



**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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Reporting period : 1 November 2005 – 31 January 2006  
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EC Delegation (project manager) Ela Yazici Inan \_\_\_\_\_  
[name]

## 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.
- 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 the whole period 1/11/2005 until 31/01/2006 since the end of the second progress period, as described here after.

### 2.1 Component 1 Standardisation legislation

**REMINING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

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 being prepared. The adoption of this law was planned before the end of 2005. In order to face this time schedule independently 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 Stampfl-Blaha, Mrs Gajdek, Mr Zuyderwijk and Mr 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 representatives in July 05. Conclusion of this mission: it appears that information about WTO and EU standardisation must be provided to high level decision makers. It was forecasted to present different European models of standardisation legislation and European standardisation bodies.

#### A Conference and workshop in October 05 was completed during the second progress period

In order to fulfil this purpose considered as very important for the final project outputs, i.e. supporting 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.

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

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#### **ACTIVITIES : 1 NOVEMBER 05 – 31 JANUARY 06**

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

##### EU STE Mrs Stampfl-Blaha: Second mission for in December 05

The EU expert, Mrs Stampfl-Blaha met representatives from the State structures in October 05,

- Deputy secretary of the Undersecretariat of the Ministry of Industry and representatives from its legal department
- Deputy secretary of the Prime Minister
- Meetings with TSE Managers
- Meeting with EU Delegation and the Project Director of the Quality programme in Turkey.

Two drafts for a new law on TSE, elaborated in parallel, were submitted to the expert for evaluation:

##### One draft from the Ministry of Industry and Trade (34 articles):

This draft aims at providing a clear separation of the three areas of activities of TSE: standardization – testing – certification; such a budgetary and administrative separation of the three functions within TSE will provide a good basis for ensuring the necessary neutrality for the not-for-profit-area "standardization" on the one hand and the competitiveness in the other activities on the other hand.

The financial relationship between those activities (funding of standardization via contributions from the other activities) however must be considered.

The recognition of TSE as the Turkish standards body is not spelt out explicitly in the law, but can be derived quite clearly from the text.

More details are given in Annexes 1&2 - Report of mission – Mrs Stampfl-Blaha

One draft from TSE (about 16 articles, based on the existing law on TSE).

The text does not explicitly separate the three areas of activities: standardization – testing – certification, but provides for such separation in a flexible way in Art.4 para.7 clause i).

More details are given in Annexes1&2 - Report of mission – Mrs Stampfl-Blaha

Still the last mission for this action – it will be performed in April 06 by Mr. Friers

## **2.2 Component 2 Working procedures including QMS**

**REMINDING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

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 it 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.

During the second progress period Ms Gonzalez performed a mission - she has followed up the QM preparation.

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**ACTIVITIES : 1 NOVEMBER 05 – 31 JANUARY 06**

### **Action 2: Upgrading TSE personnel capacity**

EU STE: Mr Zeisler

Mr Zeisler has performed a training on upgrading TSE personnel capacity for Members of the new created Mirror Committees and the TSE staff involved in the Mirror Committee's structure. The developed items were welcome at the right time of advancement in the QMS in TSE. The training has shown an interactive participation from the Beneficiary side (see annex 3).

In the beginning of the training, a brief summary on principles of national, regional and international standardisation was given regarding in particular changes in the national, European and global markets and the consequences for participants in trade activities.

Explanations were given on functions of standards, hierarchy of normative documentation, place of standards in the legal system, difference between laws/regulations and standards a. o.

During workshop, seminars and further consultations, TSE representatives from their side gave information on actual situation and difficulties in reformation activities. For the time being, TSE is not a member of CEN/CENELEC but still now a governmental body willing to change their status legally.

Specific information was given on the activity of TSE Technical Committees and so-called Mirror Committees and further substructures. The TSE representatives were interested to find out about the procedures on establishing such committees, about their organizational structure and about the functions of each structural unit (such as chairman, convenor, members, and secretary). Their main interest was in the connection between national and European standardisation and the distribution of responsibilities between these two levels.

This was the main subject of mission to explain the DIN Principles on standardisation, forming the committees, definition of resources in personnel and in showing different ways in financing the standardisation work. The different statements made by the expert were supported and illustrated using examples of own work in DIN Water Management Standards Committee and different CEN working bodies.

### **2.3 Component 3 Structure of TSE including Committees' structure**

**REMINDING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

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 Schulz performed two missions during the first progress period.

Mr Schulz performed one mission during the Second progress period for Action 3 European and International activities at national level.

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#### **ACTIVITIES : 1 NOVEMBER 05 – 31 JANUARY 06**

In total two missions were planned during the third progress report:

#### **Action 2. Standardisation and Management and information Software**

EU STE Mr Corrons

To provide technical assistance in order to develop the implementation of the standardization management and information software that will allow TSE to respond efficiently to the high volume of data and document communication within the CEN/CENELEC system.

The assignment has been carried out in line with condition 6 (CEN/CENELEC membership) taking into account Mr. Peacock's report of mission, condition 6. All efforts have been pointed out on function of the future "*National* Technical Committees", as the result of merging both "*Mirror* Committees" and "*Specialised* Technical Groups".

