



Support to standardisation activities in Turkey
(1) Lot title: Aligning of legislation and training facilities
EuropeAid 117471/C/SV/TR
This Project is funded by the European Union



Project Title :	Support to the standardisation activities in Turkey (1) Lot title: Aligning of legislation and training facilities	
Project Number:	EuropeAid/117471/C/SV/TR	
Country :	Turkey	
	Project Partner	EC Consultant
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Date of report : 10 November 2005
Reporting period : 1 August – 31 October 2005
Authors of report : Maria Carton

EC Delegation (project manager)	Ela Yazici Inan _____ [name]
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LIST OF ACRONYMS

AENOR	<i>Asociacion Española de NORmalizacion y Certification</i> , the Spanish Association of Standardisation and Certification
AFNOR	<i>Association Française de NORmalisation</i> , the French Association of Standardisation and Certification
BSI	British Standardisation Institut
CAB	Conformity Assessment Body
CEN	<i>Comité Européen de Normalisation</i> , the European Standardisation Committee
CENELEC	The European Committee for Electrotechnical Standardization
DIN	Deutsches Institut für Normung, The German Standardisation Institut
EC	European Commission
EOQ	European Organisation of Quality
EU	European Union
EU experts	European experts
GAs	General Assemblies
IEC	International Electrotechnical Committee
ISO	International Standards Organisation
KE	Key expert
L experts	Local experts
NA	New Approach
ON	Österreichisches Normungsinstitut, Austrian Standards Institute
PCA	Partnership and Cooperation Agreement
QM	Quality Manual
QMS	Quality Management System
STE	Short Term Expert
TBT	Technical Barriers to Trade
ToRs	Terms of References
TR	Technical Regulation
TSE	<i>Türk Standardları Enstitüsü</i> , Turkish Standardisation Institut
WTO	World Trade Organisation

PROJECT SYNOPSIS

Project Title	:	Support to standardisation activities in Turkey (1) Lot title: Aligning of legislation and training facilities
Project Number:		EuropeAid/117471C/SV/TR
Country	:	Turkey

PROJECT OBJECTIVES

Wider objective: The overall objective of the project of which this contract will be a part, is to contribute at facilitating the process of technical harmonisation in Turkey with the "acquis communautaire" and its implementation in the area of free movement of goods, and specifically helping the Turkish Standards Institute (TSE) in aligning its structure, rules of operation and practices with those of the European Standards Institutes.

Specific objectives:

- Technical assistance to the TSE which aims:
- Training of the TSE' staff in order to allow the following:

PLANNED OUTPUTS:

Technical assistance to the TSE:

- The national procedures are in line with the European procedures.
- The Turkish standardisation system is compatible with those of EU similar organisations.
- Two or three mirror committees with new functioning rules are operational.
- A strategic document (Business Plan), easily understood, which will be used for promoting standardisation activities not only by TSE but also by the interested parties, is available.
- the TSE is running in accordance with European practices and has been accepted as full member of CEN and CENELEC.
- A fully operational structure regarding the implementation of the 98/34/EC Directive is in place.

Training of the TSE' staff:

- All members of the TSE' staff are trained in European procedures.
- A small team, of TSE' staff and some selected external consultants, is able to work independently and train their colleagues.
- Two or three new ISO TCs or ISO SCs secretariats and one or two CEN TCs secretariats are held by the TSE.

PROJECT ACTIVITIES:

Project Management and backstopping; Inception phase

Component 1: Standardisation legislation

- Review of TSE legal basis
- Advice on TSE secondary legislation
- Review of Turkish standards for standardisation
- Consultancy with the ministry

Component 2: Working procedures including QMS

- QMS
- Upgrading TSE personnel capacity
- Management of documentation

Component 3: Structure of TSE including Committee structure

- Structure of TSE
- Standardisation Management and information software
- European and international activities at national level
- TCs' training programme
- Strategic sector workshop

Component 4: TSE business plan

- Preparation, submission and promotion of business plan

Component 5: CEN/CENELEC membership

- Review of TSE's present situation in the context of full CEN/CENELEC membership ; 3 seminars

Component 6: Implementation of the 98/34/EC directive

- Review of TSE national enquiry point
- Support on elaboration of the database for the notification procedure

Component 7: Generic training/training of trainers

- Generic training/training of trainers, seminars

PROJECT STARTING DATE : 28 January 2005

PROJECT DURATION : 30 months (28 January 2005 – 28 July 2007)

2. PROJECT PROGRESS IN REPORTING PERIOD

The activities were performed during whole period 1/08/2005 until 31/10/2005 since the end of the first progress period, as described here after.

2.1 Component 1 Standardisation legislation

Reminding

During the First progress period the project team and the EU Delegation in Ankara learned that a modification of the current law N° 132 on TSE was preparing. The adoption of this law was planned before the end of 2005. In order to face this timeschedule independtelly of the project

activities' planning a common meeting on the existing standardisation legislation was held in June 05 in ON, the Austrian Standardisation body. The following EU legal experts: Mrs Elisabeth Stampfl-Blaha, Mrs Joanna Gadjek, Mr Han Zuyderwijk and Mr Alaaddin Işık, local legal expert assessed all the available documents about TSE legislation, English version. Conclusions of the meeting were that standardisation legislation should be assessed more in details not only in TSE, but also in state administrations which have legislation activities related to standardisation.

Consequently Mr Zuyderwijk met TSE and Ministry of Industry's representants in July 05. Conclusion of this mission: it occurs a necessity of information of the High level decision makers about WTO and EU standardisation rules. It was forecasted to present different European models of standardisation legislation and European standardisation bodies.

ACTIVITIES : 1 AUGUST – 31 OCTOBER 05

Action 2. Conference on the standardisation legislation addressed to the Ministries

Conference and workshop in October 05

In order to fulfil this purpose considered as very important for the final project outputs, i.e. support TSE to become CEN/CENELEC membership, a conference and one workshop were held on the "Standardisation legislation in EU member Countries and Turkey" under the patronage of the Turkish Ministry of Industry in October 05.

The conference was addressed to High level civil officers from the Different state organisations in relation with standardisation activities in Turkey (see annex 1- Mr Han Zuyderwijk, Report of mission). A presentation of the legal aspect on standardisation was done by the EU legal expert, Mr Zuyderwijk. Several European models of Standardisation legislation were presented by EU experts: Mr Becker from England (BSI), Mrs Carton from France (AFAQ AFNOR), Mr Zuyderwijk represented Austrian model (ON) which was prepared by Mrs Stampfl –Blaha from ON, and Mr Kaiser from Germany (DIN).

All these difference models were very enlightening for the participants in order to understand that there can be a lot of different ways of organizing standardization and still meet the international and European rules.

The conference was followed by a workshop. The workshop was addressed to the executive personal from the Ministry of Industry in charge of the draft law on standardisation.

Legal experts from the Ministry of Industry presented the tasks, functions and manner of work of Legal point of view about Standardisation in Turkey.

The TSE Head of Standardisation unit presented the TSE standardisation organisation.

During one full day a round table exchanged discussions were carried out. It was identified that TSE is laid down in several laws within responsibilities of several Ministries.

An important part of the discussion was related to the question whether and how the activities of the Turkish Standardization Institute (TSE) should be separated, and whether it was allowed to combine standardization with commercial activities such as certification. This was a major concern of the Ministry of Industry, and one of the reasons to initiate the legal reform of standardization in Turkey. The proposal for a new Law on TSE has been largely based on the concern. The reason for this concern is a paragraph in the 2003 "Regular Report on Turkey of the European Commission. On page 62-63 of this report the following paragraph can be read:

“The TSE is responsible for the preparation and publication of standards, industrial metrology and calibration, conformity assessment and certification. It is an affiliate member of both CEN and CENELEC. TSE’s application to CEN and CENELEC membership has now been frozen due to the inertia regarding the excessive use of mandatory standards in Turkey. Moreover, TSE is subsidising its standardisation activities from other activities such as certification and testing; its financial dependency on secondary activities does not allow for clear separation of functions. TSE should meet the same features as the European standardisation institutions: independence, openness, transparency and consensus.”

With the draft ‘Law on TSE’ the Turkish Ministry of Industry wanted to find a solution for the criticism of the European Commission in aforementioned report and separate secondary activities from the standardization activities of TSE.

However, with regard to the separation of activities and the possibilities for standards organizations to combine commercial activities with standardization work, it is of eminent importance to make the following remarks:

A) As became clear from the presentations of the international experts, it is not against the international or EU rules on standardization for a standardization institution to perform certification or to have other commercial activities, and even to finance standardization activities from the revenues of these commercial activities. The condition is that the commercial activities cannot interfere with the standardization activities, and that standardization can be performed independently. For example, it should not be possible for the certification department to decide or influence on the standards that are being developed. The standardization department must be able to do its work independently. Most standardization institutions in the Member States of the European Union have certification or other commercial activities.

B) For the continuity of the organization, it is important for TSE (or any other Turkish standardization institute) to have the possibility to develop commercial activities such as certification. The reason is related to the particularities of the Turkish market for standardization.

First, the price of Turkish standards is traditionally very low (approximately 1/10 of the price of the standard purchased from one of the standards institutes in the EU), and the income for TSE from the selling of standards is very low. Therefore, TSE cannot survive from selling standards only.

Secondly, the Turkish industry is currently not prepared to pay a membership fee in order to take part in the standardization activities. Therefore, this cannot be considered as a possible source of income for TSE.

C) Currently, the government of the Republic of Turkey is not providing financial contributions for the standardization activities of TSE. This is again a reason why it is important to at least allow TSE to earn money to pay for its standardization activities.

D) It must be underlined that the aforementioned text on page 62-63 of the 2003 “Regular Report on Turkey of the European Commission, was NOT repeated in the report of 2004. In the 2004 report no problems in the field of standardization or TSE are mentioned at all. On the contrary, it states that good results were made. It must be considered that the paragraph of the 2003 Regular Report that we quoted earlier, has been taken out of the 2004 report on purpose, and that the European Commission does not or not longer considered the situation regarding standardization in general or TSE in particular find problematic.

The legal expert underlines that in EU and WTO rules there is no requirement that forbids TSE to have commercial activities and to finance standardization activities through these

commercial activities, as long as these activities by no means interfere or can interfere with the standardization work. In my view, the TSE needs the possibility to develop commercial activities, in order to finance its standardization activities. Without these commercial activities, standardization in Turkey would go bankrupt.

