



**Economic and Social
Council**

Distr.
GENERAL

TRADE/WP.6/2004/4/Add.1
29 September 2004

ENGLISH ONLY

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT

Working Party on Regulatory Cooperation and
Standardization Policies

Fourteenth session, 22-24 November 2004

Item 6 of the provisional agenda

**REVIEW OF DEVELOPMENTS IN STANDARDIZATION ACTIVITIES
AND IN THE FIELD OF REGULATORY COOPERATION AT THE
INTERNATIONAL, REGIONAL AND NATIONAL LEVELS**

Turkey:

**Summary Information on Turkey's Achievements in the Process of
Transposing the EU Regulatory System**

DOCUMENT FOR INFORMATION

This paper has been submitted by Turkey.

It contains summary information on Turkey's achievements in the process of transposing the EU directives relevant to the "Acquis Communautaire".

It is presented for information to delegates, and apart from minor editorial changes, is reproduced in the form in which it was received by the secretariat.

SUMMARY INFORMATION ON TURKEY'S ACHIEVEMENTS IN THE PROCESS OF TRANSPOSING THE EU REGULATORY SYSTEM

1. Within the framework of Articles 8-11 of the Decision of the Association Council dated 6 March 1995, which established the Customs Union between Turkey and the European Communities, Turkey shall progressively adopt the *Acquis Communautaire* for the removal of technical barriers to trade, as well as all other related technical regulations. Thus, a standardization system, parallel to that of the EU will be established and the technical barriers to trade shall be removed between Turkey and EU.
2. The list of the technical legislation to be harmonized by Turkey, as well as the conditions of harmonization, were determined by the EC-Turkey Association Council Decision No. 2/97 of 21 May 1997.
3. Apart from the above-mentioned decisions, the "Turkish Accession Partnership" document, which is the centrepiece of the pre-accession strategy, was published by the EU Commission on 8 November 2000. It identifies short and medium-term priorities, intermediate objectives and conditions on which accession preparations must concentrate in the light of the political and economic criteria for membership and the obligations of a Member State to adopt, implement and enforce the *Acquis*. This pre-accession strategy has been followed since 1999. Since March 2001, Turkey, through this partnership, has committed itself to a comprehensive National Programme for the Adoption of the *Acquis*.
4. In this respect, the various stages of progress in Turkey since 1997 (i.e. since the time when the list of EU instruments to be harmonized as well as the conditions of implementation were determined under Association Council Decision 2/97) are as follows:

I. DEVELOPMENTS FROM 1997 TO LATE 2002:

(a) Identification of the responsible authorities and the coordinating unit:

5. The institutions responsible for harmonizing national legislation with the technical legislation of the EU, listed under the EC-Turkey Association Council Decision No. 2/97, were established by a Ministerial Decree of 29 April 1997. Since then, they have been working on the legal harmonization of the related EU technical legislation under the coordination of the Undersecretariat of Foreign Trade/DG for Standardization for Foreign Trade¹.

(b) Establishment of Turkey's Accreditation Council

6. As far as accreditation is concerned (a key element for the smooth functioning of the new system) the Turkish Accreditation Authority (TURKAK) was established by the Law on the Organization and Functions of the Turkish Accreditation Council in the Official Gazette in 1999.

¹ This unit is responsible not only for coordinating Turkey's technical harmonization activities, but also for **directly harmonizing** certain horizontal EU technical legislation, such as 92/59/EEC, 93/465/EEC, 98/34/EC, 3052/95/EC and 339/93/EC.

(c) The publication of the Framework Law of Turkey which aims at transforming Turkey's standardization system to be in conformity with that of the EU (so that both the EU Directives on products and the legislation for non harmonized areas could be enforced in a parallel system to that of the EU)

7. The Law on the Preparation and Implementation of Technical Legislation on Products (Framework Law No: 4703) was enacted in June 2001 and published in the Official Journal, and entered into force as of 11 January 2002. The Framework Law was prepared to transpose the different elements of EU technical legislation into Turkish law. It transposes the provisions of the General Product Safety Directive (92/59/EEC), as well as the issues explained in the Guide to the Implementation of Directives Based on the New Approach and the Global Approach. In this respect, the Framework Law describes the rights and duties of regulators, producers and third-party conformity assessment bodies, and hence constitutes a legal basis in Turkey for establishing a standardization system parallel to that of the EU.

8. Under the framework Law², four implementing regulations were prepared and published in the Official Journal and entered into force on 11 January 2002:

1. Regulation Relating to the Market Surveillance and Inspection of Products
2. Regulation on the Affixing and Use of CE Conformity Marking on Products
3. Regulation on Conformity Assessment Bodies and Notified Bodies
4. Regulation on the Exchange of Information on Technical Legislation on Goods and Standards between Turkey and the EU.

(d) Coordinating Board on the Market Surveillance of Products

9. The Market Surveillance Coordination Board of Turkey was established in 2002 by the Regulation on Market Surveillance and Inspection of Products. The aim of this Board, of which the Secretariat and Presidency have been performed by the Undersecretariat of Foreign Trade-DG for Standardization for Foreign Trade, is to work on coordinating the establishment of a market surveillance system in Turkey parallel to those in EU Member States and accordingly has already taken certain advisory decisions for the establishment of Turkey's overall strategy for market surveillance.