Each session was conducted on an interactive basis, with the TSE staff members participating fully in the discussions. The current standardization management and information software was presented to EU expert by TSE staff at the beginning of the mission. This information was taken into account by the EU expert in his recommendations. A series of slides were presented by the EU expert to facilitate recommendations.

The whole mission produced a series of actions, which included responsibilities and deadlines, to ensure that the identified requirements for TSE's standardization management and information software could be met fully within the defined deadlines. It is important to mention that during this mission the participation of TSE staff was as proactive as in the previous mission (see annex 4).

### **Action 3. European and International activities at national level,**

EU STE Ms Hamel – the mission was postponed for serious personal reason to the forth progress period.

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

## **2.4 Component 4 Business plan**

### **REMINDING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

A first mission was performed during the First progress period by the EU STEs Mr Kaiser and Mr Hyenne, reports of their missions are joined to the first progress report as annexes.

Mr Kaiser performed a short follow up in October 05 – the report of mission is joined as annex to the second progress report.

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### **ACTIVITIES: 1 NOVEMBER 05 – 31 JANUARY 06**

EU STE Mr Kaiser

The work of the four days resulted in general and detailed reviews of the work done in between by the working group for component 4 and in encouraging the group for taking up the other tasks that were defined during the first mission related to a list of their key stakeholders and according visits to ten of them to show up personally and by this to learn about the real estimation of TSE by them and probably about proposals coming from them.

The progress made so far till the arrival of the undersigned can be seen in the set of charts and can be given upon request.

In an oral report to the Director of the Standardisation Department also four recommendations were given, the tasks of the working group for the next mission to be performed by Hyenne, and some final remarks were given.

The oral report was accepted and he gave additional information on outcomes of the work for component 2 on QM manual that will be taken to be inserted in the business plan. As there is an overlapping between the two working groups by two TSE members, the necessary information flow should now be secured (see Annex 5).

## **2.5 Component 5 Structure of TSE including Committees' structure**

### **REMINDING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

The activities within this component started during the second progress period. The EU STE, Mr Peacock, has held a workshop on CEN/CENELEC membership.

The workshop was conducted on an interactive basis with the TSE staff participating fully in the discussions. The expert prepared a series of slides to stimulate the participants and to facilitate discussion. The results of the different elements of the workshop 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 was prepared as issue of the workshop.

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.

During this workshop and according to the fruitful and detailed plan it was identified the needs of a follow up of the advancement of the working group C5. As the important out put of the project is TSE will be full member of CEN& CENELEC. A second mission was planned for Mr Peacock in the third progress period, and a blind audit will be performed by two EU STEs further to the CEN&CENELEC remarks after that TSE apply to CEN&CENELEC.

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### **ACTIVITIES: 1 NOVEMBER 05 – 31 JANUARY 06**

#### **Action 2: Follow up of CEN/CENELEC preparation**

EU STE Mr Peacock

A mission was planned in November 06-The aims of this mission were:

- (a) To reassess TSE's compliance with the nine conditions for full membership of CEN and CENELEC.
- (b) To review against the detailed work plan, which was prepared with TSE during the first mission under C5 in October 2005, TSE's progress in compiling the documentation, which will be required for its application file to CEN and CENELEC.
- (c) If necessary, to hold a roundtable meeting with the relevant Ministries to explain the necessity and importance of their cooperation with TSE.

The expert conducted a workshop on TSE's premises to fulfil items (a) and (b) above. Details of the workshop appear in sections (3) and (4) of this report below.

It was not possible to hold the proposed roundtable in item (c) above but a meeting was held during the assignment at the Ministry of Industry and Trade (MIT) with its Legal Advisor. Details of the meeting appear in section (5) of the report of mission.

Full details are furnished in the report of mission here enclosed (see annex 6)

## **2.6 Implementation of the 98/34/EC Directive**

**REMINDING (TWO PROGRESS PERIODS COMPLETED: 1 MAY 05-31 JULY 05; 1 AUGUST 05 – 31 OCTOBER 05)**

No planned activities during the first progress report, the mission forecasted in the second progress period was postponed to the third progress report.

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**ACTIVITIES: 1 NOVEMBER 05 – 31 JANUARY 06**

### **Action 1: Review of the national enquiry point**

EU STE Mr Garcia

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.

In order to complement the explanations on the contents and implications of the Directive's requirements, the consultancy continued with the presentation and analysis of the CEN Standards Notification Procedure. This procedure is clearly detailed in the CEN Business and Operations Support System (BOSS) website: (<http://www.cenorm.be/boss/support/support+processes+-+index/notification+procedure+-+notifications/cmc+services+on+the+notification+procedure+-+notifications.asp>).

Concepts like "Standstill", "Mandatory implementation of European standards as national standards" and "Mandatory withdrawal of conflicting national standards" were thoroughly commented upon as the key factors that contribute to the elimination of technical barriers to trade and consequently to the free movement of goods in the EU's internal market. Special emphasis was put in the analysis and explanation of the role of the so-called "new deliverables" and their role in the implementation of the information exchange procedure on technical standards.

