

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

The following EU Directives have been transposed into Turkish legislation:

EU Directive	Transposing Regulation	Number and Date of Official Gazette	Entry into force
75/324/EEC (and with its amendment Council Directive 94/1/EC)	Regulation on Aerosol Dispensers	24246, 30.11.2000	30.05.2002
76/767/EEC (and with its amendments, Directive 87/354/EEC and Council Directive 88/665/EEC)	Regulation on Common Provisions for Pressure Vessels and Methods Inspecting Them	24226, 10.11.2000	10.11.2001
84/525/EEC	Regulation on Seamless, Steel Gas Cylinders	24226, 10.11.2000	01.07.2003
84/526/EEC	Regulation on Seamless, Unalloyed Aluminium and Aluminium Alloy Gas Cylinders	24333, 01.03.2001	01.07.2003

84/527/EEC	Regulation on Welded Unalloyed, Steel Gas Cylinders	24298, 25.01.2001	01.07.2003
87/404/EEC (and with its amendments Council Directive 90/488/EEC and Council Directive 93/ 68/EEC)	Regulation on Simple Pressure Vessels	24712, 31.03.2002	01.01.2004
97/23/EC	Regulation on Pressure Equipment	10.04.2002, 24 722	01.01.2004

The English versions of the Regulations on Pressure Equipment and Simple Pressure Vessels have been sent to the Commission for review, and draft regulations have 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:**

See above table.

- **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 Measurement and Standards
 GMK Bulvarı No:128/B Tandoğan 06100 Ankara

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.**

Turkey's CABs (already notified to the Commission or potential notified bodies) are given below:

Name of the CABs	Product/Range Of Product	Modules	Address	Tel, Fax, e-mail
Turkish Lloyd (already notified to the Commission)	Simple Pressure Vessels 87/404/AT Pressure Equipment 97/23/AT	A1, B, B1, C1, D, D1, E, E1, F, G H, H1	TÜRK LOYDU VAKFI Tersaneler Cd. No: 26 81700 Tuzla-İSTANBUL	+90 312 46810 46/ +90 216 446 22 40 +90 216 446 19 14 sbakirci@turkloydu.org
TSE (already notified to the Commission)	Simple Pressure Vessels (87/404/AT) Pressure Equipment (97/23/AT)	D, D1, E, E1,H,H1	TÜRK Standartları Enstitüsü (TSE) Necatibey Cad. No 112 06100 Bakanlıklar - ANKARA	+90 312 416 62 00 +90 312 416 66 11
Chamber of Machinery Engineers (under TÜRKAK's assessment)	Pressure Equipment (97/23/AT)		Makine Mühendisleri Odası Sümer Sokak No. 36/1-A Demirtepe-ANKARA	+90 312 231 31 59 +90 312 231 31 65 mmo@mmo.org.tr
Bureau Veritas, BV (under TÜRKAK's assessment)	Simple Pressure Vessels (87/404/AT) Pressure Equipment (97/23/AT)			+90 216 361 96 96 +90 216 361 97 50 rifat.pergel@tr.buea uveritas.com

Meyer Certification Ltd. (under TÜRKAK's assessment)	Pressure Equipment (97/23/AT)		MEYER Yönetim ve Belgelendirme Hizmetleri Ltd. Şti İmes Sanayi Sitesi B Blok, 206 Sokak No. 40 Eski Karakol Binası Ümraniye-İSTANBUL	+90 216 365 05 03 +90 216 365 05 04 sacit@meyer.gen.tr
İPRAGAZ (as user inspectorate) (under TÜRKAK's assessment)	Pressure Equipment (97/23/AT)		19 Mayıs Cad. Nova Baran Plaza No. 4 Kat: 13-16 80220 Şişli-İSTANBUL	+90 212 232 04 +90 212 219 74 +90 212 315 76 00 +90 212 231 01 18 ipranet@ipragaz.com.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:**

MIT participates in ADCO and Working Group Meetings.