CONCLUSIONS OF THE WORKSHOP

1. The representatives from TSE and the legal department of the Ministry of Industry have agreed that they prefer to choose for developing a Law on TSE instead of a Law on Standardization, This is due to the fact that there is a great time pressure to present the final text. The representatives should try to settle their differences of opinion and to come to one text. The legal expert would like to underline that for meeting the requirements for standardization of the EU and WTO, it is not only important to have a legal text of a Law. But also to have a practical system for standardization implemented in Turkey. That means that the conditions must be created for the standardization institute if Turkey to be able to survive and to be able to perform its functions.

2. Further to the urgency of the preparation of the law it occurs that the activity "Consultancy with Ministries" planned early in 2006 becomes unnecessary – however a common work (TSE, Turkish Ministry of Industry and Trade, Turkish Ministry of Financy, Turkish Prime Ministry and EU experts) on the draft legislative documents is definitely necessary to be done before approving of the laws (forecasted before end of 2005 by the Prime Ministry's cabinet). Consequently the remained activities will be concentrated in a Action 3: Support to drafting of Turkish standardisation legislation

Action 3 Support to draft Turkish standardisation legislation (3 missions):

First Mission in October 05

Two EU experts, Mrs Stampfl-Blaha and Mr Kaiser met representants from the State structures in October 05, refered here above.

Further to the investigation, training and technical assistance (see Annex 2-Mrs Stampfl-Blaha, Report of mission) the **recommended principles for changes in the legal framework for TSE are exposed here below as follows:**

- 1) To clearly identify the international requirements (WTO/TBT Agreement and – in view of Turkey accession to the European Union – Directive 98/34 and CEN/CENELEC Regulations) in order to communicate them in a concise way to the political level in order to ensure the awareness of decision makers
- 2) To prepare provisions which reflect those requirements, esp. concerning the involvement of all stakeholders in the elaboration of standards (broadly based standards development committees instead of 4-person-expert groups); in practice most of the requirements are met or respective developments are under way, but this must be reflected in the legal framework (and rules detailing the legal requirements)
- 3) To clearly identify the different natures of the various TSE activities in order to communicate them in a concise way to the political level
- 4) To take into account those different natures of the TSE activities in developing the legal framework (to apply the provisions appropriate for the respective activity; this means i.a. to ensure the financial viability of standardization activities and not to

jeopardize the performance of TSE by applying public administration rules to business activities)

- 5) To adopt a flexible and general approach to the legislative framework for TSE (general rules, no details) in view of relevant developments:
 - o legal (e.g. Directive 98/34 under revision)
 - o economic (e.g. certification companies on Turkish market)
 - o business requirements (e.g. number, structure, qualifications of staff)
 - o international (e.g. scope of standards: potential openness to all areas of European/international standardization activities)
- 6) To take into account the changes since the last amendment of the law on TSE, both external (e.g. the creation of TÜRKAK, consumer associations – to be included in the membership to the General Assembly) and internal (development of Centres within TSE, development of new structures and procedures for standards development etc.)

1.2 Difficulties encountered during assignment (if applicable)

The political/legal situation, i.e. that a “package law” covering about 70 public bodies is under preparation, based on a strong political will to develop a general framework for all those bodies (including TSE) has not been totally clear before the mission.

1.3 Planning proposed for the implementation plan

- Finalization of a proposal for a draft law by TSE, taking into account the political framework (“Package law for public agencies”) and the recommendations

REMARK: In principle the existing law on TSE could have been taken as a basis for adapting the legal framework; however, considering the political situation (“package law for public agencies”), this seems to encounter major political obstacles. Wherever there is a need to deviate from the “general law”, this should be explained and alternative solutions proposed

- Review of the draft with the project expert(s)
- Presentation of the main lines to the Prime Ministry

CONCLUSIONS OF THE MISSION

- o There is a very strong political will to develop a general legal framework for public agencies, the declared objective being a reaction to corruption
- o TSE is considered as “just one of those public agencies” and – fearing other exceptions – there is little openness to address the specific role of TSE
- o As TSE is now requested to come up with a proposal, the above process (development of draft, explanation of TSE-specific deviations needed, checking with WTO- und EU-requirements, presentation to decision makers) is proposed.

Proposal for updating activities in the Component 1 Standardisation legislation

EU STEs: 33 w.d. (2 working days were allocated: 1 w.d. from C3 Structure of TSE including Committee structure//1 w.d. from C4 Business plan)

LE: 35 w.d. without modification

This allocation is without any consequences for the project activities and project budget.

Further to the urgency of the activities, related to the decisions of Turkish Ministries' side the activities within Component 1 were revised as shown here below:

INCEPTION PHASE	1st PROGRESS REPORT Proposal of actions	2nd PROGRESS PERIOD proposal of actions	Comments
Planned w.d.	Planned w.d.	Planned w. d.	
Act 1. Review of TSE legal basis: EU STEs: 12 LE: 20	Act 1. Review and advice on the Turkish technical regulations legislation EU STEs: 9,5 LE: 27	Act 1. Review and advice on the Turkish technical regulations legislation EU STEs: 8,5 LE: 19	According to the urgency in Turkey the standardisation legislation activities should be achieved early in the third progress period. Further to the "Conference" (Second progress period) it occurs that EU STEs should support the draft laws on standardisation: proposal to replace action 3 "Consultancy with Ministries" by action 3 "Support to draft Turkish standardisation legislation":
Act 2. Advice on TSE legislation EU STEs: 5 LE: 10	Act 2. Conference on the standards legislation, addressed to the Ministries EU STEs: 10,5 LE: 3	Act 2. Conference on the standards legislation, addressed to the Ministries EU STEs: 9,5 LE: 2	
Act 3. Review of Turkish standards for standardisation EU STEs: 14 LE: 5	Act 3. Consultancy with Ministries – EU STEs: 11 LE: 3	Act 3. Support to draft Turkish standardisation legislation EU STEs: 15 LE: 14	
Act 4. Consultancy with Ministries EU STEs: 8 w. d. LE: 5 w. d.			
Total w. d. EU STEs : 31 LE : 35	Total w. d. EU STEs : 31 LE : 35	Total w. d. EU STEs : 33 LE : 35	

2.2 Component 2 Working procedures including QMS

Reminding

The aim of this component is to prepare a specific QMS for standardisation in TSE what is required by the project as one of the major results: TSE will be accepted as full member of CEN and CENELEC at the end of the project in July 2007. During the Inception phase period was concluded the QMS for TSE Standardisation unit should be deeply adapted according to the EU requirements. First priority is the elaboration of a QM (Quality Manual) before the end of 2005. This QM will join the official apply form from TSE to CEN/CENELEC. Two EU STEs; Ms Gonzalez and Mr Fuchs performed one first assessment mission during the First progress period.

ACTIVITIES : 1 AUGUST – 31 OCTOBER 05

During the second progress period Ms Gonzalez performed a mission about upgrading the personnel capacity in TSE and she followed up the QM preparation (see Annex 3 – Ms Gonzalez, report of mission)

Action 2. Upgrading the TSE personnel capacity in the field of standardisation (and follow up of the plan of the QM redaction).

Results of the technical assistance in detail (drafts of regulations, quality manuals/procedures, including the TSE personnel capacity)

In this visit, the plan of action of the previous visit was checked and all the quality documentation has been reviewed and modified:

The priority of the quality manual review was to check all the sections of the ISO 9001:2000. The quality management system was analysed according to all requirements and principles

Quality management system
Management responsibility
Resource management
Product realization
Measurement, analysis and improvement

Recommendations

- 1) To modify the quality policy in order to identify Standardisation Division activities (the present policy doesn't specify who)
- 2) To establish a mission statement
- 3) Make use of in-house experts within TSE – from well experienced auditors within the system certification department
- 4) To incorporate rules from CEN and CENELEC into the new working procedure of TSE/SD before the new quality manual is developed and settled up
- 5) The objectives of personnel, groups or department should be properly documented and should be elaborated and updated periodically
- 6) In order to focus on customer satisfaction a survey should be conducted asking internet users (representing customers) as well as committee members
- 7) It is necessary to start to work in the implementation of the QMS, not just to elaborate the documentation; TSE must implement records, documents, surveys, objectives, and indicators
- 8) To plan the QMS implementation (schedule of management review, internal audit, certification, objectives,...)
- 9) To elaborate the quality manual:
- 10) To manage all information data generated by the processes (indicators, controls, non conformities, and claims ..) and activities
- 12) To update the master reference list (version, codes,...)

13) To establish a customer focus (surveys)

14) To plan a quality personnel training

2.3 Component 3 Structure of TSE including Committees' structure

Reminding

The activities within this component are closely linked with the Component 2 ones. It is obviously concluded that one elaboration of the QMS includes Technical Committees' structure description. It is important also to start the description of the Mirror Committees – indeed in the nearest years the TCs and Mirror Committees will merge and no more fees will be paid to the technical experts (identified as one of the major unconformities according to the EU and international standardisation rules). The EU STEs Mr Corrons and Mr Shulz performed two missions during the first progress period.

ACTIVITIES : 1 AUGUST – 31 OCTOBER 05

In total three missions were planned during the second progress report:

- Action 2. Standardisation and Management and information Software, Mr Corrons – for professional reasons the mission was postponed 3 weeks later (Third progress period)
- Action 3. European and International activities at national level, Ms Hamel – the mission was postponed for personal reason.
- Action 3 European and International activities at national level, Mr Schulz

Despite of obligation to postpone two missions the advancement of the project activities was not affected.

Mr Schulz performed one mission during the Second progress period (see Annex 4 –Mr Schulz, report of mission).

Action 3 European and international activities at national level

A training seminar was held on the following:

- √ European and international activities
- √ The relating national activities
- √ The link between both

The Annex 4 provides full details on the mission.

2.4 Component 4 Business plan

ACTIVITIES: 1 AUGUST – 31 OCTOBER 05

Mr Kaiser performed a short follow up in October 05 (See Annex 5 - Mr Kaiser, report of mission). This short mission was combined with C1, the activity C4 was not planned for this period.

It was established that the Beneficiary started to work according to the First mission's planning (mission in July 05)

2.5 Component 5 Structure of TSE including Committees' structure

ACTIVITIES: 1 AUGUST – 31 OCTOBER 05

Activities within component 5 start during the second progress period. The EU STE, Mr Peacock, has held a workshop on CEN/CENELEC membership (see Annex 6 Mr Peacock, report of mission). The Beneficiary participants were very active and open.