Additionally, and considering the fact that the Directive itself is currently undergoing a revision process, TSE staff was informed about the situation of the latest discussions between the EC and the European standardisation organizations in relation to the standards part of the Directive.

It presents the steps and requirements to be fulfilled by the different national standardisation bodies (NSB) in order to provide the European standardisation bodies and the rest of the NSBs, as well as the EC services, the information related to the new standards being developed at national level.

After analysing the different stages of the notification procedure, and taking the chance to revise the corresponding TSE initiatives to incorporate its contents into their own internal procedures, some considerations and suggestions were proposed to facilitate its implementation. To this end, the presentation of AENOR's example in implementing the Notification Procedure to fulfil 98/34 Directive's requirements, as a case of National Standards Body Notification Procedure, helped to clarify some aspects. Special emphasis was made in issues related to the management of the local databases for standards development (SD)

management as well as how and at what moment in the SD process to generate the listings of notifications, which have to be communicated to the CEN Management Centre.

The last part of the consultancy focused on the international sphere:

Directive 98/34 applies exclusively to the avoidance of technical barriers to trade in the internal market of the EU. Nevertheless, TSE as signatory of the WTO Code of Good Practice for the preparation, adoption and application of standards (annex 3 to the WTO/TBT agreement) has already experience on the notification of its national standards work program in accordance with the Code's principles.

Further to this mission the EU STE and by the participants from working group 5 have concluded that the knowledge of the Directive 98/34 is sufficient, no need to allow more working days on it.

Proposal: The reminded working days can be allocated to the Component 3: action 5, Strategic workshop which will be held in the forth progress period.

## **2.8 Project Management and coordination**

### **ACTIVITIES: 1 NOVEMBER 05 – 31 JANUARY 06**

The Key expert is in permanent contact with the EU Project Manager and the TSE Beneficiary components' participants.

The Key expert has participated in the Project Board meeting on 12 November 05. The advancement of the project activities was presented.

During the third progress period the Key expert participated in the National Quality Congress in Istanbul on 14 and 15 November 05. The Key expert performed a short presentation of the project.

A meeting on the project progress was held in November between the coordinators of all working groups in TSE and the Key expert. The progress of project working groups' activities was evaluated and compliance with the deadlines set by short term experts in their mission reports were checked for each component. One of the conclusions of the meetings was to hold this kind of evaluation meeting once a year.

### **Proposal for allocation of working days:**

At this stage of project performance some minor adjustments of the working days without any consequences on the total budget occur as follows:

#### **• Component 2 QMS, Action 3 Management of documentation**

EU STE Mr. Hauschopp: forecasted mission for 6 working days - according to the active involvement from part of the TSE experts there is not necessity to utilize TSE QMS Unit.

Proposal: The remained 3 working days can be allocated to Component 3, Action 5 Strategic workshop: Mr. Hauschopp will be able to participate as speaker.

#### **• Component 6 Implementation of the 98/34 Directive, Action 2 Support on elaboration of the database for notification procedure**

EU STE Mr Garcia: During his first mission, Action 1 Review of the national enquiry point, (forecasted 7 working days) 6 working days were enough to develop all activities related to the two actions 1&2 initially planned.

Consequently the remained 6 working days from Action 2 (5 working days) + 1 working day from Action 1 can be allocated to other activities.

Proposal: The remained 6 working days can be allocated to Component 3, Action 5 Strategic workshop: Mr Garcia and Mr Corrons will be able to participate as speakers.

EU Key expert: 1 working day forecasted to the action 2 can be allocated to another activity

Proposal: The remained working day can be allocated to Component 3, Action 5 Strategic workshop: the Key expert will be able to participate as logistic coordinator and speaker.

### **3. PROJECT PLANNING FOR NEXT REPORTING PERIOD (01/02/2006 – 30/04/2006)**

Planned activities for the period (see table 1).

#### **3.1 Component 1 Standardisation legislation**

##### **Action 3 Meetings with the Ministries' representatives in relation with the standardisation legislation**

The standardisation legislation still one of the key activities. Further to the two progress periods activities a last mission is forecasted in order to summarize the situation of the standardisation legislation in Turkey. An EU STE will meet the representatives from EU Delegation, from the Undersecretariat of the Ministry of Industry, the Undersecretariat of the Ministry of Foreign trade in charge with the relation with the EU, and of course with the Key contacts from TSE.

##### **Inputs**

EU NKE: Mr Friers, 3 w. d.

LE: Mr Isik, 2 w. d.

#### **3.2 Component 2 Working procedures including QMS**

##### **Action 3 Management of documentation**

TSE personnel will be supported in the management of documentation from the governing bodies in CEN/CENELEC and ISO/IEC (CEN BT, ISO General Assembly, ISO Council, etc.). Assistance will be provided for the development of the procedures according to CEN/CENELEC rules and the implementation of the necessary procedures.

##### **Inputs**

EU KE: 1 w.d.

EU NKE: Mr Hauschop, 3 w.d.

