

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

Sector: Cableway Installations

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 2000/9/EC relating to cableway installations designed to carry persons was transposed by the Regulation on Cableway Installations Designed to Carry Persons, which was published in the Official Gazette no. 25705, dated 19.01.2005.

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

Regulation on Cableway Installations Designed to Carry Persons (2000/9/EC) was entered into force on 19.7.2005. It will be put into mandatory implementation as of 19.7.2009.

The Regulation was sent to the Commission for comments in February 2006.

- **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 Industry
EU Harmonization Division

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**

No Notified Body application has been received yet.

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 are attended.

The Contact for Standing Committee on 2000/9/EC:

Ministry of Industry and Trade
DG for Industry
Lifts and Cableway Installations 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
Lifts and Cableway Installations Division

Note: 600 personnel employed in 81 provincial directorates carry out market surveillance of all products falling under Regulations which the Ministry of Industry and Trade is responsible for implementation, including Regulation on Cableways.

- **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 2000/9/EC will be carried out pursuant to the provisions of "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 11.7.2001), the "Regulation No. 2001/3529 on Market Surveillance of Products" (published in the Official Gazette No. 24643, dated 17.1.2002) 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 9.5.2003).

A budget of approximately 200,000 Euro's 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, Cableway Installations, ATEX, Motor Vehicles) for 2006. All other costs (travel, daily allowances, training, etc.) are paid out of the 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?**

The 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, take samples for testing.

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 nonconforming products as well as of the manufacturer) 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.

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 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 listed below, which are accredited under the scope of calibration activities by TÜRKAİ.

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.

All of the EN standards have been transposed, and the Technical Council of Turkish Standards Institute decided to adopt all EN standards as national standards, whether transposed or not.

Mandatory implementation of 24 national standards under 2000/9/EC has been repealed upon publication of a Communiqué in the Official Gazette No. 25705, dated 19January 2005.

Transposed EN standards

No.	Harmonised EN Standard	TS EN Standard
1	EN 1709	TS EN 1709
2	EN 1908	TS EN1908
3	EN 1909	TS EN1909
4	EN 12385-8	TS EN12385-8
5	EN 12385-9	TS EN12385-9
6	EN 12397	TS EN12397
7	EN 12927-1	TS EN12927-1
8	EN 12927-2	TS EN 12927-2
9	EN 12927-3	TS EN 12927-3
10	EN 12927-4	TS EN12927-4
11	EN 12927-5	TS EN12927-5
12	EN 12927-6	TS EN12927-5
13	EN 12927-7	TS EN12927-7
14	EN 12927-8	TS EN 12927-8
15	EN 12929-1	TS EN12929-1
16	EN 12929-2	TS EN12929-1
17	EN 12930	TS EN 12930
18	EN 13107	TS EN13107

19	EN 13223	TS EN13223
20	EN 13243	TS EN13243
21	EN 13243 /AC	TS EN13243 /AC
22	EN 13796 -1	TS EN13796 -1
23	EN 13796 -2	TS EN13796 -2
24	EN 13796 -3	TS EN13796 -3

Conformity Assessment: -

Accreditation:

The law on Establishment and Tasks of TÜRKAK, was accepted by the Turkish parliament on the 27th October 1999 and published in the Official Gazette of Turkey, number 23866, dated 4th November 1999. The TÜRKAK law lays down the organization, bodies and personnel profile of TÜRKAK and determines its functions, responsibilities, powers, the mandate it is given by the Turkish state and its economy.

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, calibration 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>	<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.

“Law No. 3143 on the Organization and Tasks of Ministry of Industry and Trade” issued in 1985 constitutes current organizational structure of the 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 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 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 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

The market surveillance for 2000/9/EC Cableway Installation will be carried out under the law and regulations mentioned above. Apart from market surveillance, it is considered to prepare a piece of legislation on operation and maintenance of existing installations, and to organize an administrative mechanism based on cooperation between the provincial directorates and local administrations.

Further evolution

The Regulation on Cableway Installations Designed to Carry Persons (2000/9/EC) has been prepared fully considering the original Directive 2000/9/EC and made national piece of legislation.

The meetings of the Standing Committee on Cableway Installations are attended as regularly as possible. By this virtue, any amendments to the Directive are closely followed to update the Regulation in coordination with the Member States.

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.

An inventory survey will be carried out and a Technical Subcommittee on Cableway Installations will be established under the Technical Committee on Lifts to be formed by relevant private and public sector representatives. Cooperation will be established with Member States. A Regulation on Operation and Maintenance of Existing Cableway Installations will be prepared. Potential installers and manufacturers will be searched and close relations will be developed between the Ministry and the enterprises to take necessary actions to minimize the existing risks, if any. The risky components will be checked for CE marking.