Action 1. Review of TSE's present situation in the context of full CEN/CENELEC membership, seminar

The EU expert prepared a detailed questionnaire, aimed at assessing the standardization system in TSE, which was submitted to TSE for completion in advance of the assignment. The completed questionnaire (which is annexed to this report) was returned to the expert before the start of his mission.

The EU expert then conducted a workshop on TSE's premises with the following agenda:

The workshop was conducted on an interactive basis with the TSE staff participating fully in the discussions. The expert prepared a series of slides (which are also annexed to this report) to stimulate the participants and to facilitate discussion. The results of the different elements of the workshop (which are detailed in section (1) above) were documented on a series of flipchart sheets, which were left with TSE as a detailed record of the outcome of the workshop.

The concluding, and most valuable, part of the workshop produced a detailed work plan, which included responsibilities and deadlines, to ensure that the identified requirements for TSE's application for full membership of CEN & CENELEC could be met fully within the defined timeframe. The detailed work plan, itemised for each of the established nine conditions for full membership of CEN & CENELEC, follows in section (4) of this report.

A TSE work plan for the 9 conditions was agreed in order to meet identified requirements, detailing staff responsible for the tasks and the timeframe for completion of the tasks.

Recommendation for the further activities within the project

The other 2 actions will be utilised to assess the TSE progress in order to prepare it for the future EU audit when TSE will apply to join CEN/CENELEC.

Consequently the two other Seminars will be replaced by deskwork and assessment of TSE progress shared into 2 missions;

One mission during the Third period for one EU expert – to check the TSE progress

Second mission for two EU experts – they will proceed a "preofficial audit " of TSE before the CEN/CENELEC official audit visit.

One w.d. from this component C3 was allocated to C1 without any consequences to the project activities and project budget (see Annex9 - updated working days per component).

2.6 Implementation of the 98/34/EC Directive

One mission was planned for one of the EU STEs during the second progress period however for professional reason the mission was postponed for the third progress period without any influences on the project activities.

2.8 Project Management and coordination

The Key expert is in permanent contact with the EU Project Manager.

Participation to the board meeting on 12 October 05 – presentation of the project performances

According to the project realisation some minor allocations of working days were done during this second progress period (see Annex 9- Updated working days per component).

3. PROJECT PLANNING FOR NEXT REPORTING PERIOD (1/11/2005 – 31/01/2006)

Planned activities for the period (see table 1). This planning takes in account the holiday period in the end of December 05 and early in January 06.

3.1 Component 1 Standardisation legislation

Action 3 Support to draft Turkish standardisation legislation

The standardisation legislation still one of the key activities. Further to the conference and workshop in October 05 it occurs the urgency of preparation of draft law in the standardisation area. It should be drafted and submitted to the Parliament for approval before end of 2005. In that case the real needs today are in the support to draft standardisation legislation in Turkey.

Inputs

EU NKE: 9,5 w.d.

LE: 12 w. d.

3.2 Component 2 Working procedures including QMS

Action 3 A follow up of the advancement of the elaboration of the QM and the management of the QMS documentation will be perform before the end of 2005 by an EU expert:

Inputs

EU KE: 1 w.d.

EU NKE: 3 w.d.

3.3 Component 3 Structure of TSE including Committee structure

Action 2 Standardisation management and information software

Inputs

EU NKE: 5 w.d.

3.3 Component 4 Business plan

Follow up of the preparation of the Business plan

Inputs

EU KE: 1 w.d.

EU NKE: 4 w.d.

3.5 Component 5 CEN/CENELEC membership

Action 2 Review of TSEs' present situation in the context of full CEN/CENELEC membership – 1st Seminar

It is proposed that the EU expert for C5 will revisit Turkey during the third progress period inclusive to reassess TSE's compliance with the nine conditions for full membership of CEN and CENELEC; to review against the above work plan TSE's progress in compiling the documentation which will be required for its application file, and, if necessary, to hold a roundtable meeting with the relevant Ministries to explain the necessity and importance of their cooperation with TSE.

Inputs

EU : 4 w.d.

3.6 Implementation of the 98/34/EC Directive

Action 1 Review of the TSE national enquiry point

Inputs:

EU KE: 1 w.d.

EU NKE: 7 w.d.

3.8 Project management

Follow up the general performance of the project.

Inputs:

EU KE: 20 w.d.

Table 1. PLAN OF OPERATIONS FOR THE NEXT PERIOD (Work programme)

Project title: Support to standardisation activities in Turkey (1) Lot title: Aligning of legislation and training activities	Project number: EuropeAid 117471/C/SV/TR	Country: Turkey
Planning period: 1 November 2005 – 31 January 2006	Prepared on: 10 November 2005	
Project objectives: Technical assistance to TSE and Training TSE staff in order to contribute to the progressive alignment on national legislation and TSE's internal regulations with EU procedures; to set up mirror committees (CEN/CENELEC-TCs); to contribute to the creation of a draft business plan; to advise on TSE's preparation for its application for full CEN/CENELEC membership. To help TSE with the implementation of the notification procedures in the field of standards (98/34/EC Directive and WTO TBT Agreement)		

Main activities	TIME FRAME			IMPUTS		OTHER
	1.11.05-31.1. 06 3rd project progress period			Personnel		
	November	December	January	EC consultant	Counterpart	
Component 1 Standardisation legislation						
Action 3 Support to draft standardisation legislation	XXXX	XXXX	XXXX	EU NKEs: 9,5 L E: 12	10	
Total C1				EU NKEs: 9,5 L E: 12	Counterpart: 10	
Component 2 Working procedures, including QMS						
Action 2: Upgrading TSE personnel capacity in the field of standardisation, follow up		XX		EU KE: 0 EU NKEs: 3	15	
Total C2				EU KE: 0 EU NKEs: 3	Counterpart: 15	
Component 3 Structure of TSE, including Committee structure						
Action 2: Standardisation Management and information software	XX			EU NKEs: 5	20	
Total C3				EU NKEs: 5	Counterpart: 20	
Component 4 TSE business plan						
Action: Preparation, submission and promotion of business plan	XX			EU KE: 1 EU NKE: 4	20	
Total C4				EU KE: 1 EU NKE: 4	Counterpart: 20	

Component 5 CEN/CENELEC membership						
Action 1 Review of TSE's present situation-1 st seminar	XX			EU NKEs: 4	15	
Total C5				EU NKEs: 4	Counterpart: 15	
Component 6 Implementation of the 98/34/EC Directive						
Action 1 Review of the TSE national inquiry point				EU KE: 1 EU NKEs: 7	20	
Total C6				EU KE : 1 EU NKEs : 7	Counterpart: 20	
Project Management						
Coordination	XX		XX	20	10	
Total Pr Management and coordination				EU KE: 20	Counterpart: 10	
TOTAL W.D. FOR PROJECT PROGRESS PERIOD N°3				EU KE : 22 EU NKEs : 32,5 L E : 12	Counterpart: 81	

Table 2. PROJECT PROGRESS REPORT

Project title: Support to standardisation activities in Turkey (2) Lot title: Aligning of legislation and training activities		Project number: EuropeAid 117471/C/SV/TR		Country: Turkey	
Planning period: 1 August-31 October 2005		Prepared on: 10 November 2005		EC Consultant: AFAQ AFNOR Int/AENOR/DIN/ON	
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Main activities	INPUTS 2 ND progress period: 1 August-31 October 05				OTHER
	EC Consultant – w. d.		Counterpart – w. d.		
	planned	utilised	planned	utilised	
Component 1 Standardisation legislation					
Action 1: Review of TSE Legal basis					During that progress report it was identified and further to the EU experts assessment of the existing legislative framework and to the mission in Ankara the activities were focussed on the mission
EU NKEs	0	0			
LE Counterpart	12	1	3	10	
Action 2 Conference and workshop					Very active preparation of the conference and workshop from part of the EU experts as well as from part of the Beneficiary and Ministry of Industry
EU NKEs	3	9,5			
LE Counterpart	1	2	2	5	
Action 3 Support to draft standardisation legislation					
EU NKEs	0	6,5			
LE Counterpart	0	2	0	5	
Component 2 Working procedures, including QMS					
Action2: Upgrading TSE personnel capacity (and follow up of Quality Management System)					Active participation from Beneficiary part
EU KE	2	1			
EU NKEs Counterpart	5	5	5	10	
Component 3 Structure of TSE, including Technical Committees structure					
Action 2: Standardisation management and information software					This mission was postponed for professional reasons
EU NKEs	5	0			
Counterpart			7	0	
Action 3: EU and international activities at national level					Active participation from Beneficiary part One of the mission was postponed for personal reasons
EU NKEs	10	5			
Counterpart			14	20	
Component 4 Business plan					
Action: Preparation, submission and promotion of business plan					Active participation from Beneficiary part
EU KE	1	1			
EU NKEs	0	2			

Counterpart Component 5 CEN/CENELEC membership			5	10	
Action 1 Workshop EU NKEs Counterpart	6	6	Max 25	18	
Component 6 Implementation of the 98/34 EC Directive					
Action 1: Review of the TSE national inquiry point EU NKE Counterpart	6	0	10	0	This mission was postponed for professional reasons but without influences on the project performance
Total Project Management and coordination EU KE	20	20			The project activities are smoothly in progress
TOTAL W.D. FOR PROJECT PROGRESS PERIOD N°2 EU KE EU NKEs LE Counterpart*	23 35 13	22 34 5	71	78	* Counterpart: the working days are provided only for information (as estimation)

Table 3. RESOURCE UTILISATION REPORT

<i>Project title: Support to standardisation activities in Turkey</i> (3) Lot title: Aligning of legislation and training activities	Project number: EuropeAid 117471/C/SV/TR	Country: Turkey
<i>Planning period: 1 August -31 October 2005</i>	Prepared on: 10 November 2005	EC Consultant: AFAQ AFNOR Int/AENOR/DIN/ON
Project objectives: Technical assistance to TSE and Training TSE staff in order to contribute to the progressive alignment on national legislation and TSE's internal regulations with EU procedures; to set up mirror committees (CEN/CENELEC-TCs); to contribute to the creation of a draft business plan; to advise on TSE's preparation for its application for full CEN/CENELEC membership. To help TSE with the implementation of the notification procedures in the field of standards (98/34/EC Directive and WTO TBT Agreement)		

