



**AGENDA ITEM: DIRECTIVE 2000/14/EC RELATING TO THE NOISE
EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE
OUTDOORS – “NOISE EMISSION DIRECTIVE”**

Country Session: The Republic of TURKEY
20-24 February 2006



RESPONSIBLE AUTHORITY

THE MINISTRY OF INDUSTRY AND TRADE (MIT) IS RESPONSIBLE FOR TRANSPOSITION AND IMPLEMENTATION OF THE DIRECTIVE 2000/14/EC ON NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS.

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LEGAL BASIS - I

RELATED EU LEGISLATION:

DIRECTIVE 2000/14/EC RELATING TO THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS

LEGAL BASIS - II

TRANSPOSING REGULATION:

REGULATION ON THE NOISE EMISSION IN THE ENVIRONMENT BY EQUIPMENT FOR USE OUTDOORS HAS BEEN PREPARED BASED ON THE EU DIRECTIVE 2000/14/EC WAS PUBLISHED IN THE OFFICIAL GAZETTE NO. 25001, DATED 22.01.2003.

THE NOISE LEVELS ACCORDING TO STAGE I ARE IN FORCE SINCE 3.7.2004. THE NOISE LEVELS ACCORDING TO STAGE II ENTERED INTO FORCE ON 3.1.2006.

TRANSPOSITION OF THE AMENDMENT (2005/88/EC) TO THE 2000/14/EC IS IN PROGRESS.



EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION

THE TRANSPOSED REGULATION WAS SENT TO THE EUROPEAN COMMISSION IN FEBRUARY 2006.

RELATED STANDARDS

- THE TECHNICAL COUNCIL OF TURKISH STANDARDS INSTITUTE (TSE) HAS DECIDED TO ADOPT ALL HARMONISED EUROPEAN (EN) STANDARDS AS NATIONAL STANDARDS WHETHER TRANSPOSED OR NOT.
- ALL EN STANDARDS UNDER 2000/14/EC HAVE BEEN TRANSPOSED BY TSE.



CONFORMITY ASSESSMENT- I

IN ORDER TO ENSURE TRANSPARENCY AND INDEPENDENCE OF NBs TO BE DESIGNATED BY THE MIT, THERE WAS A NEED TO ANNOUNCE THE APPLICATION, ASSESSMENT AND DESIGNATION PROCEDURES AND THE CRITERIA FOR THE NBs AND CABs ON DIRECTIVE BASIS TO THE CANDIDATE BODIES.

IN THIS CONTEXT, THE COMMUNIQUÉ ON THE CRITERIA FOR DESIGNATION OF NBs FOR THE PRODUCTS COVERED BY DIRECTIVE WAS PUBLISHED IN OG. NO. 25950, DATED 28 SEPTEMBER 2005.

CONFORMITY ASSESSMENT - II

ACCORDING TO THE ABOVE MENTIONED CRITERIA, CABs WISHING TO BE APPOINTED BY THE MIT AS A NB SHOULD FULFILL THE FOLLOWING REQUIREMENTS:

- THE REQUIREMENTS LAID DOWN IN THE REGULATION ON CONFORMITY ASSESSMENT AND NBs PUBLISHED IN THE OG NO. 24643, DATED 17 JANUARY 2002.
- MINIMUM CRITERIA FOR NBs SET OUT IN THE ANNEX TO THE DIRECTIVE.

CONFORMITY ASSESSMENT - III

THE COMMUNIQUE 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



CONFORMITY ASSESSMENT - IV

PROTOCOL WITH TURKISH ACCREDITATION AGENCY (TÜRKAK):

- THE MIT SIGNED A PROTOCOL WITH TÜRKAK ON 18.04.2003.
- ACCORDING TO THIS PROTOCOL, TÜRKAK MAKES ALL NECESSARY ASSESSMENTS FOR DESIGNATION.
- UPON THE POSITIVE ASSESSMENT REPORT OF TÜRKAK, THE MIT MAKES THE FINAL DECISION TO NOTIFY THE CANDIDATE BODY TO THE COMMISSION VIA THE UNDERSECRETARIAT OF FOREIGN TRADE (UFT).
- NO CABs HAVE BEEN NOTIFIED TO THE EUROPEAN COMMISSION YET, SINCE NO APPLICATIONS HAVE BEEN RECEIVED.
- INDEED, AS TURKEY'S CABs ALREADY NOTIFIED TO THE EUROPEAN COMMISSION HAVE NOT BEEN ALLOCATED IDENTIFICATION NUMBERS SINCE THE END OF 2003, POTENTIAL NBs ARE RELUCTANT TO APPLY.



MARKET SURVEILLANCE - I

THE MIT HAS BEEN CARRYING OUT MARKET SURVEILLANCE ACTIVITIES ACCORDING TO NATIONAL LEGISLATION WITH ITS INSPECTORS AT 81 PROVINCIAL DIRECTORATES SINCE ITS ESTABLISHMENT.

ACCORDING TO LAW NO. 3143 ON THE ESTABLISHMENT AND DUTIES OF THE MIT, MARKET CONTROLS ON ALMOST ALL INDUSTRIAL PRODUCTS HAVE BEEN PERFORMED BY MIT SINCE 1985.

THE EXPERIENCE GAINED BY THE MIT SINCE 1985 HAS CONTRIBUTED TO MIT'S ADAPTATION TO THE REQUIREMENTS OF THE MARKET SURVEILLANCE FORESEEN BY THE EU LEGISLATION.