(e) Turkey's participation in the notification mechanism established under Directive 98/34/EC

10. In 2002 the Regulation on the Exchange of Information on Technical Legislation on Goods and Standards between Turkey and the EU came into force. It aims to harmonize Turkish regulations with Directive 98/34/EC, taking into consideration the relevant adaptation instructions laid down in ACD 2/97 for Turkey and, as a result, Turkey became a participant (in a simplified manner) within the related notification mechanism.

² The Regulations as well as the Framework Law itself were published after having the official opinions of the EU Commission.

II. LATEST DEVELOPMENTS

11. Since September 2002, Turkey has made progress in implementing horizontal legislation related to the *Acquis Communautaire*. Alignment of sector-specific legislation also accelerated in the first half of 2003.
12. Taking into consideration the need for effective implementation of the horizontal legislation which was adopted in 2002, Turkey accelerated, shifting her concern, in 2003, to establishing the required infrastructure and arranging for relevant administrative changes in the areas of conformity assessment and market surveillance.
13. Work on the effective implementation of the Regulation on Conformity Assessment Bodies and Notified Bodies, and the Regulation on the Affixing and Use of CE Conformity Marking, has been *carried out under the Project on Support to the Establishment of a Quality Infrastructure in Turkey*. This work has centred on the establishment of Turkey's Conformity Assessment Board (CAB), which will serve as an advisory board in the field concerned, and has gained impetus. The Draft Terms of Reference (ToR) for the CAB have been prepared taking into consideration the views of all the relevant parties and was accepted by the Project Board on 10 June 2003. In addition, a seminar addressing those public institutions responsible for the harmonization of the New Approach Directives was held – with the support of an EU Member State expert – in order to provide the concerned institutions with detailed information on the conditions for the designation of *Notified Bodies (NBs)*. The main aim was to help formulate an overall strategy in the conformity assessment area so that the responsible public institutions could make use of TURKAK's cooperation in the designation of the *NBs*.
14. For the steps taken so as to implement the Regulation of the Market Surveillance and the Inspection of Products, please see point (d) above about the "Coordinating Board on the Market Surveillance of Products"
15. As to the adoption of Decision 339/93/EC on safety checks for products coming from third countries, the official exchange of views between Turkey and the EU has accelerated in order to provide clarification to certain issues, however the uncertainty surrounding these issues has seemed to slow down Turkey's progress in this area. The MATRA Project funded by the Netherlands with the aim of establishing the system required by 339/93/EC in Turkey started functioning in early 2003, and has created considerable progress in the establishment of an administrative structure to implement the concerned Decision.
16. TURKAK has made a progress on establishing the reliability of its certificates by becoming a member of the European co-operation for Accreditation (EA) in November 2002.
17. Regarding the alignment of sector specific EU legislation, during the period between October 2002 and June 2003, the number of New Approach Directives adopted by Turkey has increased to 21 due to the publication of 8 new Regulations transposing New Approach Directives (Directives on explosives for civil use, equipment and protective systems intended for use in potentially explosive atmospheres, lifts, household electric refrigerators, freezers and combinations, noise emission in the environment by equipment for use outdoors, energy efficiency requirements for ballast for fluorescent lighting, radio and telecommunications terminal equipment).

18. Seven out of the thirteen remaining Regulations³ harmonized with New Approach Directives, were transposed before October 2002, 5 of these were amended in March 2003 and 2 were amended in September 2003 and a transitional period was foreseen for each. Regulations that were subject to such an amendment are those on simple pressure vessels, gas appliances, hot water boilers, non-automatic weighing instruments, pressure equipment, medical devices and active implantable medical devices.

19. Under the Old Approach, the sectoral developments from October 2002 to June 2003 are summarized below:

- **Motor Vehicles and their trailers:** With the publication of 18 new pieces of legislation, the number of transposed EU directives reached 90 (total number of EU directives to be harmonized with is 96)
- **Foodstuffs:** With the publication of 1 new piece of legislation, the number of transposed EU directives reached 41 (total number of EU directives to be harmonized with is 70)
- **Chemicals:** With the publication of 1 new piece of legislation, the number of transposed EU directives reached 4 (total number of EU directives to be harmonized with is 21)
- **Legal Metrology and Pre-Packaging:** With the publication of 3 pieces of legislation which have been amended, the number of transposed EU directives is 25 (total number of EU directives to be harmonized with is 25)
- **Electrical Risk and Electrical Equipment:** 3 pieces of legislation were transposed (total number of EU directives to be harmonized with is 6⁴)
- **Telecommunications:** 1 Directive and 40 implementing decisions have been transposed in May 2003 (total number of EU directives to be harmonized with is 41)
- **Rational Utilization and Conservation of Energy:** With the publication of 4 new laws, the number of transposed EU directives reached 12 (total number of EU directives to be harmonized with is 17)
- **Environment:**
 - (a) Air Quality: 1 new piece of legislation
 - (b) Noise Emission: 2 new pieces of legislation have been transposed.

20. In this respect, the total number of the pieces of legislation harmonized by Turkey has reached 262 by the date of 1 January 2004.

* * * * *

3 Regulations in the area of New Approach which were adopted by Turkey before October 2002 are Regulations on: low voltage equipment, simple pressure vessels, gas appliances, hot water boilers, electromagnetic compatibility, machinery, non-automatic weighing instruments, pressure equipment, active implantable medical devices, medical devices, toys, recreational craft, construction products.

4 The remaining 3 laws have not been transposed yet due to the fact that they are in the process of being repealed by 94/9/EC.