

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

Sector: Construction Products

1. Harmonisation of laws including technical regulations**1.1. Legal basis**

- **References (and copies) of the publication of acts and decrees transposing Construction Products Directive (89/106/EEC) into the national legislation of your country:**

See Annex 1.

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

Although, the Regulation on Construction Products is in force since 8 June 2004, the Ministry of Public Works and Settlement has applied a transitional period in accordance with the proposal made by the Commission in its letter of 3 May 2004.

During the transition period, the producer is free to conform either to the previous legislation and standards or to the Regulation on Construction Products and the harmonized standards.

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

The relevant EC Directive is transposed with the “Regulation on Construction Products”. However, the implementing Communiqués are being continually revised in order to harmonize the latest EC Decisions as soon as they are published in the Official Journal of the EU.

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**

Competent Authority:
Ministry of Public Works and Settlement,
General Directorate of Building Affairs,
Head of Construction Products and Building Inspection
Adress: Harbiye Mah., Çetin Emeç Bulvarı No:5 ANKARA/TURKEY

Persons in charge of transposing the Directive into national legislation:

Name	Proficiency	Title	Contact Details e-mail/ Telephone/ Fax
Nazım AVCI	Civil Engineer	Deputy General Director	nazima@bayindirlik.gov.tr +90-312-4800944 +90-312-4794410
Remzi KIVRAK	Civil Engineer	Head of Department of Construction Products and Building Inspection	remzik@bayindirlik.gov.tr +90-312-4800941 +90-312-4815070
Neval AKSOY	Architect	Head of Branch of Building Regulation and Standard	nevala@yahoo.com +90-312-4800810/225 +90-312-4815070
Bülent YALAZI	City Planner	Head of Branch of Notified Bodies	bulenty@bayindirlik.gov.tr +90-312-4800810/330 +90-312-4815070
Taşkin NAR	Chemical Engineer	Head of Branch of Market Surveillance	taskinnar@bayindirlik.gov.tr +90-312-4800810/226 +90-312-4815070

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**

List of Turkey's CABs, which are already notified to the Commission, are given below:

Company	Name	Contact Details e-mail/ Telephone/ Fax	Products	AoC System	Harmonized Technical Specification
Turkish Standards Institute (TSE) - Product Certification Center (UBM)	- Rasim YILMAZ <i>Head of Product Certification Center</i> - Hakan ERGİN <i>Deputy Head of Product Certification Center</i>	ryilmaz@tse.org.tr P: +90-312-416 66 63 F: +90-312-416 66 17 hergin@tse.org.tr P: +90-312-416 65 06 F: +90-312-416 66 17	- General Cement	1+	EN 197-1
			- Lightweight Aggregates	2+	EN 13055-1
			- Aggregates for Bituminous mixtures	2+	EN-13043
			- Aggregates for Concrete	2+	EN 12620
			- Aggregates for Mortar	2+	EN13139
			- Aggregates for Road Construction	2+	EN 13242
			- Aggregates for Railway Ballast	2+	EN 13450
			- Admixtures for Concrete, Mortar and Grout	2+	EN 934-2, -4
			- Masonry Mortar	2+	EN 998-2
			- Building Lime	2	EN 459-1
- Masonry Units	2+	EN-771-1,-2,-3,-4,-5			

Turkish Cement Manufacturers' Association (TCMA) - The Council for Quality and Environment (CQE)	- Ekrem EKİNCİ <i>Head of the Council</i>	ekincie@itu.edu.tr P: +90 212 285 35 43 F: +90 212 285 29 25	- General Cement - Portland Cement - Calcium aluminate Cement - Masonry Cement	1+ 1+ 1+ 1+	EN 197-1,-2 EN 197-1 EN 14647 EN 413
	-M.Zeki NECİPOĞLU <i>Deputy Head of the Council</i>	necipogluzeki@yahoo.com P: +90 312 418 49 24 F: +90 312 418 50 12			

