

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

**Sector: Machinery**

**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 98/37/EC of The European Parliament And of The Council Of 22 June 1998 on the Approximation of the Laws of the Member States Relating To Machinery was transposed by the Regulation on Machinery (98/37/EC).

This regulation was published in the Official Gazette No. 24776 and dated 5 June 2002.

The regulation, which was already transposed and put into force, has been sent to the commission for review. The regulation was revised considering the commission's comments. The opinion exchange process is continuing.

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

The Regulation on Machinery (98/37/EC) entered into force as of 05 December 2003.

- **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**

EU Harmonization Division  
DG for Industry  
Ministry of Industry and Trade

**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**

5 applications have been received under this Directive. Assessment of applications by TÜRKAK is in progress:

Turkish Standards Institute:

The scope is all of Annex IV under MD  
Necatibey Cad. No:112 Bakanlıklar/ANKARA  
Tel No: +90 312-4188575

BEC Certification and Inspection Services Co. Ltd.:

The scope is all of Annex IV under MD  
Yeni Bağdat Caddesi 530/2 Sokak No:15 Gebze/KOCAELİ  
Tel No: +90 262 6420402 e-mail: [bec@becturkey.com](mailto:bec@becturkey.com)

Chamber of Mechanical Engineers:

The scope is all of Annex IV under MD  
Sümer Sokak-2 No:36/1-A Demirtepe/ANKARA  
Tel No: +90 312 2313159 e-mail: [mmo@mmo.org.tr](mailto:mmo@mmo.org.tr)

Meyer Certification Services Co. Ltd.

The scope is all of Annex IV under MD  
İmes Sanayi Sitesi B Blok 206 Sokak No:44 Dudullu/İSTANBUL  
Tel No: +90 216 3650503 e-mail: [posta@meyer.gen.tr](mailto:posta@meyer.gen.tr)

Agricultural Equipment and Machinery Testing Center

The scope is only for Roll-over protection structures (ROPS), Falling-object protective structures (FOPS) and Guards and detachable transmission shafts with universal joints of Annex IV under MD

P.K. 96 06172 Yenimahalle / ANKARA  
Tel No: +90 312 315 65 74 e-mail: [huseyin\\_yasar@ankara.tagem.gov.tr](mailto:huseyin_yasar@ankara.tagem.gov.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:**

The meetings of Working Group of Machinery have been attended regularly since 23 October 2003.

Machinery Division  
DG for Industry  
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:**

Machinery Division  
DG for Industry  
Ministry of Industry and Trade

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 Machinery.

88 of these personnel are being trained on Machinery Directive within the framework of a Twinning Project being implemented by the 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 market surveillance under 98/37 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).

Approximately 200,000 euros has been allocated for costs of testing under market surveillance activities of DG for Industry for the year 2006.

All other costs (travel, daily allowances, training, etc.) are covered out from the budget of MIT.

This amount is for market surveillance activities of DG for Industry directives EMC; LVD; Motor Vehicles, ATEX, Lift, Machinery, Explosives for civil uses, cableways, Noise Emission, Gas Emission, Crystal Glass.

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?**

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 level of nonconformity and the principle of proportionality.

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.

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

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**

**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, 3<sup>rd</sup> 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.

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.

499 EN standards under the Regulation on MD have been transposed and published as Turkish Standards by Turkish Standards Institute.

The transposition of remaining 78 EN standards is in progress.

Mandatory implementation of 26 national standards under MD has been repealed upon publication of a Communiqué in the Official Gazette No. 25826, dated 26 May 2005.

Conformity Assessment:

Based on its inventory of the conformity assessment bodies made during 2002 by MIT in their field of responsibility, the Ministry still considers these conformity assessment bodies to cover the needs of the Turkish market, except for testing of explosives for civil use. There are around 1,200 public service laboratories in Turkey, all areas included. Some organisations have very advanced laboratories, like the Istanbul Technical University. A lot of testing laboratories exist in the private sector and big exporting companies often have their own laboratories.

Some Notified Bodies established in the Member States have already representations and operate in Turkey.

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 criteria for designation of conformity assessment bodies for the products covered by Machinery Directive was published by MIT Official Gazette No. 25114, dated 21 May 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 April 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>	<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.

The "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 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.

Projects within the scope of pre-accession financial assistance:



In order to improve the competency of inspectors, further trainings for were held within the framework of some EU projects in additional to the in-house training performed by MIT:

Support to the Turkish CABs and the MIT in the implementation of the new approach directives on Machinery, LVD, EMC and Pressure Vessels (2003)

Twining for MS

General training for 418 inspectors

Training on machinery for 88 inspectors

TAIEX for MS

General training for 20 inspectors

Training on MD for 20 inspectors

Testing Laboratories for Market Surveillance:

There are currently no laboratories owned by MIT.

An inventory survey has been carried out to determine competent laboratories to render testing services.

Some laboratories of TSE and Agricultural Equipment and Machinery Testing Center and Istanbul Technical University are the potential testing laboratories for market surveillance purposes.

Market Surveillance Activities:

Period 2004 -2005  
Machinery industry

Total number of products inspected:	1881
Number of conforming products:	1621
Number of non-conforming products:	260

One of the campaigns organized in between April 04-24, 2005 covered “Construction Equipment” and was implemented throughout 81 provinces. In this campaign, hydraulic excavators, wheel loaders, backhoe-loaders, material handling equipments, forklifts, hydraulic hammers, hydraulic crawler drill mach. crushers, asphalt plants, concrete batching plants, concrete mixer trucks, truck mounted cranes, aerial platforms, various components & spare parts have been inspected.

Construction Equipments Campaign results (April 04-24, 2005)

Number of products inspected:	219
Conforming:	170
Non-conforming:	49

Another campaign covered “Tool Machines and Equipment”, has been implemented in between May 16 – June 03, 2005 in 81 provinces. In this campaign NC, CNC, Bandsaw Machines, etc. have been inspected.

## Tool machines equipment Campaign results (May 16 - June 03, 2005)

Number of products inspected:	424
Conforming:	358
Non-conforming:	66

Further evolution:

Most of the EN standards under the Regulation have been transposed, and transposition of remaining standards are planned to be completed 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 Machinery 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 Machinery 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 and. There are 6 personnel at the headquarters, who are responsible for coordination of market surveillance and, and 88 personnel in provincial directorates are assigned to carry out market surveillance under the Regulation on Machinery.

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.

The meetings of ADCO Group of Machinery will be 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.

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