THE QUALITY INFRASTRUCTURE OF TURKEY
IMPLEMENTATION DIMENSION

• IMPLEMENTATION
• DIMENSION

• STANDARDISATION
• CONFORMITY
• ASSESSMENT
• ACCREDITATION
• METROLOGY/
• CALIBRATION

LEGAL DIMENSION

• WTO
• CUSTOMS UNION

INSPECTION DIMENSION

• EXPORT CONTROLS
• TAREKS
• MARKET
• SURVEILLANCE
LEGAL DIMENSION
(LEGISLATION)
LEGAL FRAMEWORK

Customs Union 1/95

- Articles 5 - 7.
- Articles 8 - 11.

2/97

- The list of EU legislation to be harmonized
- The conditions and arrangements governing their implementation

1/2006

Procedure for the Turkish notified bodies

2014

Procedural guidelines
Turkey and the EU established a Customs Union (CU) in 1995 (Decision 1/95 of the EU-Turkey Association Council, 96/142/EC).

The CU covers trade in manufactured products between Turkey and the EU.

The CU covers both harmonised and non-harmonised area.

- **Articles 5-7**: elimination of measures having an effect equivalent to quantitative restrictions (mirroring Articles 34-36 TFEU)

- **Article 8**: incorporation of Community instruments into legal order

- **Article 9**: trade between the Parties takes place in accordance with the conditions laid down by those instruments
In the non-harmonised area where there are no common EU rules, the rights and obligations of economic operators stem from CU meaning Turkish products are treated as Eu ones and the free movement is essential for Turkey.

- Articles 5-7 (mirroring Articles 34-36 TFEU)
- Interpretation in conformity with the relevant Judgments of the Court of Justice (Article 66)

- Commission’s interpretative communication on ‘facilitating the access of products to the markets of other Member States: the practical application of mutual recognition’ (2003/C 265/02)

«The Member State of destination of a product must allow the placing on its market of a product lawfully manufactured and/or marketed in another Member State or in Turkey.»
Annex I: the conditions and arrangements governing their implementation

Annex II: the list of the Union’s legal instruments

When Turkey adopts the legislation listed, the same rules and procedures would apply in the EU and Turkey.

- Need for an update of the list in Annex II - “2014 Procedural Guidelines”
  - Adopted by the Parties in January 2014
  - Rules for the update of the list, adoption of the legislation and exchange of opinions
1/2006 ASSOCIATION COUNCIL DECISION

- Designation of Turkish notified bodies (NBs)

- Recognition of the test reports and certificates issued by Turkish NBs

- Statements confirming Turkey’s legislation is equivalent to that of the EU

- 15 statements signed until now.

- 46 NBs under 15 legislation
NATIONAL TECHNICAL LEGISLATION

**Horizontal Technical Legislation**
(General Rules)

- The Law No. 4703 on the Preparation and Implementation of Technical Legislation on Products
- Regulation on CE Marking (2002-rev.2012)
- Regulation on Conformity Assessment Bodies and Notified Bodies (2002-rev.2012)
- Regulation on Mutual Recognition in the Non-Harmonised Area (2012)
- Regulation on the Exchange of Information on Technical Legislation on Goods and Standards between Turkey and the European Union
- Regulation on Registration and Notification of Market Surveillance Results and Measures (2013)

harmonized by the Ministry of Trade.

**Vertical Technical Legislation**
(Rules For Product Groups)

- New Approach
- Old Approach

Approximately 80% of the more than 300 technical regulations listed in the ACD No 2/97 have been harmonized by 9 different competent authorities.

The Ministry of Trade has a role of coordination between the Turkish competent authorities and The EU Commission.
The Law No. 4703

✓ The objective of this Law is to lay down the principles and the procedures for the placing on the market of the products, conformity assessment, market surveillance and inspection and the notifications relating to these arrangements.

✓ Covers:
- the conditions of placing on the market of the products,
- the obligations of the producers and the distributors,
- conformity assessment bodies and notified bodies,
- market surveillance and inspection,
- prohibition of the placing on the market of the products, withdrawal and destruction of the marketed products,
- the notifications relating to these arrangements.
A new draft “Law on Product Safety and Technical Regulations” has been prepared in the context of the revision of “Law No. 4703 on Preparation and Implementation of Technical Legislation for Products”

Planned to be submitted to the Turkish Parliament

The New Legislative Framework (NLF) Package, the General Product Safety Directive of the EU taken into consideration

The purpose is to ensure that the products are safe and in compliance with the related technical regulations (whether produced in or imported to Turkey)
MAIN IMPROVEMENTS:

- Economic operators defined in accordance with the current EU legislation
- Responsibilities of the economic operators clarified
- Recall
- E-commerce/E-Market Surveillance
- Product Liability
- Notification of Risks and Measures
- Administrative Fines in accordance with the gravity of the non-compliance
- Traceability
Turkey transposes EU’s harmonised legislation on products and quality infrastructure.