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:**

Committee/Group	Representative	Proficiency/ Title	Contact Details e-mail/ Telephone/ Fax
Standing Committee of Construction	Bülent YALAZI	City Planner/ Head of Branch of Notified Bodies	bulenty@bayindirlik.gov.tr +90-312-4800810/330 +90-312-4815070
Eurocodes National Correspondence Group	Atila ERENLER	Civil Engineer MS/ Head of Technical Department	aerenler@ttnet.net.tr +90-312-4101506 +90-312-4250537

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:

Competent Authority:
Ministry of Public Works and Settlement,
General Directorate of Building Affairs,
Head of Construction Products and Building Inspection,
Address: Harbiye Mah., Çetin Emeç Bulvarı No:5 ANKARA/TURKEY

Persons in charge of transposing the Directive into national legislation:

Name	Proficiency	Title	Contact Details e-mail/ Telephone/ Fax
Nazım AVCI	Civil Engineer	Deputy General Director	nazima@bayindirlik.gov.tr +90-312-4800944 +90-312-4794410
Remzi KIVRAK	Civil Engineer	Head of Department of Construction Products	remzik@bayindirlik.gov.tr +90-312-4800941

		and Building Inspection	+90-312-4815070
Neval AKSOY	Architect	Head of Branch of Building Regulation and Standart	nevala@yahoo.com +90-312-4800810/225 +90-312-4815070
Bülent YALAZI	City Planner	Head of Branch of Notified Bodies	bulenty@bayindirlik.gov.tr +90-312-4800810/330 +90-312-4815070
Taşkin NAR	Chemical Engineer	Head of Branch of Market Surveillance	taskinnar@bayindirlik.gov.tr +90-312-4800810/226 +90-312-4815070
The Directors of the 81 Provincial Directorates of the Ministry			

• **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 the proper implementation, Law No. 4703 on the Preparation and Implementation of the Technical Legislation on Products (hereinafter Law No 4703) is enforced. This is the basic market surveillance instrument to implement the Directive. Its legal instruments are:

- Regulation on the Market Surveillance and Inspection of The Products
- Construction Products Regulation
- Communiqué on the Principles and Methods for Market Surveillance of Construction Products

Other than this tool of enforcement of the CPD, Law no 3194 “Settlement Development Act” of 1985, construction products that are used in buildings do have to be in conformity with the Turkish standards. Therefore, when municipalities grant the construction permit to a building, they must ensure that the construction products used within the construction are in conformity with the Turkish standards.

With the “Building control act” it is required to take samples from each foundry or batch of the construction product which are effective in the structural components of the building (concrete, iron, etc.) and to test them. For the rest of the products, Building Control Firms, which operate within the scope of the Building Control Act, are responsible to ensure that they are in conformity with the Turkish standards. This is another effective tool for the enforcement of CPD.

The inspectors employed in the provinces check the products at market places. Certificates of the products are controlled to see any violations are present or not. Also examining the

products with five senses is required and anomalies detected will have to be verified with tests. Tests are carried out at the provinces centre if the facilities are available. Tests that cannot be performed at the provinces are demanded from the central offices. The central laboratory of the Ministry performs or out-sources the required tests and gives the final decision whether the products are in compliance with the standards.

“Construction Products Market Surveillance Inspector Groups” have been constituted within the structure of Public Works and Settlement Provincial Directorates under the governorships of the provinces. These inspector groups will be in charge with the market surveillance of the construction products within the provinces in line with the “Communiqué on the Principles and Methods for Market Surveillance of Construction Products” published in the Official Gazette No. 25501, dated 23 June 2004. Preliminary training has been delivered to the constituted groups. By this means 373 inspectors have been charged in 81 Provinces.

Approximately 125,000 Euros are allocated from the central government budget for market surveillance.

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

Market surveillance of construction products will be made with ex-officio inspection or complaints through inspectors. All information, notice and complaints are to be transmitted to competent authorities and evaluated within 10 working days and necessary works started.