DG for Measurement and Standards,
Ministry of Industry and Trade

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:

DG for Measurement and Standards
 Ministry of Industry and Trade
 GMK Bulvarı No:128/B Tandoğan 06100 Ankara

- ***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 Regulation 87/404/AT and 97/23/AT 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).

The total number of inspectors assigned for the market surveillance of pressure vessels and pressure equipment is 155. While 25 of them are resident technical staff of DG for Measurement and Standards, 130 of them are scattered among the 81 provincial directorates of MIT.

DG for Measurement and Standards is responsible for 6 new and global approach Directives and 32 old approach Directives. Budget for the Market surveillance activities of these Directives is totally around 400,000 Euro's for the year 2006.

- 171,875 Euro's of this amount is for taking samples, testing and training expenses.
- 228,500 Euro's of this amount is for the personnel expenses.
- The budget allocated is financed from the budget of the DG for Measurement and Standards.

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?

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.

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 and take samples for testing.

The MIT makes use of the following resources for market surveillance activities:

- RAPEX web site,
- Notifications of Member States (CIRCA),
- Complaints of consumers, manufacturers or Association of Pressure Equipment Sector,
- Information obtained from the Consumer Protection Associations
- Information obtained from the proceeding inspection reports
- Accidents, etc.

For non-conforming and unsafe products, the Ministry takes necessary measures (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 nonconforming products as well as of the manufacturer) in accordance with the Law No.4703.

All actions are taken and penalties are applied 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 nonconformity and the principle of proportionality.

To provide an effective implementation of the Regulation, there is a technical committee on pressure equipment (BASTEK), in which the private and public sector representatives participate.

Informative seminars are being held by the MIT in collaboration with Chambers of Commerce and Industry and sectoral associations for raising awareness in the field (up to now seminars in 15 provinces, where the industrial activities are very intensive, have been organised).

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

Calibration:

The testing instruments and equipment used in conformity assessment activities by conformity assessment bodies and testing laboratories serving pressure vessels and pressure equipment 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 Centre
Command Calibration Centre

Metrology:

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 organisation, which is responsible for drawing up standards for all kinds of products and services.

Although, all of the EN standards have not been transposed yet, the Technical Council of Turkish Standards Institute decided to adopt all EN standards as National Standards, whether transposed or not.

➤ Regulation on Pressure Equipment (97/23/EC):

Total number of EN standards: 122

Number of Harmonized EN standards: 111

➤ Regulation on Simple Pressure Vessels (87/404/EEC):

Total number of EN standards: 12

Number of Harmonized EN standards: 12

The reference numbers of all transposed EN standards have been published in Official Gazette.

There is no mandatory national standard and any other national regulation in force.

Conformity Assessment;

In order to ensure transparency and independency of 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 CABs on the directive basis to the candidate bodies.

Communiqué on the Basic Criteria for the Designation of Conformity Assessment Bodies in Accordance with the Pressure Equipment Regulation (ÖSGM/2003-7) and Communiqué on Basic Criteria for the Designation of Conformity Assessment Bodies in Accordance with the Simple Pressure Vessels Regulation (ÖSGM/2003-5) were published in Official Gazette No. 25030 dated, 24 February 2003.

According to the above-mentioned criteria, CABs wishing to be appointed by the Ministry 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 Turkish 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

Ministry signed a Protocol with TÜRKAK (Turkish Accreditation Agency) on 18.4.2003.

- According to this Protocol, TÜRKAK makes all necessary assessment for designation.
- Upon the positive assessment report of TÜRKAK, the MIT makes the final decision to notify the candidate body to the Commission

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.

“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 MIT since 1985 has contributed to 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 coordination 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, 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

DG for Measurement and Standards has been preparing its Market Surveillance Program for one-year activity period. According to this program Market surveillance has been done since 01.01.2004. Market Surveillance has been performed together with Provincial Directorate inspectors. In addition, periodical, random and spot, and upon complaint inspections are performed by DG for Measurement and Standards.