Up to now, Turkey has transposed into its legal order the rules of the EU on the CE marking, notified bodies, market surveillance and mutual recognition in the non-harmonised area as well as many EU sectoral legislation, including the acquis requiring the CE marking on products.

The CE marking is affixed on products that will be placed on the Turkish market.

80% of EU’s product legislation are already transposed. This work continues since it is a dynamic structure and revisions are taking place time to time in EU and thus Turkey.

Already published legislation includes 21 Turkish Regulations transposing the corresponding new approach directives of the EU such as toys, personal protective equipment, pressure equipment, lifts, etc. These have been confirmed by the Joint Statements signed by Turkey and the EU.

46 NBs under 15 legislation.

Test reports and certificates issued by NBs in Turkey are recognised in the EU.
• Today, Turkish products are subject to the same rules and procedures and have equal level of safety and quality with that of the EU where harmonisation is completed.

• In order to be marketed, a Turkish product should complete all mandatory conformity assessment procedures required in the relevant technical regulation and should bear all conformity markings, particularly CE marking, and certificates, test reports and any other documents required by technical regulation.

• Turkey has notified 46 Turkish conformity assessment bodies in 15 Directives.
IMPLEMENTATION DIMENSION
(QUALITY INFRASTRUCTURE OF TURKEY)
STANDARDISATION

Standardization is a key element to push up the capacities of export. It is a necessary process for ensuring effectiveness in any product.

The international standards are strategic tools that reduce the costs by minimizing waste and errors.

- Turkish Standards Institute became a full member of CEN/CENELEC (2012).

- % 99.89 of EU standards are harmonized.

Turkey has become one of the decision-makers in the preparation of EU standards.
STANDARDISATION

- Valid Turkish Standards 42.839
- ISO Standards adopted as Turkish Standards 11.530
- IEC Standards adopted as Turkish Standards 1.570
- European Standards adopted as Turkish Standards (CEN, CENELEC and ETSI) 18.692
Conformity Assessment Bodies:

- Conformity assessment is a set of processes which show that the product complies with the requirements in the relevant technical legislation. Conformity assessment bodies assess and certify the products before they are placed on the market.
- Competency requirements for CABs are set under the relevant technical legislations or other regulatory actions.
- In Turkey, there are about 1782 accredited CABs.
- In 2006, UDDer, an umbrella organization for CA organizations in Turkey, is established. It gathers all parties in the field of CA.

Notified Bodies:

- According to 1/2006 ACD, Turkey designates NBs.
- Through NANDO, notifications are made to the Commission
- Recognition of the test reports and certificates issued by NBs in Turkey
- There are 46 Turkish NBs, 2 Technical Assessment Bodies and 1 Recognised Third Party Organization under the scope of 15 New Approach Directives. List is available on NANDO web site.
Accreditation:

- The Turkish Accreditation Agency (TURKAK) is a full member of International Laboratory Accreditation Cooperation (ILAC) and International Accreditation Forum (IAF).
- TURKAK is also member of European co-operation for Accreditation (EA).
- TURKAK has signed multilateral agreements with the national accreditation bodies of the EU member states.

Certificates issued by Turkish CABs accredited by TURKAK are deemed equivalent to those issued by CABs established in the EU and accredited by EU National Accreditation Bodies.

Metrology:

- National Metrology Institute (UME) is the responsible authority in the field of scientific metrology, in the area of legal metrology, the responsible authority is Ministry of Science, Industry and Technology.
## QUALITY INFRASTRUCTURE IN TURKEY

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<th>1995</th>
<th>2019</th>
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<tr>
<td><strong>ACCREDITATION</strong></td>
<td>Turkey had no accreditation institute.</td>
<td>TÜRKAK is recognized for all fields of accreditation under ILAC, IAF, and EA.</td>
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<td><strong>STANDARDIZATION</strong></td>
<td>Limited number of international standards were in force and TSE was not included in the European standardization system</td>
<td>TSE has harmonized 98% of EU standards and become full member of CEN/CENELEC.</td>
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<td><strong>CONFORMITY ASSESSMENT</strong></td>
<td>The sector was backwards, CA was conducted as a public service No notified bodies (CE Marking)</td>
<td>CA sector is open to private testing, inspection and certification bodies. Turkey has designated 46 notified bodies, 2 technical assessment bodies, 1 recognized third party organization.</td>
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<td><strong>METROLOGY</strong></td>
<td>Confusion about the roles of different institutions responsible for scientific, industrial and legal metrology.</td>
<td>Clear-cut division of labor between relevant institutions in accordance with the European Union.</td>
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INSPECTION DIMENSION
The import and export controls of various product groups are carried out by our Ministry through the “Risk-Based Trade Control System (TAREKS)”,