#### **3.3 Component 3 Structure of TSE including Committee structure**

**Action 3. European and International activities at national level,– the mission was postponed for serious personal reason to the forth progress period.**

AFAQ AFNOR Int/AENOR/DIN/ON Consortium  
Progress report N°3, Version1

### **Inputs**

EU NKE: Ms Hamel, 5 w.d.

#### **Action 5. Strategic sector workshop,**

A workshop mainly for the purpose of promoting participation in standardisation activities by Turkey's strategic sectors will be held at the end of April in Istanbul. Four experts from AENOR and DIN who are involved in CEN and CENELEC will contribute to the workshop with their national and international/European experience in standardisation, and each expert will explain the main issues of standardisation activities at national and international/European levels. The voluntary nature of standardisation and benefits of participation in standardisation activities will be one of the major emphasis points of the workshop.

### **Inputs**

EU KE: 1 w. d.

EU STE: Mr Schulz – Mr. Corrons – Mr. Garcia – Mr Hauschopp: 15 w. d.

## **3.3 Component 4 Business plan**

### **Follow up of the preparation of the Business plan**

A first draft was sent to the EU STE for assessment before the mission in TSE in Ankara.

### **Inputs**

EU KE: 1 w.d.

EU NKE: Mr Hyenne, 4 w.d.

## **3.5 Component 5 CEN/CENELEC membership**

No activities for EU STEs,

However the Beneficiary TSE will prepare the technical file in English before end of March 06 and will send it to EU STE for assessment before applying to CEN&CENELEC for full membership.

### **Inputs**

EU STE : No w. d

## **3.8 Project management**

Follow up the general performance of the project.

### **Inputs:**

EU KE: 31 w.d.

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

Project title: <b>Support to standardisation activities in Turkey</b> (1) Lot title: Aligning of legislation and training activities	Project number: <b>EuropeAid 117471/C/SV/TR</b>	Country: <b>Turkey</b>
Planning period: <b>1 February 2006 – 31 April 2006</b>	Prepared on: <b>10 February 2006</b>	
<p><b>Project objectives: Technical assistance to TSE and Training TSE staff</b> 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)</p>		

Main activities	TIME FRAME			INPUTS		OTHER
	1.02.06-31.04.06 4 <sup>th</sup> project progress period			Personnel		
	February	March	April	EC consultant	Counterpart	
Component 1 Standardisation legislation						
Action 4			XXXX	EU NKEs: 3 L E: 2	10	
<b>Total C1</b>				<b>EU NKEs: 3</b> <b>L E: 2</b>	<b>Counterpart: 10</b>	
Component 2 Working procedures, including QMS						
Action 3: Management of QMS documentation and follow up		XXXX		EU KE: 1 EU NKEs: 3	15	
<b>Total C2</b>				<b>EU KE: 1</b> <b>EU NKEs: 3</b>	<b>Counterpart: 15</b>	
Component 3 Structure of TSE, including Committee structure						
Action 3: European and International activities at national level			XXXX	EU NKEs: 5	20	
Action 5: Strategic sector workshop			XXXX	EU KE: 1 EU NKEs: 15	40-60	
<b>Total C3</b>				<b>EU KE: 1</b> <b>EU NKEs: 20</b>	<b>Counterpart: 60-80</b>	

Component 4 TSE business plan						
Action: Preparation, submission and promotion of business plan	XX	XX		EU KE: 1 EU NKE: 4	20	
<b>Total C4</b>				<b>EU KE: 1 EU NKE: 4</b>	<b>Counterpart: 20</b>	
Project Management						
Coordination	XXXX	XXXX	XXXX	EU KE: 31	15	
<b>Total Pr Management and coordination</b>				<b>EU KE: 31</b>	<b>Counterpart: 15</b>	
<b>TOTAL W.D. FOR PROJECT PROGRESS PERIOD N°4</b>				<b>EU KE : 34 EU NKEs : 30 L E : 2</b>	<b>110-130</b>	

**Table 2. PROJECT PROGRESS REPORT**

Project title: <b>Support to standardisation activities in Turkey</b> (2) Lot title: Aligning of legislation and training activities		Project number: EuropeAid 117471/C/SV/TR		Country: Turkey	
Planning period: <b>1 November 2005 - 31 January 2006</b>		Prepared on: <b>10 February 2006</b>		EC Consultant: <b>AFAQ AFNOR Int/AENOR/DIN/ON</b>	
<p><b>Project objectives: Technical assistance to TSE and Training TSE staff</b> 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)</p>					
Main activities	INPUTS 3 <sup>rd</sup> progress period: 1 November 05-31 January 06				OTHER
	EC Consultant – w. d.		Counterpart – w. d.		
	planned	utilised	planned	utilised	
<b>Component 1 Standardisation legislation</b>					
Action 3 Support to draft standardisation legislation EU NKEs L E Counterpart	9,5 12	5,5 6	10	15	For professional reasons the mission for Mr Friers (3 w. d.) was postpone later for the 3 <sup>rd</sup> progress period (April 06)
<b>Component 2 Working procedures, including QMS</b>					
Action 2 Upgrading TSE personnel capacity in the field of standardisation EU KE EU NKEs Counterpart	3	3	15	18	Active participation from Beneficiary part
<b>Component 3 Structure of TSE, including Technical Committees structure</b>					
Action 2: Standardisation management and information software EU NKEs Counterpart	5	5	15	10	Active participation from Beneficiary part
<b>Component 4 Business plan</b>					
Action: Preparation, submission and promotion of business plan EU KE EU NKEs Counterpart	1 4	1 4	20	20	Active participation from Beneficiary part