Laboratory Capacity for Market Surveillance:

MIT made a market research on existing laboratories, which could utilize them for the market surveillance testing activities for pressure equipment. MIT can use the following laboratories for market surveillance activities.

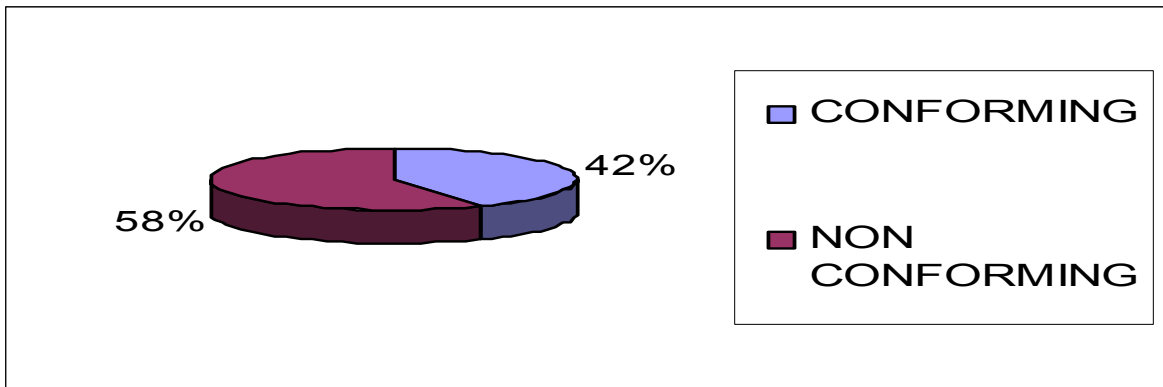
1. TÜBİTAK Marmara Research Center
2. Middle East Technical University, Welding Technology Research Centre
3. Istanbul Technical University
4. Middle East Technical University, Department of Metallurgical and Materials Engineering
5. Yıldız Technical University, Faculty of Chemical and Metallurgical Engineering
6. TSE Quality Campus, Gebze-Kocaeli
7. Dokuz Eylül University
8. Tekkon Technology and Quality Center

9. Rontgensan
10. HDM Quality Control Technology Services Ltd.
11. Dizayn Quality Engineering Services Industry and Trade Ltd.
12. Deka Test Machine Agent Industry and Trade A.C.
13. KOSGEB Gaziantep Laboratory Management
14. TSE Ankara Central Laboratories
15. Palme Constructions Industry Ltd.
16. Dokuz Eylul University, Department of Mechanical Engineering
17. Istanbul Technical University, Faculty of Mechanical Engineering