RESOURCES/INPUTS	TOTAL PLANNED	PERIOD PLANNED	PERIOD REALISED	TOTAL REALISED	AVAILABLE FOR REMAINDER
PERSONNEL					
EU KE	220 days	23 days	22 days	92 days	128 days
EU NKEs	180 days	35 days	34 days	70,5 days	109,5 days
Local Expert	35 days	13 days	5 days	16 days	19 days
Sub-total: Consultant	435 days	71	61	178,5	256,5
Counterpart (only estimation)	405 days	71	78	138	267

ANNEXES

N°	DEGIGNATION
Annex 1	Component 1: Han Zuyderwijk - Report of mission
Annex 2	Component 1: Elisabeth Stampfl-Blaha - Report of mission
Annex 3	Component 2: Sonia Gonzalez - Report of mission
Annex 4	Component 3: Klaus Peter Schulz - Report of mission
Annex 5	Component 4&C1: Thomas Christian Kaiser - Report of mission
Annex 6	Component 5: Robert Peacock - Report of mission
Annex 7	Updated list of TSE participants in Components 1-7
Annex 8	Updated table of working days by Components

Annex 1 Component 1: Han Zuyderwijk

Report of mission



Support to standardisation activities in Turkey
(2) Lot title: Aligning of legislation and training facilities



EuropeAid 117471/C/SV/TR

This Project is funded by the European Union

Project Title : **Support to standardisation activities in Turkey**
(1) Lot title: Aligning of legislation and training facilities

Project Number : **EuropeAid 117471/C/SV/UA**

Subject : **Report of mission ""**

Date of assignment: 3 – 6 October 2005

Location: Ankara, Turkey

Name of expert(s): Mr. Han Zuyderwijk

CONTENTS

2. SUBJECT OF THE ASSIGNMENT

Participation in the Conference Assessment of Turkish Standardization Legislation According to WTO and EU Rules.

3. PERSONS ENCOUNTERED

See attached.

4. PERFORMED ACTIVITIES

3.1 Results of the technical assistance (drafts of regulations, quality manuals/procedures, drafts of testing and inspection procedures, Assessment reports) if applicable.

In order to create an open discussion on the future of standardization in Turkey, a high level conference and working group was organized with the title: '*Assessment of Turkish Standardization Legislation According to WTO and EU Rules*'. The conference and working group were organized with participation of all stakeholders. The importance of the conference was confirmed by the fact that the Minister, Mr. Ali Coskun, made the opening speech. The program of the Conference and Working Group, as well as the presentation slides can be obtained through the project office in Ankara.

The objective of the conference and working group was to give all stakeholders in the Turkish standardization system information about the WTO and European Union rules for standardization, as well as the different ways in which the standardization organizations in the Member States of the European Union meet these WTO and EU rules. A second objective was to have a discussion on the particular conditions for standardization in the Turkish market, and the method of reforming. An other example is that the ON in Austria is regulated by a Law on standardization, while in Germany the DIN only has a contract with the German government. All these differences were very

enlightening for the participants in order to understand that there can be a lot of different ways of organizing standardization and still meet the international and European rules.

4.2 Recommendations

An important part of the discussion was related to the question whether and how the activities of the Turkish Standardization Institute (TSE) should be separated, and whether it was allowed to combine standardization with commercial activities such as certification. As it turned out during the discussions in the working group, this was a major concern of the Ministry of Industry, and one of the reasons to initiate the legal reform of standardization in Turkey. The proposal for a new Law on TSE has been largely based on the concern. The reason for this concern is a paragraph in the 2003 "Regular Report on Turkey of the European Commission. On page 62-63 of this report the following paragraph can be read:

"The TSE is responsible for the preparation and publication of standards, industrial metrology and calibration, conformity assessment and certification. It is an affiliate member of both CEN and CENELEC. TSE's application to CEN and CENELEC membership has now been frozen due to the inertia regarding the excessive use of mandatory standards in Turkey. Moreover, TSE is subsidising its standardisation activities from other activities such as certification and testing; its financial dependency on secondary activities does not allow for clear separation of functions. TSE should meet the same features as the European standardisation institutions: independence, openness, transparency and consensus."

With the draft 'Law on TSE' the Turkish Ministry of Industry wanted to find a solution for the criticism of the European Commission in aforementioned report and separate secondary activities from the standardization activities of TSE.

However, with regard to the separation of activities and the possibilities for standards organizations to combine commercial activities with standardization work, it is of eminent importance to make the following remarks:

A) As became clear from the presentations of the international experts, it is not against the international or EU rules on standardization for a standardization institution to perform certification or to have other commercial activities, and even to finance standardization activities from the revenues of these commercial activities. The condition is that the commercial activities cannot interfere with the standardization activities, and that standardization can be performed independently. For example, it should not be possible for the certification department to decide or influence on the standards that are being developed. The standardization department must be able to do its work independently. Most standardization institutions in the Member States of the European Union have certification or other commercial activities.

B) For the continuity of the organization, it is important for TSE (or any other Turkish standardization institute) to have the possibility to develop commercial activities such as certification. The reason is related to the particularities of the Turkish market for standardization.

First, the price of Turkish standards is traditionally very low (approximately 1/10 of the price of the standard purchased from one of the standards institutes in the EU), and the income for TSE from the selling of standards is very low. Therefore, TSE cannot survive from selling standards only.

Secondly, the Turkish industry is currently not prepared to pay a membership fee in order to take part in the standardization activities. Therefore, this cannot be considered as a possible source of income for TSE.

C) Currently, the government of the Republic of Turkey is not providing financial contributions for the standardization activities of TSE. This is again a reason why it is important to at least allow TSE to earn money to pay for its standardization activities.

D) It must be underlined that the aforementioned text on page 62-63 of the 2003 "Regular Report on Turkey of the European Commission, was NOT repeated in the report of 2004. In the 2004 report no problems in the field of standardization or TSE are mentioned at all. On the contrary, it states that good results were made. It must be considered that the paragraph of the 2003 Regular Report that we quoted earlier, has been taken out of the 2004 report on purpose, and that the European Commission does not or not longer considered the situation regarding standardization in general or TSE in particular find problematic.

The legal expert underlines that in EU and WTO rules there is no requirement that forbids TSE to have commercial activities and to finance standardization activities through these commercial activities, as long as these activities by no means interfere or can interfere with the standardization work. In my view, the TSE needs the possibility to develop commercial activities, in order to finance it's standardization activities. Without these commercial activities, standardization in Turkey would go bankrupt.

4.3 Difficulties encountered (if applicable)

No difficulties were encountered.

5. CONCLUSIONS

The representatives from TSE and the legal department of the Ministry of Industry have agreed that they prefer to choose for developing a Law on TSE instead of a Law on Standardization, This is due to the fact that there is a great time pressure to present the final text. The representatives should try to settle their differences of opinion and to come to one text. The legal expert would like to underline that for meeting the requirements for standardization of the EU and WTO, it is not only important to have a legal text of a Law. But also to have a practical system for standardization implemented in Turkey. That means that the conditions must be created for the standardization institute if Turkey to be able to survive and to be able to perform its functions.

6. ANNEXES (IF APPLICABLE)

Annex 2 Component 1: E. Stampfl-Blaha & T. C. Kaiser

Report of mission



Support to standardisation activities in Turkey
(3) Lot title: Aligning of legislation and training facilities



EuropeAid 117471/C/SV/TR
This Project is funded by the European Union

Project Title : **Support to standardisation activities in Turkey**
(1) Lot title: Aligning of legislation and training facilities

Project Number : **EuropeAid 117471/C/SV/UA**

Subject : **:Report of mission “”**

Date of assignment : 2005-10-24/26

Location : Ankara, Turkey

Name of expert(s) : Ms. Elisabeth Stampfl-Blaha, Mr. Thomas Christian Kaiser

CONTENTS

1 SUBJECT OF THE ASSIGNMENT

Deliberations concerning a new legal framework for standardization in Turkey (TSE) in line with international and European requirements

2 PERSONS ENCOUNTERED

From TSE:

Mustafa Agus, Secretary General

Ahmet Kurter, Deputy Secretary General

Tunga Gokhun, Head of Standards Preparation Department

Ayse Ruyem Arslan, Project Assistant

Representatives from Ministries:

2005-10-25: cf. attendance list for the meeting

2005-10-26: Mr. Mehmet Emin Zararsiz, Deputy Undersecretary for the Prime Ministry.

3 PERFORMED ACTIVITIES

3.1 Results (of investigation, training, technical assistance)

1) Review of perceived deficits :

- Issues already addressed in the 2003 report
- Current TSE law
- Other laws affecting TSE

2) Review of the expectations of the relevant stakeholders (TSE, Ministries, Prime Ministry)

3) Development of a set of recommendations

3.2 Existing situation identified

- There are still misperceptions about TSE activities (e.g. that TSE uses “public power” in all its activities)

- TSE is invited by the Prime Ministry to come up with a draft law; however, this draft is expected to be in line with the draft new legal framework developed for all public agencies

3.3 Recommendations

Recommended principles for changes in the legal framework for TSE

- 1) To clearly identify the international requirements (WTO/TBT Agreement and – in view of Turkey accession to the European Union – Directive 98/34 and CEN/CENELEC Regulations) in order to communicate them in a concise way to the political level in order to ensure the awareness of decision makers
- 2) To prepare provisions which reflect those requirements, esp. concerning the involvement of all stakeholders in the elaboration of standards (broadly based standards development committees instead of 4-person-expert groups); in practice most of the requirements are met or respective developments are under way, but this must be reflected in the legal framework (and rules detailing the legal requirements)
- 3) To clearly identify the different natures of the various TSE activities in order to communicate them in a concise way to the political level
- 4) To take into account those different natures of the TSE activities in developing the legal framework (to apply the provisions appropriate for the respective activity; this means i.a. to ensure the financial viability of standardization activities and not to jeopardize the performance of TSE by applying public administration rules to business activities)
- 5) To adopt a flexible and general approach to the legislative framework for TSE (general rules, no details) in view of relevant developments:
 - a. legal (e.g. Directive 98/34 under revision)
 - b. economic (e.g. certification companies on Turkish market)
 - c. business requirements (e.g. number, structure, qualifications of staff)
 - d. international (e.g. scope of standards: potential openness to all areas of European/international standardization activities)
- 6) To take into account the changes since the last amendment of the law on TSE, both external (e.g. the creation of TÜRKAK, consumer associations – to be included in the membership to the General Assembly) and internal (development of Centres within TSE, development of new structures and procedures for standards development etc.)

3.4 Difficulties encountered during assignment (if applicable)

The political/legal situation, i.e. that a “package law” covering about 70 public bodies is under preparation, based on a strong political will to develop a general framework for all those bodies (including TSE) has not been totally clear before the mission.