<b>Component 5 CEN/CENELEC membership</b>					
Action 2 Follow up EU NKEs Counterpart	4	4	15	15	
<b>Component 6 Implementation of the 98/34 EC Directive</b>					
Action 1: Review of the TSE national inquiry point EU KE EU NKE Counterpart	1 7	1 6	20	15	The remind 1 w. d. will be allocated to other activities within Component 3: preparation and participation to an open conference to the Turkish Industrials and the Mirror Committees
<b>Total Project Management and coordination</b>					
<i>EU KE</i>	<i>20</i>	<i>19</i>	<i>20</i>	<i>25</i>	<i>The project activities are smoothly progress</i>
<b>TOTAL W.D. FOR PROJECT PROGRESS PERIOD N°2</b> <i>EU KE</i> <i>EU NKEs</i> <i>LE</i> <i>Counterpart*</i>	<b>22</b> <i>32,5</i> <i>12</i>	<b>21</b> <i>27,5</i> <i>6</i>			<b>* Counterpart: the working days are provided only for information (as estimation)</b>

**Table 3. RESOURCE UTILISATION REPORT**

<i>Project title: <b>Support to standardisation activities in Turkey</b></i> (3) Lot title: Aligning of legislation and training activities	<b>Project number:</b> EuropeAid 117471/C/SV/TR	<b>Country:</b> Turkey
<i>Planning period: <b>1 November 2005 -31 January 2006</b></i>	<b>Prepared on:</b> 10 February 2006	<b>EC Consultant:</b> AFAQ AFNOR Int/AENOR/DIN/ON
<b>Project objectives: Technical assistance to TSE and Training TSE staff</b> 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	22 days	21 days	113 days	107 days
EU NKEs	180 days	35 days	27,5 days	97 days	83 days
Local Expert	35 days	12 days	6 days	21 days	14 days
Sub-total: Consultant	435 days	69	54,5	231	204
Counterpart (only estimation)	405 days	71	78	138	267

## ANNEXES

N°	DESIGNATION
Annex 1	Component 1: Stampfl-Blaha - Report of mission
Annex 2	Component 1: Stampfl-Blaha – Revision of Turkish standardisation legislation
Annex 3	Component 2: Gunnar Zeisler - Report of mission
Annex 4	Component 3: Pablo Corrons - Report of mission
Annex 5	Component 4: Thomas Christian Kaiser - Report of mission
Annex 6	Component 5: Robert Peacock - Report of mission
Annex 7	Component 6: Javier Garcia - Report of mission
Annex 8	Updated table of working days by Components

# Annex 1 Component 1: Elisabeth Stampfl-Blaha

## 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/TR**

Subject : **:Report of mission “”**

Date of assignment : 2005-12-12/16

Location : Ankara, Turkey

Name of expert(s) : Ms. Stampfl-Blaha

## 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:

Ahmet Kurter, Deputy Secretary General

Tunga Gökhan, Head of Standards Preparation Department

From the Project Team:

Hervé Vialle, Project Manager

Selami Bezen, Project Expert

Ayse Ruyem Arslan, Project Assistant

Representatives from the following Ministries (for names and functions cf. attachment):

Prime Ministry

Ministry for Industry and Trade

Undersecretariat of Foreign Trade

Ministry of Public Works and Settlement

Ministry of Health

EC Delegation:

Ela Yazici, Task Manager

### 3. PERFORMED ACTIVITIES

3.1 Results (of investigation, training, technical assistance)

- Analysis of the two (!) drafts of a new legal framework for TSE which have been prepared in parallel: from the Ministry of Industry and Trade on the one hand, from TSE (upon request of the Prime Ministry) on the other hand.
- Detailed report on the compatibility of those drafts with the requirements of CEN/CENELEC membership.
- Awareness raising during various meetings with representatives from public authorities about the existing situation and the gaps which still exist.
- Overview of the situation concerning the removal of mandatory standards

### 3.2 Existing situation identified

- Difference of opinions about “ownership” of the development of a new draft law on TSE in Turkey.
- Some core elements of the legal framework (stakeholder involvement) still missing.
- Commitment of Ministries to withdraw mandatory standards exists and implementation of the withdrawal seems to progress smoothly.
- Full awareness at TSE about the functioning of European standardization and about modifications needed in order to perform successfully in the three areas of activities (e.g. establishment of “Mirror committees” in parallel to existing structures, preparation of budgetary and financial splitting of the three activities).
- Need for continued awareness raising among several public authorities concerning the activities of TSE in general and the concept of voluntary standardization in particular.

