

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

75/106/EEC: Council Directive 75/106/EEC of 19 December 1974 on the Approximation of the Laws of the Member States Relating to the Making-up by Volume of certain Pre-packaged Liquids

75/107/EEC: Council Directive 75/107/EEC of 19 December 1974 on the Approximation of the Laws of the Member States Relating to the Bottles used as Measuring Containers

76/211/EEC: Council Directive 76/211/EEC of 20 January 1976 on the Approximation of the Laws of the Member States Relating to the Making-up by Weight or by Volume of certain Pre-packaged Products

80/232/EEC: Council Directive 80/232/EEC 15 January 1980 on the Approximation of the Laws of the Member States Relating to the Ranges of Nominal Quantities and Nominal Capacities permitted for certain pre-packaged products.

**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:**

EU Legislation	Harmonized Turkish Legislation	Official Gazette Date - Number	Date of Enforcement
75/106/EEC	Regulation on Making Up by Volume of Certain Pre-packaged Liquids	10.04.2002 24722	01.07.2006
76/211/EEC	Regulation on Making-up by Weight or by Volume of Certain Pre-packaged Products	10.04.2002 24722	31.12.2005
80/232/EEC	Regulation Ranges of Nominal Quantities and Nominal Capacities Permitted for Certain Pre-packaged Products	10.04.2002 24722	01.07.2006
75/107/EEC	Regulation on Bottles Used as Measuring Containers	11.04.2002 24723	31.12.2005

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

See table above.

- **If not yet transposed, please indicate the state of play, expected timing, steps to be undertaken, difficulties encountered (if any):**

Although 75/106/EEC and 80/232/EEC were transposed in 2002, they didn't enter into force because of a Decision of the European Court of Justice (C-3/99 Cider-Ruwet-Stassen's Decision). The content of this specific Decision directly changed the scope of two relevant Directives to provide effective implementation of "free movement of goods" principle. According to this Decision, the provisions of these Directives became mandatory just for the product groups mentioned below.

75/106/EEC - Annex III: A.1 (a), A.1 (b) wines, A.2 (a) champagnes, A.4 Alcoholic beverages,

80/232/EEC – Annex I: A.11 knitting yarns.

Within the context of this Decision, Ministry of Industry and Trade (MIT) has revised the issued versions of Regulations on 75/106/EEC and 80/232/EEC and sent the draft texts to the Commission in June 2004, March 2005 and October 2005 respectively. The exchange of opinion process is continuing.

## **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 (MIT)  
DG for Measurement and Standards  
Address: GMK Bulvarı No: 128 Kat: 1  
Maltepe – Ankara  
TURKEY

## **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**

The Directives under the pre-packaging sector do not lay down a particular requirement to notify or designate a conformity assessment body. Within this framework, conformity task regarding these products has been carried out by the technical staff of DG for Measurements and Standards at central level and by the legal metrology inspectors assigned for this activity in local level.

## 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:**

Up to date, the MIT has not been represented in the Standing Committee and Experts' Group on Pre-packaging, but participation is desired.

### 2.2. Implementing structure

- ***Responsible authority central/local:***

Ministry of Industry and Trade  
 DG for Measurement and Standards  
 81 Provincial Directorates of the MIT

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 Regulations on Pre-packaging.

- ***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?**

Up to date, the MIT has not carried out any market surveillance under this sector because of the amendments made on the mandatory enforcement dates of relevant regulations. After the enforcement of the Regulations, the implementation of them will be ensured by market surveillance activities. These activities will be carried out both at central and local level. In this respect, MIT is organizing training seminars on market surveillance to increase the competency of its inspectors both at central and local level. On the other hand, MIT is also arranging informative meetings for manufacturers of pre-packaged products in collaboration with trade chambers for to arise their awareness about the requirements of this Regulation.

The market surveillance under pre-packaging sector 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, and the Law No.3516 on Metrology and Measurements published in the Official Gazette No. 20026, dated 11 January 1989).

Currently, the total number of inspectors assigned for the market surveillance of pre-packaged products is 154. 4 of them are resident technical staff of DG for Measurement and Standards. 150 of them are allocated among the 81 provincial directorates of the MIT.

DG for Measurement and Standards is responsible for 6 new and global approach directives and 32 old approach directives. The budget allocated for the market surveillance activities of these Directives is around 400,000 Euros. 171,875 Euros of this amount is for taking samples, testing and training expenses. 228,500 Euros, on the other hand, is for the personnel expenses. The budget allocated is financed from the budget of the DG for Measurement and Standards.

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 non-conformity, informing the public through media of the non-conforming 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”, “Regulation on Procedures and Principles for Market Surveillance to be Performed by the Ministry of Industry and Trade”, and the “Law No. 3516 on Metrology and Measurements” (published in the Official Gazette No. 20026, dated 11 January 1989).

MIT makes use of the following resources for market surveillance activities:

- Complaints about the products, and information received about the products,
- Information obtained from the proceeding inspection reports,
- Information obtained from the Consumer Protection Associations,
- Information obtained from WELMEC and OIML.

The MIT has the power of issuing technical regulations, monitoring the working of them by means of market surveillance and taking administrative actions in case of nonconformity to

legislation. The personnel in charge of market surveillance is authorised to make examinations on the product, review the documents and/or conformity marking, make physical examination, take samples for testing.

For non-conforming and unsafe products, the Ministry takes necessary measures in accordance with the Law No. 4703. In each case, such actions and penalties are applied considering the level of non-conformity and the principle of proportionality. Up to date, MIT has not imposed any penalty for pre-packaged products.

### **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.**

#### ***Further evolution:***

Currently, there is only one interfacing mandatory Turkish Standard (TS 4331) under the pre-packaging sector on “Packaging-General Principles Part 3: Marking and Labelling of Packages”. This standard will be repealed after Regulations on 75/106/EEC and 80/232/EEC come into force.

For the sound implementation of the transposed legislation, MIT has observed that the establishment of sectoral technical committees is an efficient way of progress. Those committees constitute a ground for communication and coordination among all stakeholders such as sectoral associations and relevant public authorities.

So as, the “Communiqué concerning the Establishment of Technical Committee on Pre-Packaged Products (HAZTEK)” was published in the Official Gazette No. 25966, dated 14 October 2005. Sector will be informed on the legislation and its implementation (e.g. Guidelines, other documents, etc.) by the meetings of this Committee.