It is planned to tender a web-based database in order to inform all the provincial authorities about each other's activities and decisions. This will also be used by the central offices in order to make the decisions to be enforced nation-wide or to be transmitted to the Commission and the other member states.

By the Decree No. 97/9196, published in the Official Gazette No. 22574, dated 29 April 1997, Ministry of Public Works and Settlement is designated to be the authorized body for the harmonization and implementation of the Construction Products Directive (98/106/EEC) in line with the EU Technical Legislation. By the ‘Communiqué on the Principles and Methods for Market Surveillance of Construction Products’ Governors are designated to be delegated the authorities for the implementation at the provinces.

According to Law No. 4703 the penalties are;

- a) Pecuniary penalties,
- b) Prohibition of the products to be placed on the market,
- c) Withdrawal of the products from the market,
- d) Whole or partial disposal of the products in case where it is not possible to render them safe,
- e) Announcement of the necessary information relating to the measures laid down in the articles (b), (c) and (d), to the people at risk by publishing in two daily

newspapers and two television channels having nation-wide distribution and broadcasting.

The penalties applied under the concerned Law are collected in accordance with the provisions of the Law No. 6183 on the Procedures of Collecting the Public Receivables”.

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.**

According to the Communiqué on the Essential Criteria Required in Designating the Notified Bodies for Construction Products (Communiqué No: TAU / 2003-001), accreditation is not a necessity to apply for being a notified body. However, principally an accreditation equivalent examination by Turkish Accreditation Agency (TÜRKAK) with whom the Ministry has signed a protocol, unless the candidate notified body is accredited by an EA member accreditation body. Metrology and calibration issues are dealt with TÜRKAK on behalf of the Ministry.

ANNEX 1

List of national legislation on construction products

	Turkish Legislation	Date and Number of Official Gazette
1	Regulation on Construction Products (89/106/EEC)	08.09.2002 24870
2	Regulation amending the Regulation on Construction Products (89/106/EEC)	05.03.2004 25393
3	Regulation amending the Regulation on Construction Products (89/106/EEC)	16.07.2004 25524
4	Regulation amending the Regulation on Construction Products (89/106/EEC)	02.01.2005 25688
6	Communiqué on the Essential Criteria Required in Designating the Notified Bodies for Construction Products (Communiqué No: TAU / 2003-001)	31.08.2003 25215
7	Communiqué on Reaction to Fire Classes of Construction Products and Resistance of Construction Elements to Fire, Within the Scope of Construction Products Regulation (89/106/EEC) (Communiqué No: TAU / 2004-001)	29.07.2004 25537
8	Communiqué amending the Communiqué on the Essential Criteria Required in Designating the Notified Bodies for Construction Products (Communiqué No: TAU / 2004-002)	16.07.2004 25524
9	Communiqué on Publishing the Technical Specifications to be Applied within the Scope of the Regulation on Construction Products (89/106/EEC) (Communiqué No: TAU/2004-003)	23.06.2004 25501
10	Communiqué on the Common Principles and General Format for European Technical Approvals within the Scope of Construction Products Regulation (89/106/EEC) (Communiqué No: TAU/2004-004)	23.06.2004 25501
11	Communiqué on the Principles and methods for Market Surveillance of Construction Products (Communiqué No: TAU/2004 – 005)	23.06.2004 25501
12	Communiqué on the Conformity Attestation Systems the Construction Products are Subject to within the Scope of the Construction products Regulation (89/106/EEC) (Communiqué No: TAU / 2004-006)	22.06.2004 25500
13	Communiqué on the Designation and Responsibilities of Construction Products Technical Committee (Communiqué No: TAU / 2004-007)	16.07.2004 25524
14	Communiqué on the interpretative documents related with Construction Regulation (89/106/EEC) (Communiqué No: TAU / 2004-008)	29.11.2004 25655