### 3.3 Recommendations

- Clarification of the “ownership” of the development of a new draft law on TSE in Turkey – preferably combination of the two existing drafts as both contain positive elements and also in view of a de-blocking of the existing situation.
- Addressing as a priority the persisting non-compliance areas:
  - Elaboration of a clear wording on the role and functioning of national Technical Committees (including their function as “mirror committees”)
  - Clarification of the relationship between TSE and the Ministry (“related” / “connected” / other? and the consequences thereof in view of neutrality/independence and flexibility)
  - Clarification of the financing system for standardization (Will transfers from the surplus achieved in certification/testing activities still be available in future to finance standardization)
  - Clarification of copyright (existing protection clear enough for the specific elaboration of standards as collective work or specific provision needed)
- Continue awareness-raising at Ministries about the functioning of voluntary standardization.

### 3.4 Difficulties encountered during assignment (if applicable)

The draft to be analyzed and to be commented on by the expert was a “moving target” due the parallel development of – in the end quasi “competing” – drafts, the status of which was not clear.

The Deputy Undersecretary at the Ministry for Industry and Trade showed clear commitment to constructive discussions and quick progress based on the existing drafts; however, the unusually emotional (to say the least) reaction of the lawyers having prepared the draft of the Ministry for Industry and Trade unfortunately did not permit a professional discussion about open issues and a way forward.

### 3.5 Planning proposed for the implementation plan

Translation of the detailed report on the compatibility of the drafts with the requirements of CEN/CENELEC membership into Turkish in order to ensure a broad understanding of the issues at stake

## 4. CONCLUSIONS

TSE is well aware of the changes needed and is in the process of implementing them (eg. Technical Committees)

The existing legal situation lags behind the reality (cf. above) and the necessary changes for allowing CEN/CENELEC membership of TSE (cf. above) could be implemented quickly if the issue of the “competing drafts” can be solved.

The question of the organizational relationship between TSE and the Ministry seems to be overshadowed by misunderstandings of the functions of TSE (perception that TSE is using “public power”).

Further awareness-raising about the principles of voluntary standardization (esp. the role of experts in Technical Committees) is needed.

## 5. ANNEXES (IF APPLICABLE)

Timetable and Names of participating persons

***Annexes of report of missions can be available upon request.***



## 2. Background

In the framework of EuropeAid 117471/C/SV/TR (Support to standardisation activities in Turkey) various project activities have been allocated to the support in the development of a legal framework for standardization in Turkey which

- is in line with the requirements of CEN/CENELEC membership
- will be an appropriate basis for the future development of standardisation in Turkey after the accession of TSE as member of CEN/CENELEC.

During the mission 2005-12-12 until 2005-12-16 the expert was confronted with the following situation: New legislation had been prepared via two different channels.

- On the one hand the Ministry of Industry and Trade had prepared a draft in the first half of 2005. This draft had been subject to consultation among various ministries (and had been addressed during the visit of the expert Han Zuiderwijk in summer), but did not get acceptance.
- During the visit of the expert in Ankara (24-26 October 2005) the Deputy Undersecretary at the Prime Ministry said that they were preparing a general draft framework law on public entities and that a law on TSE would have to be in line with the principles of this law as “they are using public power”. He underlined that the Prime Ministry had instructed TSE to prepare such a law.
- During the visit of the expert on 14<sup>th</sup> of December 2005 the Deputy Undersecretary of the Prime Ministry referred to recent meetings and underlined again that TSE was now in charge of the preparation of the law on TSE. This confirmed the information that the expert had got in advance of her mission from TSE.
- However, at a meeting in the Ministry of Industry and Trade (2005-12-14), the lawyers of the Ministry very strongly objected to TSE preparing a draft and clearly insisted on their draft being the relevant one.

Faced with this situation and bearing in mind the objective of rapid progress concerning the legal framework for TSE with a view of its accession as full member of CEN and CENELEC, the expert analyzed both approaches (Ministry of Industry and Trade on the one hand and TSE on the other hand). The analysis primarily addresses potential discrepancies between the draft laws and the CEN/CENELEC conditions for membership; it also contains comments on other aspects of the drafts related to open questions or issues which seem to be relevant in view of the future performance of TSE as full CEN/CENELEC member.

As the future development of the a.m. draft framework law on public entities is still pending, the status of this draft as contained in document C1-doc13 (November 2005) is taken as a basis.

## 3. Analysis of the draft law on the Turkish Standards Institute (second version of the Ministry of Industry and Trade)

### PART ONE

#### Purpose, Establishment and Definition

Art.	Topic	Comments (number)
1	Purpose and Scope	none
2	Definitions	none
3	Establishment	1. Question: What is meant by “harmonise”? (Is this supposed to refer to the participation in European standardization?) 2. “any kind of product, service, system, personnel and occupational standards”: It is strongly recommended to simply say “any kind of standard”

		<p>as the listing of types of standards does not add any value to the text, on the contrary, as “testing standards” are missing, the scope would be incomplete.</p> <p>3. “The related Ministry”: “related” will be interpreted in the way it is defined in the draft framework law on public entities; Art.26 of this law defines related bodies as “...and performing the task of regulation and control with regard to markets”. This would be in contradiction with the function of TSE as a standards body.</p>
4	<b>Independence</b>	4. This stipulation is important in view of the neutral role of a CEN/CENELEC member; however, various stipulations in the rest of the draft law do not seem to reflect the principle of independence which is defined here (esp. the very detailed organisational stipulations).

