disputes between operators and service providers regarding interconnection issues

TA staffs were trained through Institution Building in the TA Project. The Consultant provided expertise and detailed information through training seminars that covered technical, regulatory and operational aspects of the implementation of the R&TTE Directive by providing the market surveillance support laboratory of the TA with additional equipment and covering the issues given below:

For all staff (15 days):

- Philosophy of new market surveillance system (new and global approach systems, framework law and related regulations, quality systems and accreditation, R&TTE

Directive and Market Surveillance and Inspection, EMC and LVD Regulations, conformity assessment procedures according to R&TTE Directive) (5 days-in Ankara-Turkey)

- Enforcement (enforcement policy, allegation consolidation and decision, search warrants, cautioning, and interviewing, statements and report writing, court procedures) (5 days in Ankara-Turkey)
- Enforcement interview skills (Legislation relating to interviews, preparation for interview, cautioning, interview format, role and presence of solicitors, statements offered by the accused (verbal and written), writing a voluntary statement, preparation of evidence for court proceedings) (5 days-in Ankara-Turkey)

For technical staff (55 days):

- Basic radio and interferes mechanisms (Radio systems, telecommunication terminal systems, propagation, aerials, electronic circuitry, EMC/Determination of interference mechanisms, measurement, inspection of radio and telecommunication terminal system, map reading) (5 days- CETECOM-Spain)
- Use of equipment in applications (Calibration, integrity and limitations of equipment, spectrum analyser, communications test set, power meters, field strength meter, chase receiver + calibrated aerials, scanning receivers, direction finding systems) (5 days-CETECOM- Spain)
- Technical training on equipment (Trainings on EMC and radio for market surveillance and for test house engineers, trainings on LVD for market surveillance and for test house engineers, trainings on SAR for market surveillance and for test house engineers, trainings on QoS for market surveillance and for test house engineers, trainings on fixed telephone laboratory for market surveillance and for test house engineers) (35 days-CETECOM- Spain -France)
- Training on notified bodies (Training of administrative personnel on coordinating notified bodies) (5 days-France-Belgium)
- Training on standards (Training on ETSI telecommunication standards) (5 days-France)

METHOD for implementing the M.S. on R&TTE in Turkey:

Identify working re-usable modular/bricks and build a new system by adding the «mortar» where necessary.

Examples of working bricks:

- + Police Dept
- + Customs,
- + Spectrum Monitoring Regional Teams

But also adding some missing «bricks» like EU level laboratories, accreditation, and mortar like trainings in EU labs and TA market education work

- Rights of the authority: What are the powers of the authority?

The TA was established as the independent authority with administrative and financial autonomy for regulating the overall telecommunications sector in Turkey

The TA has been authorised to prepare regulations for all telecommunications sector particularly on pricing, interconnection and quality of service; to supervise the compliance with the conditions of the mission contract, concession agreement, telecommunication licenses and general permissions and to apply some administrative fines if necessary.

The TA has an important role in the process of transposition of technical legislation. It is responsible for the technical legislation and the implementation of the Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.

The TA is working on a regulation regarding implementation principles of market surveillance for the directive under its responsibility.

- Penalties: which will be the penalties applicable to violation of the national implementing measures?

The amounts of fines and penalties are defined in the Framework Law (Law No. 4703).

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,

Calibration is not an issue in the telecom sector unless this is considered with the instrumentation of the laboratories but we have decided that market surveillance or conformity assessment laboratories will have to be accredited and therefore will take care of their calibration issues.

metrology,

Metrology is part of the accreditation. See previous answer on calibration.

standards,

Standards are monitored and managed by the Telecommunications Authority itself with operational support for the Turkish Standards Institute. The Authority is member of ETSI and has recently reviewed its position in the ETSI membership in order to be able to better participate to the standards works

testing, certification, conformity assessment,

Two potential notified bodies identified by the Telecommunications Authority are TÜBITAK-UME and YILDIZ-Cell. These are not yet fully operational but the Authority is working for having them

supported for upgrading their laboratories. For the moment only EU countries based labs are considered as NBs .

accreditation

Accreditation is managed by the Turkish Accreditation System TÜRKAĞ with which the TA has an agreement for monitoring the Turkish NBs.

and market surveillance

Market Surveillance is TA's own responsibility and TA has developed its own internal laboratory (instrumentation and accreditation on the way for September 2006. Operational Market Surveillance has started as a Pilot Experimentation 3 years ago and more than 3,500 telecom devices have been inspected or tested meanwhile.