3.5 Planning proposed for the implementation plan

- Finalization of a proposal for a draft law by TSE, taking into account the political framework (“Package law for public agencies”) and the recommendations

REMARK: In principle the existing law on TSE could have been taken as a basis for adapting the legal framework; however, considering the political situation (“package law for public agencies”), this seems to encounter major political obstacles. Wherever there is a need to deviate from the “general law”, this should be explained and alternative solutions proposed

- Review of the draft with the project expert(s)
- Presentation of the main lines to the Prime Ministry

4 CONCLUSIONS

- There is a very strong political will to develop a general legal framework for public agencies, the declared objective being a reaction to corruption
- TSE is considered as “just one of those public agencies” and – fearing other exceptions – there is little openness to address the specific role of TSE
- As TSE is now requested to come up with a proposal, the above process (development of draft, explanation of TSE-specific deviations needed, checking with WTO- und EU-requirements, presentation to decision makers) is proposed.

5 ANNEXES (IF APPLICABLE)

Attendance list (meeting 2005-10-25)

Annexes of report of missions can be available upon request.

Annex 3 Component 2: Sonia Gonzalez

Report of mission



Support to standardisation activities in Turkey
(4) Lot title: Aligning of legislation and training facilities

EuropeAid 117471/C/SV/TR

This Project is funded by the European Union



Project Title : **Support to standardisation activities in Turkey**
(1) Lot title: Aligning of legislation and training facilities

Project Number : **EuropeAid 117471/C/SV/UA**

Subject : **Report of mission “Upgrading TSE personnel capacity in the field of standardisation and follow up of the Quality manual preparation”**

Date of assignment : 11-14 October 05 Location : Ankara (Turkey)

Name of expert(s) : Sonia GONZALEZ

CONTENTS

1 SUBJECT OF THE ASSIGNMENT

Action 1: Assessment of quality management system (QMS) for the standardization department of TSE, including TSE personnel capacity

2 PERSONS ENCOUNTERED

Mr Tunga Gökhun, Head of Standard preparation center in TSE

Mr Cemal Yildizeli, member of TSE Working Component 2

Mme Buket Kahavecioğlu, member of TSE Working Component 2

Mme Arzu Mutevelli, member of TSE Working Component 2

Mme Maria Carton, Key expert

3 PERFORMED ACTIVITIES

3.1 SUMMARY

The actual situation at TSE was analysed in the first visit. In this second visit the plan of action was checked, all the documentation and the quality manual.

3.2 Results of the technical assistance in detail (drafts of regulations, quality manuals/procedures, including the TSE personnel capacity)

In this visit, the plan of action of the previous visit was checked and all the quality documentation has been reviewed and modified:

- **quality policy**
- **quality procedures:**
 - o **internal audit**
 - o **management review**
 - o **control of documentation**
 - o **control of records**

- non-conformities
- corrective/preventive action
- processes (documentation structure of the processes, controls, flow-charts,...)
- processes map
- records
- quality manual

The quality manual review was priority to check all the sections of the ISO 9001:2000, so quality management system was analysed according to all requirements and principles (see annex A):

4. Quality management system
 - 4.1 General requirements
 - 4.2 Documentation requirements
 5. Management responsibility
 - 5.1 Management commitment
 - 5.2 Customer focus
 - 5.3. Quality policy
 - 5.4 Planning
 - 5.5 Responsibility, authority and communication
 - 5.6 Management review
 6. Resource management
 - 6.1 Provision of resources
 - 6.2 Human resources
 - 6.3 Infrastructure
 - 6.4 Work environment
 7. Product realization
 - 7.1 Planning of product realization
 - 7.2 Customer-related processes
 - 7.3 Design and development
 - 7.4 Purchasing
 - 7.5 Production and service provision
 - 7.6 Control of monitoring and measuring devices
 8. Measurement, analysis and improvement
 - 8.1 General
 - 8.2 Monitoring and measurement
 - 8.3 Control of nonconformity product
 - 8.4 Analysis of data
 - 8.5 Improvement
- 3.3 Recommendations
- 1) modify the quality policy to identify Standardisation Division activities (the present policy doesn't specify who
 - 2) establish a mission statement
 - 3) Make use of in-house experts within TSE – from well experienced auditors within the system certification department
 - 4) incorporate rules from CEN and CENELEC into the new working procedure of TSE/SD before the new quality manual is developed and established
 - 5) objectives of personnel, groups or department should be properly documented and should be elaborated and updated periodically
 - 6) in order to focus on customer satisfaction a survey should be conducted asking internet users (representing customers) as well as committee members
 - 7) it is necessary to start to work in the implementation of the QMS, not just to elaborate the documentation, TSE must implement records, documents, surveys, objectives, indicators**
 - 8) plan the QMS implementation (schedule of management review, internal audit, certification, objectives,...)**

9) elaborate the quality manual:

- explanation of the sections out of scope
- quality objectives
- quality planning

- identification and explanation of the SD customer (internal and external) and supplier

10) manage all information data generated by the processes (indicators, controls, non conformities, claims.....) and activities

12) update the master reference list (version, codes,.....)

13) customer focus (surveys)

14) quality personnel training

6 CONCLUSIONS

The next actions should be

Priority	Action	Dead Line	Remark
A	to begin the QMS implementation (use the records, the procedures and the processes)	Asap	Pilot test
A	to elaborate the time schedule of the QMS implementation (planning)	November 05	Including these actions
A	to elaborate the quality objectives	November 05	
A	to finish the quality manual	December 05	Necessary to join the QM to the application form to CEN/CENELEC- request for full membership
B	to include all the changes in quality documentation	December 05	Records, processes, procedures
B	Internal Audit	January 05	Make a picture at the moment
B	Management review	February 05	Review the implementation, objectives, internal audit, time schedule
C	Data analyses	March 05	
C	Customer surveys and satisfaction	March 05	

7 ANNEXES (IF APPLICABLE)

ANNEX A: TSE QUALITY MANUAL

Annexes of report of missions can be available upon request.

Annex 4 Component 3: Klaus-Peter Schulz

Report of mission



Support to standardisation activities in Turkey
(5) Lot title: Aligning of legislation and training facilities

EuropeAid 117471/C/SV/TR

This Project is funded by the European Union



Project Title : **Support to standardisation activities in Turkey**
(1) Lot title: Aligning of legislation and training facilities

Project Number : **EuropeAid 117471/C/SV/TR**

Subject : **Report of mission “Component (3): Structure of TSE including Committee structure –Action 3: European and international activities at national level”**

Date of assignment: 2005-09-19 to 23

Location: ANKARA (Turkey)

Name of expert: Klaus-Peter Schulz

CONTENTS

- 1 **SUBJECT OF THE ASSIGNMENT**
- 2 **PERSONS ENCOUNTERED**
- 3 **PERFORMED ACTIVITIES**
 - 3.1 **Results**
 - 3.2 **Main topics which were discussed**
 - 3.3 **Special topics (mostly resulting from individual questions)**
- 4 **CONCLUSIONS**
- 5 **ANNEXES**

1 Subject of the assignment

Training had to be provided on how to follow-up European and international activities at national level.

As a logical consequence, and also following from questions and proposals of the participants, the training seminar resulted in discussing

- European and international activities,
- the relating national activities,
- and the links between both (participation, contributions, adoption of standards of external origin).

2 Persons encountered

TSE working group members (see also Annex 1):

Mrs. Serhan ERUZ,
Technical Officer, Standards Preparation Center

Mrs. Ergül GÖKHUN
Director, International Standards Department

Mrs. Tomris ISMAILOGLU
Technical Officer, Standards Preparation Center

Mr. Alp N. TEKIN
Officer, International Standards Department

Mrs. Nilay YENIAY
Director, Specialized Committees

Mrs. Ayse R. ARSLAN
Local Assistant

3 Performed activities

3.1 Results

3.1.1 A first meeting with the TSE-WG was made in the afternoon of the first day (2005-09-19) to review the overall agenda for the meetings.

3.1.2 In the following days several main topics and many technical details were considered. See also 3.2 and 3.3.

3.1.3 As a matter of principle, always the original reference documents (e.g. the CEN/CENELEC Internal Regulations and Guides, the European Directives, the CEN BOSS system, as well as national rules like the DIN Guidelines for Standards Committees) were considered in order to answer questions or to analyse problems.

3.1.4 On all appropriate occasions the basic principles of voluntary standardization and their possible promotion in discussions with national interested parties were addressed.

3.2 Main topics which were discussed

3.2.1 **European standardization** and related activities (including European Harmonization Policy, EC-Directives, Information Procedure and New Approach, Conformity Assessment, CE marking and Notified Bodies), covering roughly the field of application of EN 45020 (equivalent to ISO/IEC Guide 2), see Annex 2

3.2.2 **European and international bodies** (General Assembly, Council/Administrative Board, Technical Management Board/Technical Board, Technical Committees, Subcommittees and Working Groups, Central Secretariat/CEN Management Center), and the related **officers and participants** (chairpersons and conveners, delegates, experts, secretaries)

3.2.3 **European and international procedures** (in particular on standards development; adoption of new work items, preparation of working drafts and committee drafts (if appropriate), enquiry procedure, formal vote and finalization of standards)

3.2.4 **National access** to European and international bodies (for delegates, experts and other national representatives), and national contributions at the occasion of various procedures (proposals, comments, votes)

3.2.5 **Roles and responsibilities** of chairmen, secretaries, national delegates and personal experts (see also Annex 3)

3.2.6 **Work on national level** (in particular of „mirror committees“, see also Annex 4 and Annex 5)

3.3 Special topics (mostly resulting from individual questions)

3.3.1 Copyright exploitation rights and IPR (see also Annex 6)

3.3.2 Translation procedures and related requirements on European and national levels

3.3.3 National A-deviations and special national conditions

3.3.4 Adoption procedures for new standards projects

3.3.5 In particular, due to multiple request, various question on work in national mirror committees and participation of national representatives on European level (see also Annex 7)

4 Conclusions

It has become obvious from the discussions during the meetings with the TSE-WG that there is already considerable theoretical knowledge about European standardization work and related procedures. Most of the questions asked showed clear understanding of the basic technical context and were related to complex and interesting problems.

There seems to be a lack, however, in practical experience on European level. This is probably even more significant with respect to the experts from Turkish industry. These should understand that the “use of mandatory standards” is not simply replaced by a “mandatory use of voluntary European standards”, but that voluntary standardization should be their own tool for technical development and better competitiveness.