## PART TWO

### Duties and Organs

Art.	Topic	Comments
5	<b>Duties</b>	<p>5. To a) and b): cf. comments nr. 1 and 2</p> <p>6. Question: what is the difference between b) and f) – in the English version the content seems to be identical</p> <p>7. In view of the reference to “new deliverables” in the forthcoming revision of the 98/34 directive the addition of a wording such as “standards <u>and other specifications</u>” would be useful.</p>
6	<b>Organs</b>	none
7	<b>General Assembly</b>	<p>8. The composition of the General Assembly seems to strike a good balance between the public and the private sector, thus reflecting the nature of a neutral service organisation for the public and the private sector.</p> <p>9. The provisions about the General Assembly are unusually detailed.</p>
8	<b>Duties of the General Assembly</b>	10. In lit. c) the decision about the establishment of technical committees is allocated to the General Assembly. In view of the flexibility that will be needed for TSE as full member of CEN/CENELEC it is strongly recommended to allocate this task to a lower level in the hierarchy.
9	<b>Board of Directors</b>	11. The provisions about the Board of Directors are unusually detailed.
10	<b>Duties of the Board of Directors</b>	none
11	<b>Inspection Board</b>	none
12	<b>Technical Board</b>	<p>12. What does “harmonise” in the first sentence mean?</p> <p>13. <b>The adoption of standards by the Technical Board is in contradiction with the Condition 5 of CEN/CENELEC as authority for adopting standards is given to a body which does not reflect the stakeholders of the relevant topic. The adoption of standards must be allocated to the Technical Committee level.</b></p>

13	Technical Committees	14. The stipulations on Technical Committees are in clear contradiction with Condition 5: <u>all</u> stakeholders must be involved (even if they are not “graduated from higher education...”) and the <u>limitation of the membership</u> in a Technical Committee to four members does not allow for the full involvement of all stakeholders groups. Paying honorary fees to such experts is in contradiction with the needs-based, bottom-up approach to European standardization. The stipulations on Technical Committees will have to be fully revised in order to be compatible with CEN/CENELEC membership. They are the key part for standardization!
14	High Advisory Committee	None
15	Presidency	None
16	Secretary General and assistants	15. The provisions about the Secretary General are unusually detailed.

### Part THREE Service Centres

17	Service Centres	16. The separation of the three functions of TSE: standardization – testing – certification is an important element in view of the neutrality of standardization. 17. It is surprising, however, that the law goes as far as to lay down the internal structure of TSE (and no reason can be seen why Product and Service Certification must be separated from System and Personnel Certification).
18	Standards Preparation Centre	18. cf. comments above about Technical Committees
19	Product and Service Certification Centre	Cf. comment nr. 17
20	System and Personnel Certification	Cf. comment nr. 17
21	Metrology and Calibration Laboratories Centre	None
22	Testing Laboratories Centre	none
23	Consultancy and Auxiliary Service Units	19. The law lays down details of the internal structure of TSE – the question arises how this can be compatible with the stipulation of Art. 4 concerning the independence of TSE.

### PART FOUR Personnel, Income and Budget

24	Personnel	20. “Service contract” is – according to legal information the expert has got – a private contract, whereas today all employees of TSE are public servants. It is not clear from the text if this implies a change of employment contract for all existing staff or refers only for future
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		employments. The impact of a change of employment contracts for all the existing staff on the performance of TSE could be an issue.
25	Income and Budget	21. <b>The incomes related to standardization (lit.a) do not foresee any transfer of surpluses from the testing and/or certification activities of TSE to standardization. No concrete figures are available to the expert, but according to general information such transfers have been necessary to finance the costs of standardization. If such a change of the financing structure (not replaced by other funds, e.g. from government) led to financial problems for the standardization infrastructure in Turkey, this situation would have to be thoroughly investigated, esp. in view of condition 4 of CEN/CENELEC.</b>

**PART FIVE  
Other Provisions**

26	Audit of the Institute	None
27	Properties of the Institute	none
28	Establishing companies	22. The possibility of establishing companies will be important for TSE in the area of certification (and probably also testing) in order to provide a globally competitive service. It is obvious why standardization is excluded, however it is not clear what is exactly meant by “some part” of the duties.
29	Need for Immovables	none
30	Regulations	23. <b>Very detailed regulations are subject to the approval of the Ministry. This seems to be in contradiction with Art.4 (independence) and partly raises concern about the ability of TSE to react as flexibly as needed to the needs of European standardization.</b>
31	Inapplicable Provisions	24. Those exemptions seem to be fully in line with Art.4 (independence).
32	Obsolete Provisions	none
33	Enforcement	none
34	Execution	none

**Further remarks:**

**Neither the copyright protection of standards (condition 9) nor the notification procedure (condition 8) are dealt with by the draft:**

- as to copyright, it will need to be investigated in how far the general copyright law gives enough protection to standards in view of their elaboration (“collective work”)
- as to the notification, it will need to be investigated in how far the notification obligation of TSE is ensured elsewhere.