The market surveillance results for the years 2004 and 2005

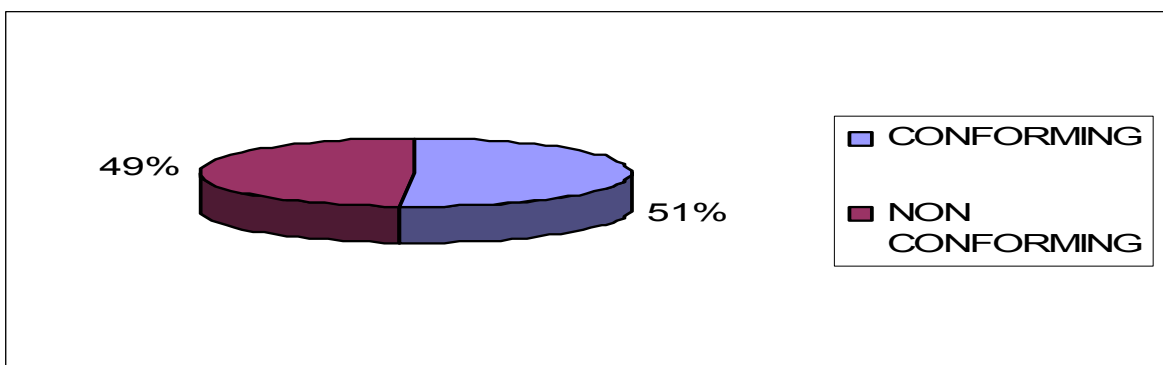
MARKET SURVEILLANCE ON SIMPLE PRESSURE VESSELS AND PRESSURE EQUIPMENT IN 2004

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



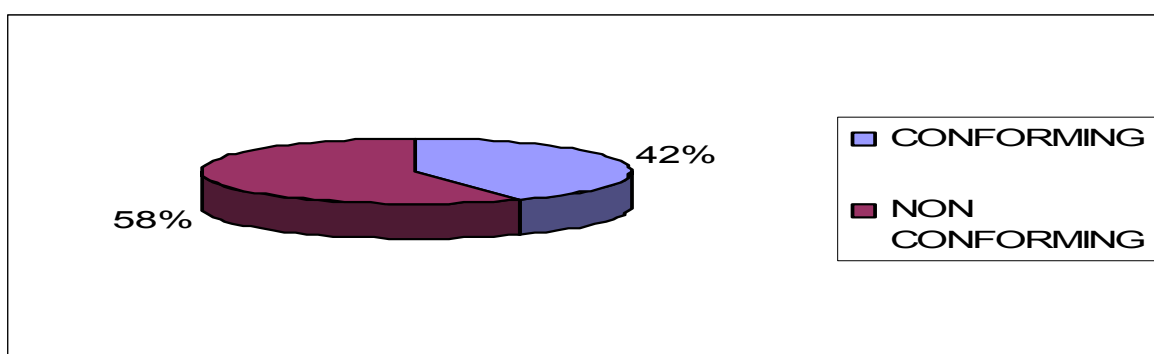
MARKET SURVEILLANCE ON SIMPLE PRESSURE VESSELS AND PRESSURE EQUIPMENT IN 2005

REGULATION	NUMBER OF CONFORMING PRODUCTS	NUMBER OF NON-CONFORMING PRODUCTS	TOTAL NUMBER
(87/404/EC) SIMPLE PRESSURE VESSELS	4	163	167
(97/23/EC) PRESSURE EQUIPMENT	549	364	913
GENERAL TOTAL	553	527	1080



MARKET SURVEILLANCE ON AEROSOL DISPENSERS IN 2005

REGULATION	NUMBER OF CONFORMING PRODUCTS	NUMBER OF NON-CONFORMING PRODUCTS	TOTAL NUMBER OF PRODUCTS
(75/324/EC) Aerosol Dispensers	46	64	110

**Further evolution:**

The Regulations on Pressure Vessels and Pressure Equipment have been transposed by fully considering the original Directives.

Most of the EN standards under the Simple Pressure Vessels Regulation (87/404/EC) and Pressure Equipment Regulation (97/23/EC) have been transposed, and transposition of remaining standards will be completed by the end of 2006.

Standardization activities under the Regulations 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 ADCO, WPG and WGP meetings are attended. By this virtue, the guidelines and any amendments to the Directives are closely followed to update the Regulations in coordination with the Member States.

The ADCO Group of Pressure Equipment meetings are being 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.

The activities of the Technical Committee on Pressure Equipment (BASTEK) 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 (mostly engineers) including those employed at the headquarters. There are 25 personnel at the headquarters, and 155 personnel in provincial directorates who are assigned to carry out market surveillance under the Regulations.

These personnel are being trained under the EU-funded twinning projects. Our purpose is to consistently improve the number and qualifications of the personnel in charge of market surveillance and the equipment used in market surveillance activities.

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

For raising awareness, informative seminars as well as cooperation with the NGO's will continue.