- 7/24 online applications are accepted within TAREKS and required documents should be uploaded during the application.
- TAREKS is a risk-based software, which determine an inspection according to the criteria such as; “product”, “origin country”, “company”, “trademark” and “model” analysis.
- TAREKS is an award-winning software developed by our Ministry.
MARKET SURVEILLANCE

- Nine different public authorities carry out market surveillance in Turkey.
- Ministry of Trade coordinates these activities.
- The National MS Strategy for 2019-2021 has been adopted.
- It is the roadmap for the improvement of MS in Turkey for the following years.
- Annual reports on MS are prepared and made public.
- National Market Surveillance Information System was established in 2013.
- The system includes detailed data on unsafe and non-compliant products.
- Turkey’s Annual MS Programmes are prepared and sent to the Commission every year.
- Turkey’s National Market Surveillance Strategy is determined under the coordination of Ministry of Economy and adopted by “Market Surveillance and Product Safety Assessment Board”, where MSAs are represented at the highest level.

The data about the market surveillance activities are recorded by the market surveillance authorities in National Market Surveillance Database which was established by Ministry of Trade. The annual reports are made public via the website of the Ministry of Trade. These data mainly contribute to the programming of future inspections.
Awareness Raising in the Areas of Product Safety, Market Surveillance and Conformity Assessment Project is a technical assistance project co-funded by Turkey and EU in which the MoT is identified as the Beneficiary, but also includes other stakeholders from public, private and civil society bodies. The Project duration is 24 months and has been commenced on 9th of October 2018.

The overall objective of the project is to contribute to increased awareness in the areas of product safety, market surveillance and conformity assessment for better implementation of the EU technical legislation.

To contribute to effective implementation of market surveillance and conformity assessment with bringing concepts such as transparency, accountability, citizen satisfaction and participation.

Directorate General for Product Safety and Inspection under the Ministry of Trade of Turkey is taking a crucial step towards increasing the awareness on product safety. Within the scope of the Project, activities will be held for increasing the awareness on product safety among thousands of individuals from conformity assessment bodies to manufacturer and consumer associations, and more than 4000 consumer representatives and students across the country will be reached through conferences and seminars.
With the aim of removing technical barriers to trade and for an unhindered market access for our exporters, Ministry of Economy signs “Technical Cooperation Agreements” with the countries that plays an important role in Turkey’s exports.

**Thereby, Turkey is seeking for:**

- Promoting bilateral cooperation in fields of standardization, testing, certification, metrology or accreditation
- Eliminating technical barriers to trade in bilateral trade.

**Signature Dates and Entry into Force Dates:**

- **Turkey-Azerbaijan**
  - Signing: Sept 11, 2012
  - Entry into Force: May 16, 2013

- **Turkey-Ukraine**
  - Signing: March 1, 2006
  - Entry into Force: August 8, 2006

- **Turkey-Lebanon**
  - Signing: April 21, 2009
  - Entry into Force: Sept 17, 2009

- **Turkey-China**
  - Signing: June 27, 2005
  - Entry into Force: Sept 4, 2006

- **Turkey-Israel**
  - Signing: March 7, 2007
  - Entry into Force: August 31, 2008

- **Turkey-Iran**
  - Signing: February 3, 2010
  - Official Gazette: August 24, 2011

- **Turkey-Kyrgyzstan**
  - Signing: September 1, 2018
  - Entry into Force: February 7, 2019

- **Turkey-Bulgaria**
  - Signing: April 15, 2009
  - Official Gazette: Sept 10, 2009

- **Turkey-Lebanon**
  - Signing: April 21, 2009
  - Entry into Force: Sept 17, 2009
SCOPE OF TECHNICAL COOPERATION AGREEMENTS

➢ Framework agreements encompassing provisions of cooperation in technical regulations, standardization, conformity assessment, metrology and accreditation

➢ Establishment of mechanisms (Consultation and Cooperation Mechanism) for the removal of technical barriers to trade

➢ Contact Points as an “alert and notification system” for swift resolution of problems in relation to product safety and inspection

➢ Exchange of experience and information in outlined areas

➢ Enhanced cooperation at relevant international forums

➢ Room for enhanced cooperation in different areas of quality infrastructure
CONCLUSION

- Having a functional quality infrastructure at international level is crucial for the elimination of technical barriers to trade.

- Turkey is ready to extend its efforts to realize cooperative activities with the aim of exchanging information and experience on technical legislation, facilitate the solution of technical barriers to trade, and provide a basis to develop technical cooperation between the parties' bodies responsible for standardization, accreditation and metrology.
Thank you

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