TSE and its newly created mirror committees therefore should be encouraged to play an active role in (some) European TCs, even already now during TSE being an affiliate.

Any exchange between representatives of industry about positive events and possible success stories may have much better effects than the best promotion work of a professional technical officer.

5 Annexes

Annex 1 Attendance sheet

Annex 2 Access to EU –Membership in CEN/CLC –New Approach

Annex 3 Responsibilities of participants and Technical Officers within a (European or national) Technical Committee

Annex 4 Some Recommendations for national Technical Committees

Annex 5 Extract from DIN Guidelines for (national) Standards Committees

Annex 6 Remarks on Copyright and IPR policies

Annex 7 Notes on the participation of DIN Standards Committees (NA) in European and international standards bodies

Annexes of report of missions can be available upon request.

Additional documents considered during the meetings

Documents available on the CEN Website

CEN BOSS system (in general)

CEN/CENELEC Internal Regulations, Part 1A: CEN, Organization and administration

CEN/CENELEC Internal Regulations, Part 2, Common rules for standardization work

CEN/CENELEC Internal Regulations, Part 3, Rules for the structure and

drafting of CEN/CENELEC publications (ISO/IEC Directives, Part 2, modified)

CEN/CENELEC Guide 10 Guidelines for the distribution and sales of

CEN/CENELEC publications

Documents available on the DIN Website

DIN Geschäftsbericht 2004

Übersicht über die DIN-Gruppe

Signed Berlin, 2005-09-27, by K.-P. Schulz

Annex 5 Component 4 & 1: Thomas-Christian Kaiser

Report of mission



Support to standardisation activities in Turkey
(6) Lot title: Aligning of legislation and training facilities



EuropeAid 117471/C/SV/TR

This Project is funded by the European Union

Project Title : **Support to standardisation activities in Turkey**
(1) Lot title: Aligning of legislation and training facilities

Project Number : **EuropeAid 117471/C/SV/TR**

Subject : **Revision of TSE law / Business plan**

Date of assignment: 24 to 27 October 2005

Location: Ankara

Name of expert: Thomas-Christian Kaiser, DIN

CONTENTS

1 SUBJECT OF THE ASSIGNMENT

Component 1 Standardisation legislation

- Participation in a second round of discussion following the Workshop on the Standardisation Legislation in EU Member Countries and in Turkey - II
- Report to the project manager of the expertise centre EU MEDA programme

Component 4 Business plan

- Discussion of what has been done so far on the Turkish side after the first assignment in July.

2 PERSONS ENCOUNTERED

Component 1 Standardisation legislation

Mustafa AĞUS, Secretary General, TSE
Ahmet KURTER, Deputy Secretary General, TSE
Tunga GÖKHUN, Director, Standardization Department, TSE
Attendents of the discussion round for TSE law (as given at annex 1)
Mr. Mehmet Emin ZARARSIZ, Deputy Undersecretary for the Prime Ministry
Hervé VIALLE, Project Manager, Expertise Centre EU MEDA programme

Component 4 Business plan

Tunga GÖKHUN, Director, Standardization Department, TSE
Ergül GÖKHUN, Member of WG 4, TSE

3 PERFORMED ACTIVITIES

3.1 Results

Component 1 Standardisation legislation

The second round of discussion for the revision of the TSE law was held with DDr Elisabeth Stampfl-Blaha from ON as legal adviser and the undersigned to support her. A joint report on this issue is to be delivered separately under her lead.

This report therefore refers only to the activities performed without her.

Component 4 Business plan

Two sessions with TSE interlocutors on the ongoing of the business plan as preparation for the coming mission in the second week of November 05.

3.2 Existing situation identified

Component 1 Standardisation legislation

After an entire morning of discussion with the different representatives from three ministries and TSE the impression came up that the idea of the EU experts, to favour an amendment of the existing TSE law and not to draft a new one, gained more sympathy. Accordingly in the afternoon they held a meeting with TSE representatives to develop necessities of amendments so to meet requirements for full membership in CEN/CENELEC.

Additionally to the discussion round some informational visits to the relevant ministries were planned. Regrettably on this short notice only one to the Prime Ministry was possible. There the two EU experts had to learn that there will be no way in spite of having a revised new law for TSE instead of having the old amended. Moreover the critical points for TSE' future standing on the international standardisation forum and in the competition regarding their business activities, namely denying an exemption of TSE from the public procurement law, the law on business trip allowances, and some more, will create problems and may let TSE fall back behind a line necessary for becoming full member of CEN/CENELEC.

This development was reported to the project manager at the expertise centre after the departure of Ms Stampfl-Blaha.

Component 4 Business plan

On the second day in the afternoon and on the third day in the morning the undersigned held meetings with MR Tunga Gökhan and Ms Ergül Gökhan on the development reached so far for the drafting of a business plan. First of all it became obvious that on TSE side many reflexions have been made already on filling in the particular clauses of the outline of the business plan delivered by the two experts Jean Hyenne and the undersigned during their first mission. In more or less all clauses ideas were laid down already, however only in Turkish until then. The two interlocutors illustrated all contents in English and discussion was held were ever ideas came up for more ideas or items.

The TSE interlocutors promised to have all of these ready in English till the next mission of the undersigned in the second week of November.

3.3 Recommendations

Component 1 Standardisation legislation

The recommendations will be given in the joint report of Mrs Stampfl-Blaha and the undersigned.

Component 4 Business plan

Although due to the Bayram festivities there are some doubts whether the promised work can be done until over next week, at least those clauses expected for the next mission should be filled in English. Where this will not be possible, during the next mission some of them could be discussed again and then elaborated jointly in the meetings with the working group.

3.4 Difficulties encountered during assignment

No difficulties at all. The mission was well prepared by the Turkish partners and the cooperation and the collegial sense was excellent.

3.5 Planning proposed for the implementation plan

As given in chart 12 of annex 2 to the report on the first mission in July 05 (First progress report, Annex 7 Component 4: Jean Hyenne and Thomas-Christian Kaiser- Annex 2 to the report of mission).

4 CONCLUSIONS

Component 4 Business plan

The interest in the topic on side of TSE is high. A significant commitment of the persons encountered could be noticed. TSE made significant efforts to make the coming mission and the whole component a success.

The working group for component 4 will have to work out those issues as part of the future business plan as given in chart 15 of annex 2 to the first report on this issue. This is expected to be the basis for the following missions.

5 ANNEXES (IF APPLICABLE)

see the attendance list of 25 October 2005 being in the files of the project office.

Annexes of report of missions can be available upon request.

Ankara/Berlin, 31 October 2005

Thomas-Christian KAISER, DIN

Annex 6 Component 5: Robert Peacock

Report of mission

Project Title: **Support to standardisation activities in Turkey (1) Lot title: Aligning of legislation and training facilities**

Project Number: **EuropeAid 114741/C/SV/TR**

Subject: **Report of 1st mission on C5: CEN & CENELEC membership for TSE**

Date of assignment: **3-7 October 2005**

Location: **TSE, Ankara, Turkey**

Name of expert: **Robert Peacock**

1. SCOPE OF THE ASSIGNMENT

To review and advise on TSE's present situation in the context of full CEN & CENELEC membership.

The expert prepared a detailed questionnaire, aimed at assessing the standardization system in TSE, which was submitted to TSE for completion in advance of the assignment. The completed questionnaire (which is annexed to this report) was returned to the expert before the start of his mission.

The expert then conducted a workshop on TSE's premises with the following agenda:

- (a) Workshop item: Discussion on the nine conditions (condition-by-condition) for full membership of CEN & CENELEC; what exactly is expected from TSE.
Result: Precise understanding of the requirements of the conditions and their background.
- (b) Workshop item: Analysis of TSE's progress in fulfilling the CEN/CENELEC requirements (condition-by-condition).
Result: Assessment of the present situation of TSE.
- (c) Workshop item: Analysis of the gaps and deficits.
Result: Identification of the areas in which improvement is needed.
- (d) Workshop item: Planning of corrective actions; establishing a workplan for improvement, detailing staff responsible for the tasks and the timeframe for completion of the tasks.
Result: Establishment of a work schedule, taking into consideration other project activities.

2. NAMES OF PARTICIPANTS

- (a) Mr Alpay Iğrek, Director, EU & International Relations Department, TSE;
- (b) Mrs İlknur Ozbay, Specialist, EU & International Relations Department, TSE;
- (c) Mrs Cahide Ekiz, Specialist, EU & International Relations Department, TSE;
- (d) Mr Tunga Gokhun, Department Head, Standards Preparation Center, TSE;
- (e) Mrs Buket Kahvecioglu, Specialist, Standards Preparation Center, TSE;
- (f) Mrs Didem Oztop, Specialist, Standards Preparation Center, TSE;
- (g) Mrs Derya Akdemir, Specialist, Standards Preparation Center, TSE;
- (h) Mrs Serhan Eruz, Technical Officer, Standards Preparation Center, TSE;

- (i) Mrs Ergul Gokhun, Director, International Standards Directorate, Standards Preparation Center, TSE;
- (j) Mrs Nazli Figlali, Specialist, International Standards Directorate, Standards Preparation Center, TSE;
- (k) Mrs Bulent Guyer, Specialist, International Standards Directorate, Standards Preparation Center, TSE.

3. WORKSHOP

The workshop was conducted on an interactive basis with the TSE staff participating fully in the discussions. The expert prepared a series of slides (which are also annexed to this report) to stimulate the participants and to facilitate discussion. The results of the different elements of the workshop (which are detailed in section (1) above) were documented on a series of flipchart sheets which were left with TSE as a detailed record of the outcome of the workshop.

The concluding, and most valuable, part of the workshop produced a detailed workplan, which included responsibilities and deadlines, to ensure that the identified requirements for TSE's application for full membership of CEN & CENELEC could be met fully within the defined timeframe. The detailed workplan, itemised for each of the established nine conditions for full membership of CEN & CENELEC, follows in section (4) of this report.

4. AGREED TSE WORKPLAN TO MEET IDENTIFIED REQUIREMENTS, DETAILING STAFF RESPONSIBLE FOR THE TASKS AND THE TIMEFRAME FOR COMPLETION OF THE TASKS.

Condition 1

There must be a 'Europe Agreement' or equivalent agreement between EU or EFTA and the candidate country, specifying a transitional period for accession to EU or EFTA.