MARKET SURVEILLANCE – II

- THE MIT STRENGTHENED AND RE-ORGANISED ITS EXISTING SYSTEM ACCORDING TO THE NEW LEGISLATION.
- MARKET SURVEILLANCE IS CARRIED OUT PURSUANT TO THE PROVISIONS OF:
 - ✓ THE LAW NO. 4703 ON THE PREPARATION AND IMPLEMENTATION OF TECHNICAL LEGISLATION ON PRODUCTS (PUBLISHED IN THE OG NO. 24459, DATED 11.07.2001),
 - ✓ THE REGULATION NO. 2001/3529 ON MARKET SURVEILLANCE OF PRODUCTS (PUBLISHED IN THE OG NO. 24643, DATED 17.01.2002),
 - ✓ THE REGULATION ON PROCEDURES AND PRINCIPLES FOR MARKET SURVEILLANCE TO BE PERFORMED BY THE MIT (PUBLISHED IN THE OG NO. 25103, DATED 09.05.2003).



MARKET SURVEILLANCE - III

ACCORDING TO THE LATTER REGULATION:

- THREE 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.
- COORDINATION COMMISSION CONSISTING OF THE DIRECTOR GENERALS OF THE DG FOR INDUSTRY, DG FOR STANDARDS AND MEASUREMENT, DG FOR PROTECTION OF CONSUMERS AND COMPETITION AND DG FOR THE EU COORDINATION, THE FIRST LEGAL ADVISER, HEAD OF DATA PROCESSING DEPARTMENT UNDER THE PRESIDENCY OF THE UNDERSECRETARY OF THE MIT HAS BEEN ESTABLISHED.
- THIS COMMISSION MEETS EVERY THREE MONTHS, MAKES THE GENERAL POLICY OF THE MIT AND ENSURES CO-ORDINATION AMONG DIFFERENT DGs AND PROVINCIAL DIRECTORATES REGARDING MARKET SURVEILLANCE.

MARKET SURVEILLANCE – IV

- THE MIT HAS BEEN PERFORMING MARKET SURVEILLANCE SINCE 2003.
- UNTIL THE YEAR 2005, THIS SURVEILLANCE WAS IN THE FORM OF PROVIDING INFORMATION ABOUT INADEQUACIES FOUND AS WELL AS GIVING INFORMATION ABOUT THE NEW SYSTEM TO THE MANUFACTURERS.
- THE MIT HAS STARTED TO IMPOSE SANCTIONS SINCE 2005 ACCORDING TO THE EU-BASED LEGISLATION.
- THE TOTAL NUMBER OF INSPECTORS : 670
 - DG FOR INDUSTRY: 25
 - DG FOR MEASUREMENT AND STANDARDS: 25
 - DG FOR PROTECTION OF CONSUMERS AND COMPETITION : 20
 - PROVINCIAL OFFICES : 600
- IN-HOUSE TRAINING SEMINARS WERE HELD FOR INSPECTORS IN 81 PROVINCIAL DIRECTORATES AND DGs.

MARKET SURVEILLANCE - V

IN ORDER TO ENSURE THAT ONLY SAFE PRODUCTS ARE PLACED ON THE MARKET, THE MIT;

- PERFORMS INSPECTIONS AT PLACES LIKE WAREHOUSES, SHOPS, COMMERCIAL HOUSES AND STORAGE CLOSEOUTS 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 ADVICES OF EXPERTS.



MARKET SURVEILLANCE - VI

POWERS AND DUTIES OF THE MIT:

FOR NON-COMPLIANT AND UNSAFE PRODUCTS, THE MIT TAKES NECESSARY MEASURES IN ACCORDANCE WITH THE LAW NO. 4703.

MARKET SURVEILLANCE - VII

BUDGET ALLOCATED FOR MARKET SURVEILLANCE ACTIVITIES:

- APPROXIMATELY 200,000 EUROS HAVE BEEN ALLOCATED FOR TESTING EXPENSES UNDER MARKET SURVEILLANCE ACTIVITIES OF DG FOR INDUSTRY FOR THE YEAR 2006.
- ALL OTHER COSTS (TRAVEL, DAILY ALLOWANCES, TRAINING, ETC.) ARE COVERED OUT OF THE CENTRAL GOVERNMENT BUDGET.
- 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, GASEOUS EMISSIONS, CRYSTAL GLASS.

MARKET SURVEILLANCE ACTIVITIES

- MARKET INSPECTIONS ARE CARRIED OUT BOTH DIRECTLY AND ON COMPLAINT BASIS.
- ACTION IS ALSO TAKEN UPON COMPLAINTS RAISED BY MANUFACTURERS AND CONSUMERS.
- MEASURES TAKEN BY THE MIT DIFFER ACCORDING TO THE LEVEL OF NON-COMPLIANCE AND THOSE MEASURES ARE IMPLEMENTED PURSUANT TO THE “PRINCIPLE OF PROPORTIONALITY”.



MARKET SURVEILLANCE ACTIVITES IN 2005

	QTY.	CONFORMING	NON- CONFORMING
MANUFACTURERS	5	5	-
EQUIPMENT	21	21	-
EQUIPMENT BRANDS	4	4	-



NATIONAL TECHNICAL COMMITTEES

THE MIT ATTENDS THE MEETINGS OF THE “WORKING GROUP ON ENVIRONMENT” UNDER THE MINISTRY OF ENVIRONMENT AND FORESTRY.

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PARTICIPATION IN STANDING COMMITTEE AND EXPERTS GROUP

THE STANDING COMMITTEE AND EXPERTS GROUP MEETINGS UNDER THE DIRECTIVE 2000/14/EC ARE NOT ATTENDED FOR THE TIME BEING, BUT PARTICIPATION IS DESIRED.

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THANK YOU FOR YOUR ATTENTION