

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

Sector: Gas Appliances

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:**

Council Directive of 29 June 1990 on the Approximation of the Laws of the Member States Relating to Appliances Burning Gaseous Fuels (90/396/EEC) (Amended By: Council Directive 93/68/EEC Of 22 July 1993) was transposed by the Regulation on the Appliances Burning Gaseous Fuels. This Regulation was published in Official Gazette of 1 April 2002.

The legal basis of the related legislation is “Law No 4703 on Preparation and Implementation of Technical Legislation on Products” published in Official Gazette No. 24459, dated 11 July 2001.

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

“Regulation on the Appliances Burning Gaseous Fuels” was entered into force on 1 January 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 Measurement and Standards
Head of Department – Harmonisation of EU Legislation
Contact Details:
GMK Bulvarı No: 128 Maltepe-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

The CABs which have been notified to the Commission for Gas Appliances are;

- TSE: ANNEX II.3 (MODULE D) and ANNEX II.4 (MODULE E)

Contact details:

Necatibey Cad. 112 Bakanlıklar- ANKARA

- Turkish Lloyd Foundation: ANNEX II.1 (MODULE B), ANNEX II.2 (MODULE C), ANNEX II.3 (MODULE D), ANNEX II.4 (MODULE E), ANNEX II.5 (MODULE F), ANNEX II.6 (MODULE G)

Contact details:

Türk Loydu Vakfı İktisadi İşletmesi Tuzla-İSTANBUL

In addition, the applications of MEYER Certification Services Co. Ltd and Chamber of Machinery Engineers as a notified body in the gas appliances sector are under assessment of TÜRKAK.

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:**

The Representatives of the MIT attended to the meeting of the Commission's Working Group on "Gas Appliances" (WGGA) on 2 February 2005.

The Contact Unit for Standing Committee on Gas Appliances:

Ministry of Industry and Trade
DG for Measurement and Standards
Head of Department – Harmonisation of EU Legislation

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:

Responsible authority central:

Ministry of Industry and Trade
DG for Measurement and Standards
Head of Department – Harmonisation of EU Legislation

Responsible authority local:

81 provincial directorates of MIT.

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 implementation of the Directive 90/396/EEC is ensured by market surveillance activities. These activities will be carried out at both central and local level.

The market surveillance activities will be carried according to the market surveillance under Regulation 87/404/EC and 97/23/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).

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 1 January 2004. Market Surveillance has been performed together with the inspectors of provincial directorate. In addition, periodical, instant and upon complaint inspections is being Performed by DG for Measurement and Standards.

The total number of inspectors assigned for the market surveillance of gas appliances is 150. 10 of them is resident technical staff of DG for Measurement and Standards. 140 of them is scattered among the 81 provincial directorates of the MIT. The both directorate staff and field personnel are technical staff/personnel.

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 Euros for the year 2006.

- 171,875 Euros of this amount is for taking samples, testing and training expenses.
- 228,500 Euros 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?**

Enforcement is provided under the scope of the related technical legislation as mentioned before, by market surveillance. Market surveillance is performed by the following activities. In this context, the MIT;

- Makes examinations at places like factory, warehouse, shop, commercial house and storage closeout and other places which are subject to inspection,
- Reviews the documents and/or conformity markings referred in the relevant technical regulation,
- Makes physical examination and inspection,
- Takes samples for testing if necessary,
- When necessary, benefits from the opinions and advises of experts.

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

- Complaints about the products and information received about the products,
- Safeguard clauses of the EU Member States,

- Information obtained from RAPEX,
- Information obtained from the proceeding inspection reports,
- Information obtained from the Consumer Protection Associations,
- Accidents.

For non-conforming and unsafe products, the MIT 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. In each case, such actions and penalties are applied considering level of nonconformity and the principle of proportionality.

In order to implement gas appliances legislation effectively and to cooperate with all stakeholders (relevant public institutions and sectoral associations) a Technical Committee on gas appliances has been established. The Communiqué regarding the establishment of this Committee published in the Official Gazette dated 6 May 2004. Committee is chaired by the DG for Measurements and Standards of MIT.

Informative seminars were held by the MIT for raising the awareness of sector in 15 provinces where the industrial activities are very intensive, in collaboration with Chambers of Commerce and Industry and sectoral associations.

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 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:

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.

There are 131 EN standards within the context of the Directive on Appliances Burning Gaseous Fuels and 119 of these standards have been transposed as Turkish Standards by TSE. Reference numbers of these standards have been published in Official Gazette.

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.

The types of gas and corresponding supply pressures for Turkey were published in the Official Journal of the EU.

On the other hand, EN 437 and EN 30-1, which are referred in Gas Appliances Directive, were harmonized and implemented by TSE as TS-EN standards. TSE has informed CEN and EU Commission-DG Enterprise in 2003 about types of gas and its connections used in Turkey in order that CEN could make the necessary amendments (not amended yet) in these EN standards.

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 appointment of Conformity Assessment Bodies for the products covered by Gas Appliances has been prepared by the MIT and published in the 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 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

The MIT 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

Accreditation:

TÜRKAK is the sole national accreditation body established by Law No. 4457 to assess competence, against internationally recognized standards of organizations 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 (SO/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 labs, cal labs, 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

<u>Inspection</u>	: 13
TOTAL	: 89

Market Surveillance:

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.

According to the 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 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

Training Activities for Inspectors:

In-house training seminars were held for inspectors in 81 provincial directorates and DGs.

Laboratory Capacity for Market Surveillance:

Currently, there are no laboratories owned by MIT. An inventory survey regarding the testing facilities in all over Turkey has been prepared and the competent laboratories have been determined.

The potential labs according to this inventory are;

- TSE (Ankara Central Laboratory)
- Deka Test Makine Mümessillik Sanayi ve Ticaret A.Ş.

In case of the testing requirement during the MS activities, tender process is launched for the potential MS labs.

Market Surveillance Activities:

Period 2004 -2005
Gas appliances industry

Total number of products inspected	: 926
Number of conforming products	: 277
Number of non-conforming products	: 649

Further evolution:

Most of the EN standards under the Regulation have been transposed, and transposition of remaining standards is planned to complete within 2006.

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 gas appliances are attended. By this virtue, any amendments to the Directive are closely followed to update the Regulation in coordination with the Member States.

The activities of the Technical Committee on gas appliances (GAZTEK) 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. There are 10 personnel at the headquarters, who are responsible for coordination of market surveillance and, and 140 personnel in provincial directorates are assigned to carry out market surveillance under the Regulation on gas appliances.

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.