1. Ankara Agreement: 1963 + additional Protocol: 1971;
2. Customs Union agreement: 1995 + Protocols: 1995/1 and 1997/2;
3. Helsinki European Council decision: December 1999;
4. Revised Accession Partnership agreement;
5. Start of negotiations for EU membership on 3 October 2005;
6. National Programme for the Adoption of the Acquis (NPAA): Free Movement of Goods section

Demonstrating evidence of Turkey's Candidate status and details of the transitional period for Turkey's accession to the EU

**Responsible in TSE: Mr Alpay Igrek, Director, EU and International Affairs Department.
Deadline for action: ready.**

Condition 2

(a) The specific legislative framework for voluntary standardization is in place and fully operational.

1. Revision of Statute no. 132 for the establishment of the Turkish Standards Institution (1960) or a new law on standardization which inter alia:
 - makes no references to mandatory standards or the ability of Ministries to confer mandatory status on Turkish Standards;
 - includes a counter clause which expressly prevents the Turkish government from making Turkish Standards mandatory;

- makes reference to TSE's status as the officially recognised body in Turkey for standards in all areas, particularly those covered by CEN and CENELEC, and authorises TSE to represent Turkey at European and International standardization meetings;
- makes reference to the copyright of Turkish Standards belonging to TSE.

Responsible in TSE: Mr Tunga Gokhun, Head of Standards Preparation Center. Deadline for action: 31 December 2005.

(b) Technical pre-existing legislation which would permit the adoption (or keeping in place) of technical rules which would contradict the European standards, thus forcing the NSB either not to implement in full the ENs, or to request systematic "A" deviations, are removed as far as possible, or modified in such a way as to allow ENs to play the same role in the market as they play in the Internal Market. Approximation of the main sets of technical legislation to the directives in force in the EU and in the EEA or the equivalent legislation in Switzerland is a privileged way of achieving this result.

2. Details of conflicting legislation:

- List of all mandatory standards, with details of the responsible Ministries, subdivided into:
 - (a) those that conflict with current ENs;
 - (b) those that do not conflict with current ENs;
 - (c) those that are technically equivalent to current ENs.
- List of legislation conferring mandatory status on specific standards;
- List of any other legislation that conflicts with current ENs;
- Summary table of current technical regulations, including harmonised EU Directives (and cover pages of approximated EU Directives and copies of the associated announcements in Turkey's Official Journal);
- Detailed list on a year-by-year basis of mandatory standards that have been withdrawn to date;
- Time schedule for the withdrawal of all mandatory standards and conflicting technical legislation;
- Letters of commitment to the withdrawal process from Ministries.

Responsible in TSE: Mrs Nilay Yeniay, Director of Specialised Groups (TCs). Deadline for action: 30 November 2005.

(c) There is full application of at least part of the Directive 98/34/EC as amended by Directive 98/48/EC concerning standardization activities.

3. Law no. 24715 for the Regulation on the Notification of the Technical Legislation and Standards between Turkey and the European Union (2002) to be checked to ensure that Directive 98/34/EC (as amended by Directive 98/48/EC) has been fully and accurately approximated.

Responsible in TSE: Serhan Eruz, Technical Officer, Standards Preparation Center. Deadline for action: 31 December 2005.

4. TSE's internal procedures, which will be established in its new Quality Manual for standardization activities, to reflect the standardization requirements of Directive 98/34/EC (as amended by Directive 98/48/EC). The Quality Manual should incorporate in full the national provisions of the CEN/CENELEC Internal Regulations, particularly Part 2 (Common Rules for Standardization Work).

Responsible in TSE: Mr Cemal Yildizeli. Deadline for action: 31 December 2005.

5. Draft notifications for new national work to be prepared by TSE (but not submitted to CEN & CENELEC).

Responsible in TSE: Serhan Eruz, Technical Officer, Standards Preparation Center. Deadline for action: 15 November 2005.

6. Availability of standards work programme (for WTO/TBT Agreement):
 - on TSE's website;
 - details to ISO/IEC Joint Information Centre.

Condition 3

Evidence shall be provided to the effect that the candidate organization is recognized in its country as the official standards body competent for all areas of CEN's and CENELEC's own areas of competence (which covers all economic sectors, except those covered by ETSI).

The statutory rules applicable for the national standards body must be fully compatible with the mode of organization of voluntary standardization as operated in CEN/CENELEC.

1. Revision of Statute no. 132 for the establishment of the Turkish Standards Institution (1960) or a new law on standardization which makes reference inter alia to TSE's status as the officially recognised body in Turkey for standards in all areas, particularly those covered by CEN and CENELEC, and authorises TSE to represent Turkey at European and International standardization meetings.

Responsible in TSE: Mr Tunga Gokhun, Head of Standards Preparation Center. Deadline for action: 31 December 2005.

2. TSE's internal procedures, which will be established in its new Quality Manual for standardization activities, to incorporate in full the national provisions of the CEN/CENELEC Internal Regulations, particularly Part 2 (Common Rules for Standardization Work).

Responsible in TSE: Mr Cemal Yildizeli. Deadline for action: 31 December 2005.

Condition 4

For obvious reasons of independence and fair treatment with respect to the other CEN/CENELEC members, the candidates would have to cover their national membership fees when accepted as CEN/CENELEC national members. The corresponding fee would be payable from the 1st of January following their accession to full membership.

1. Establish from CEN-CMC and CENELEC CS an estimate of the full membership fees for TSE, based on the weighting for TSE, in the next full calendar year and allow for % increases year-on-year, based on the previous three years of Affiliate membership fees.

Responsible in TSE: Mr Alpay Igrek, Director, EU and International Affairs Department. Deadline for action: when TSE is ready to prepare its application file for full membership.

2. TSE's budget for 2006, 2007 and 2008 (and in due course 2009), which currently shows provision for TSE's Affiliate membership fees of CEN and CENELEC. To be amended in the light of (1) above in order to demonstrate TSE's ability to meet the financial obligations of full membership.

Responsible in TSE: Mr Tunga Gokhun, Head of Standards Preparation Center. Deadline for action: 31 October 2005.

3. Business Plan for TSE's standardization activities, which will be prepared in 2006. (Desirable, but not essential)

Responsible in TSE: Mrs Ergul Gokhun, Director, International Standards Directorate. Standards Preparation Center. Deadline for action: 31 December 2006.

Condition 5

One of the main obligations of CEN/CENELEC national members is to convey a national point of view on technical matters as well as on formal issues (vote, enquiry ...). Each CEN/CENELEC member has to support over 2000 formal processes per year, which obviously requires means, competence and expertise at national level. In addition, CEN/CENELEC members are expected to contribute expertise to the TCs for which their national economy is active. In that respect, the candidate should give evidence of its ability to deal efficiently with these issues. As an element of evidence, the candidate's record when participating as an Affiliate in technical work should be considered. The participation of the Affiliate in TCs/SCs/WGs in terms of the number of experts is an important element, which, however, has to be evaluated in relation to the economic size of the countries. Also the "quality" (passive - active) of this participation is to be considered.

1. List of TSE mirror committees (established in December 2004 and operational in February 2005).
2. Statement of relationship between TSE's mirror committees (which are responsible for the development work on ENs) and its Specialised Committees (which are responsible for the adoption and implementation of ENs), with reference to the intended merger by the end of 2007.

Responsible in TSE: Mrs Ergul Gokhun, Director, International Standards Directorate. Standards Preparation Center. Deadline for action: 31 October 2005.

3. Detailed statistics for each national mirror committee:
 - List of experts/members and their affiliations;
 - Sectors (i.e. stakeholder groups) and organisations represented;
 - Sector analysis and relationship to GNP;
 - Number of meetings to date.
4. Participation in CEN/CENELEC TCs/SCs/WGs (over at least the past five years):
 - List of Turkish experts who have attended meetings at CEN/CENELEC level (names, TC references, dates and venues of meetings);
 - Minutes of mirror committee meetings, demonstrating the formulation of the national point of view, briefing of national experts/delegates on the national opinion, and debriefing of the national experts/delegates;
 - Minutes of the corresponding CEN/CENELEC TCs/SCs/WGs, demonstrating evidence of active participation by the national experts/delegates.
5. Number and list of any new work items proposed.
6. Details of comments submitted at Enquiry Stage.
7. "Dummy" voting on ENs at Approval Stage to be recorded (but not submitted to CEN & CENELEC).

Responsible in TSE: Mrs Ergul Gokhun, Director, International Standards Directorate. Standards Preparation Center. Deadline for action: 31 December 2005.

It is recommended to use, wherever possible, pie charts to illustrate graphically statistical data. Moreover, summary details particularly should be provided in the English language.

Condition 6

Concerning the formal participation in CEN/CENELEC processes, it is necessary for the candidate organization to be in possession of operational telecommunications (including e-mail and internet) and IT infrastructure allowing it to respond efficiently to the high volume of data and document communication within the CEN/CENELEC system and participate in the voting process (electronic voting).

1. Detailed lists and specifications for TSE's IT and telecoms infrastructure in the standardization sector:
 - List and demonstration of IT and telecommunications infrastructure, hardware and software, activity record;
 - List of hardware computer devices (in the standardization sector), including storage capacity and printing equipment;
 - Details of TSE Intranet;
 - Lists of servers, current software; dedicated TSE software and internal databases;
 - Details of regular access to external databases;
 - List of automated procedures;
 - List of internet and telecom tools;
 - Detailed qualifications of TSE software specialists;
 - Details of backup and safety system.
2. Details of the TSE net programme used in the Standards Preparation Center.

Responsible in TSE: Mr Tunga Gokhun, Head of Standards Preparation Center. Deadline for action: 30 November 2005.

Condition 7

An essential mission of the CEN/CENELEC national members is the implementation of ENs, which is defined in the Internal Rules of CEN/CENELEC IR, Part 2 and clause 5.2. This implementation is a two-phase operation: giving the ENs the status of national standards, and withdrawing any conflicting documents. One of the elements to consider when deciding on an application is the record of the candidate in implementing the ENs which have already been adopted by CEN/CENELEC (the CEN/CENELEC "acquis"). With respect to the withdrawal of national conflicting documents, when not already done, a precise calendar with reasonable time limits for such withdrawal should be drawn up by the candidate. 80% of the implementations should have taken place before admission of the candidate as a full member. An acceptable calendar must be proposed for the remaining implementation, and for the withdrawal of remaining conflicting documents.

1. Details of adopted European Standards:
 - Lists of adopted European Standards - on a month-by-month basis - and catalogue updates for the 10 year period: 1996-2005;
 - Summary table on a year-by-year basis.
2. Methods of adoption (i.e. translation, cover page or endorsement) for EN/ISO/IEC, any other standards and TS national standards:
 - Details, with statistics, of methods of adoption;
 - Statistics on years of adoption;
 - Summary table on a year-by-year basis.
3. Details of all revisions, amendments and withdrawals:
 - Listed on a monthly basis since 1996;
 - Summary table on a year-by-year basis.

4. Reference to dates of publication and withdrawal announcements made on TSE's website.

**Responsible in TSE: Mrs Buket Kahvecioglu, Specialist, Standards Preparation Center.
Deadline for action: 30 November 2005.**

5. Current TSE standards catalogue on CD-ROM.

Responsible in TSE: Mrs Sermin Bubik. Deadline for action: 31 October 2005.

6. Statistical details of the number of current ENs to be assessed against. As at 31 August 2005:
- CEN: 9,579 ENs;
 - CENELEC: 4,725 ENs (which include 1044 Amendments; net figure should therefore read: 3,681) and 366 HDs;
 - TSE: 8,620 CEN ENs adopted (i.e. 90%);
 - TSE: 3041 CENELEC ENs and 251 HDs adopted (i.e. 81%).

However, it was recognised that these figures only represented details of adopted ENs, rather than fully implemented ENs (because, although conflicting standards may have been withdrawn by TSE, exclusive references to conflicting standards in technical regulations had not necessarily been withdrawn by Ministries (see below).

**Responsible in TSE: Mr Alpay Igrek, Director, EU and International Affairs Department.
Deadline for action: when TSE is ready to prepare its application file for full membership.**

7. Programme for adoption of remaining ENs:
- Timetable;
 - TSE work programme (for adoption of remaining ENs).

Responsible in TSE: Mrs Nilay Yeniay, Director of Specialised Groups (TCs). Deadline for action: 30 November 2005.

8. Current TSE Work Programme (valid from 1 June 2005 - 31 May 2006).

9. Details of approximated New Approach Directives (also relevant to Condition 2):
- Summary table;
 - References in Turkey's Official Journal.

10. Details of withdrawn national standards (non ENs):
- Listed on a monthly basis since 1996;
 - Summary table on a year-by-year basis;
 - Identification of which ones conflicted with ENs;
 - Identification of which ones had mandatory status.

11. Details of remaining conflicting standards:
- Table of EN references and the corresponding (256?) TS numbers & titles (including reference to mandatory status where relevant).

Responsible in TSE: Mr Ozcan Karkin. Deadline for action: 31 October 2005.

12. Timetable for withdrawal of remaining conflicting standards.

Responsible in TSE: Mr Ozcan Karkin. Deadline for action: 30 November 2005.

13. Details of remaining mandatory standards and technical regulations which conflict with ENs:
- Table of EN references and the corresponding mandatory standards and technical regulations (differentiating between those requiring mandatory certification) (also relevant to Condition 2).

14. Withdrawal of remaining mandatory standards and technical regulations which conflict with ENs:
- Timetable for withdrawal;
 - Letters of commitment from Ministries to withdraw within a specific timescale the conflicting mandatory status on the conflicting standards and any other conflicting legislation.

(also relevant to Condition 2)

15. Details of any conflicting mandatory standards and technical regulations withdrawn to date.

Responsible in TSE: Mrs Nilay Yeniay, Director of Specialised Groups (TCs). Deadline for action: 30 November 2005.

It is recommended to use, wherever possible, pie charts to illustrate graphically statistical data. Moreover, summary details particularly should be provided in the English language.

Condition 8

In line with the existing CEN/CENELEC rules, the candidate must be prepared to participate in the notification procedure for their national work, which includes a "standstill" on all national work in areas of agreed European work. Evidence of corresponding Internal Rules of the candidate organizations shall be provided.

1. Law no. 24715 for the Regulation on the Notification of the Technical Legislation and Standards between Turkey and the European Union (2002) to be checked to ensure that Directive 98/34/EC (as amended by Directive 98/48/EC) has been fully and accurately approximated.

Responsible in TSE: Mrs Serhan Eruz, Technical Officer, Standards Preparation Center. Deadline for action: 31 December 2005.

2. TSE's internal procedures, which will be established in its new Quality Manual for standardization activities, to reflect the standardization requirements of Directive 98/34/EC (as amended by Directive 98/48/EC). The Quality Manual should incorporate in full the national provisions of the CEN/CENELEC Internal Regulations, particularly Part 2 (Common Rules for Standardization Work).

Responsible in TSE: Mr Cemal Yildizeli. Deadline for action: 31 December 2005.

3. Availability of standards work programme (for WTO/TBT Agreement):
 - on TSE's website;
 - details to ISO/IEC Joint Information Centre.

(also relevant to Condition 2)

Condition 9

The candidate has to give evidence that the CEN/CENELEC policy on copyright and exploitation rights as given in the Exploitation Agreement can be properly implemented in its country, taking into account the current (or planned) national legislation on the protection of intellectual property rights. The candidate has further to demonstrate that its commercial policy is in line with the clauses and provisions of CEN/CENELEC Guide 10 which establishes the agreed policy for the distribution and sales of CEN/CENELEC publications.

1. Evidence that the updated Berne Convention for the Protection of Literary and Artistic Works has been ratified and is fully valid in Turkey.
2. Evidence that Turkey's national copyright law (Law no 5846 on copyright and related rights?) includes a clause on the copyright protection of standards.

Responsible in TSE: Mr Alpay Iğrek, Director, EU and International Affairs Department. Deadline for action: 31 October 2005.

3. Revision of Statute no. 132 for the establishment of the Turkish Standards Institution (1960) or a new law on standardization which makes reference inter alia to the copyright of Turkish Standards belonging to TSE.

Responsible in TSE: Mr Tunga Gokhun, Head of Standards Preparation Center. Deadline for action: 31 December 2005.

4. TSE's internal procedures, which will be established in its new Quality Manual for standardization activities, to reflect in full the adoption and implementation of the requirements of CEN/CENELEC Guide 10 (Policy for the distribution and sales of CEN/CENELEC publications in all formats), with particular reference to exploitation rights, distributor rights and language versions of standards.

Responsible in TSE: Mr Cemal Yildizeli. Deadline for action: 31 December 2005.

5. Preparation of a statement, which confirms that TSE has no agents or distributors for the sale of standards.

Responsible in TSE: Mr Alpay Iğrek, Director, EU and International Affairs Department. Deadline for action: 31 October 2005.

|

General recommendations for TSE's application file:

1. Wherever possible, TSE should provide all documentation translated into the English language.
2. Wherever possible, TSE should use pie charts to illustrate graphically statistical data.
3. TSE should avoid high volumes of documents as far as possible (but have available for inspection all the necessary supporting files).
4. TSE should make clear reference to the concerned paragraphs in the document(s) in relation to the fulfilment of each (part) condition.

5. CONCLUSIONS

An assessment against the nine CEN/CENELEC conditions for full membership concludes that TSE has made significant progress but that it is hampered particularly by the absence of active support from the Turkish Ministries for the EU integration process. The continued existence of an outdated law on the establishment of TSE as well as a significant number of standards, which still have mandatory status, and conflicting technical regulations are likely currently to delay TSE's accession to full membership of CEN and CENELEC.

However, TSE's management is committed to resolving any barriers to its successful application for full membership and the current target date for TSE's application for full membership of CEN & CENELEC is Quarter 1 in 2006 (most likely the end of March 2006).

It is therefore proposed that the EU expert for C5 will revisit Turkey from 28 November to 1 December 2005 inclusive to reassess TSE's compliance with the nine conditions for full membership of CEN and CENELEC; to review against the above workplan TSE's progress in compiling the documentation which will be required for its application file, and, if necessary, to hold a roundtable meeting with the relevant Ministries to explain the necessity and importance of their cooperation with TSE.

Author of this report: **Robert Peacock**

Prepared in: **October 2005**

ANNEXES:

ANNEX 1: Completed TSE questionnaire

ANNEX 2: Slide presentation for the workshop

Annexes of report of missions can be available upon request.

ANNEX VII

Composition of TSE working groups

Work Component # and subject	Coordinator	Participants
C1 Standardization legislation	Mr. Tunga GÖKHUN	
		Mr. Cemal YILDIZELI
		Mr. Hakan OZDEMIR
C2 Working procedures, including QMS	Mr. Cemal YILDIZELI	
		Mrs. Nilay YENİAY
		Mrs. Ergül GÖKHUN
		Mrs. Buket KAHVECIOGLU
		Mrs. Arzu MÜTEVELLİ
		Mrs. Gülay ÜZÜMCÜ
C3 Structure of TSE, including committee structure	Mrs. Nilay YENİAY	
		Ms. Serhan ERUZ
		Mrs. Tomris ISMAILOGLU
		Mrs. Buket KAHVECIOGLU
		Mrs. Nazli FIGLALI
		Mr. Alp Nuri TEKIN
C4 Business Plan	Mrs. Ergül GÖKHUN	
		Mrs. Arzu MÜTEVELLİ
		Mrs. Tomris ISMAILOGLU
		Mrs. Müge ALGAN
		Mrs. Nazli FIGLALI
C5 CEN/CENELEC membership	Mr. Alpay IĞREK	
		Mrs. Serhan ERUZ
		Mrs. Nilay YENİAY
		Mrs. Buket KAHVECIOGLU
		Mrs. Ergül GÖKHUN
		Mrs. Nazli FIGLALI
C6 98/34/EC Directive	Ms. Serhan ERUZ	
		Mrs. Nilay YENİAY
		Mrs. Müge ALGAN
C7 Generic training	Mrs. Buket KAHVECIOGLU	
		Mrs. Nilay YENİAY
		Mr. Cemal YILDIZELI
		Mrs. Arzu MÜTEVELLİ
		Mr. Ozcan KARKIN
	Mrs. Ergül GÖKHUN	

ANNEX VIII

Updated working days per component

Designation	Inception report	Second progress report	Comments
EU experts			
K E- Inc phase	50	50	
KE – Project Management	149	159	5 w.d. from C6 allocated to proj. Manag
C1	31	33	1 w.d. from C5 1 w.d from C3
C2	40	40	
C3	37	36	
C4	38	37	
C5	18	18	
C6	19	14	- 5 w.d. for the KE
C7	18	18	
Total EU experts	400	400	
Local expert			
C1	35	35	
Total w.d. for the project	435	435	