**The recognition of TSE as THE Turkish standards body is not spelt out explicitly in the law, but can be derived quite clearly from the text.**

#### 4. Analysis of the TSE draft of a new law on TSE (December 2005)

TSE bases its draft on the existing law. The draft was only available in Turkish language at the time of the mission of the expert and some changes resulted from the discussion of the content of the draft. The following comments are based on the English version received on 2005-12-18. The reference to Articles is related to the versions resulting from the integration of the amendments of the TSE draft into the existing law.

Art.	Topic	Comments (number)
1	<b>TSE status and functions, copyright</b>	<p>1. This article stipulates the status of TSE as THE national standards body (condition 3) and the copyright of standards and other specifications (condition 9). (implements the recommendations 1, 3 and 4 of Mr. Peacock)</p> <p>2. The scope is now enlarged (cf. "...system etc. standards")</p> <p>3. Question: will the 5<sup>th</sup> and 6<sup>th</sup> paragraph remain unchanged (if so, the relationship "concerned" needs to be investigated in the terminology of the draft framework law on public entities).</p> <p>4. The exemption from various laws seems to be the same approach as Art. 31 in the Ministry draft.</p>
2	<b>Duties</b>	4. The amendment of Art. 2 C) eliminates the clause concerning the proposal of mandatory standards (relevant for condition 7 and 2).
3	<b>Organs</b>	none
4	<b>General Assembly</b>	none
5	<b>Honorary Membership</b>	none
6	<b>Technical Board</b>	<p>5. <b>As to the adoption of standards by the Technical Board cf. comment nr. 13 on the Ministry draft.</b></p> <p>6. <b>The last part of the first sentence ("determine those standards which should be imposed mandatory") must be removed (in line with the already foreseen omissions of the mandatory standards in Art. 1).</b></p>
7	<b>Board of Directors</b>	none
8	<b>Inspection Board</b>	none
9	<b>Council of Experts</b>	7. <b>Those councils of experts do not reflect the requirements for Technical Committees ("especially University instructional staff", payment). This must be replaced by an article outlining in general terms the functioning of Technical Committees (including "mirror committees")</b>
10	<b>Secretary General</b>	none
11	<b>Income</b>	none
12	<b>Immovables (withdrawn)</b>	none
13	<b>Properties</b>	none
14	<b>Regulations</b>	none
15	<b>Entry into force</b>	none
16	<b>Execution</b>	none

## Annex 3 Component 2: Gunnar Zeisler

### 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/TR**

Subject : **Report of mission “Upgrading TSE personnel capacity in the field of standardisation”**

Date of assignment: 2005-12-12/14

Location: Ankara (Turkey)

Name of expert(s): Mr Gunnar Zeisler

### CONTENTS

#### 1 Subject of the assignment

The activity was held at the Turkish Standards Institution (TSE). Information on general principles on national, regional and international standardisation was given, a. o. principles on DIN and CEN work in the elaboration of standards. Special attention was paid to the practical work on Standards Committees and their structures (foundation, staff, financing, stages of elaboration).

#### 2 Persons encountered

Mr T Gökhan, Head of TSE Standards Preparation Centre  
Ms A Arslan, Local Assistant  
Mr A Iğrek, Director EU and International Relations  
Mr K Yılmaz, Quality Systems Auditor and  
TSE personnel and Chairpersons of TSE NCs (see Annex 1).

#### 3 Performed activities

##### 3.1 Existing situation identified

Actual situation in Turkey is similar to that existing in the early 1990ies years in those countries which became CEN Members in the last years. The transformation of former centralised standards systems in national standards systems of independent Eastern States compatible to CEN/CENELEC system has mainly been finished. For sure, it was a very difficult way onto which these countries have gone for the following reasons:

- stagnation in thinking and partly non-willingness for turning the standardisation work to new political and economical situation and
- big portion of prejudice against that what is working well anywhere else.

Nearly all Eastern European countries (including Vietnam, Mongolia, Cuba) were Members of CMEA Council of Mutual Economical Assistance. This Council had elaborated so-called CMEA Standards which partly were not really compatible to International Standards and did exist in parallel to national standards. This had negative influences on foreign trade affairs for CMEA as a whole and for its member States in special.

During this transformation supported by a number of special programs on assistance founded by the EU/EFTA, the following main topics were emphasised:

— Technical regulations should be restricted to items which have to be decided from superior political, economical and social interests, i. e. safety levels, essential requirements, legally binding values.

— Technical details and test methods being subject of technical progress should be given in standards which can be taken into reference by laws and technical regulations.

In this connection the main problem arose how to deal with a big amount of former CMEA Standards and national standards under control of the states (mandatory standards).

A number of countries started with implementation of Laws on Standardisation which should pass the national Parliaments mainly reflecting the following aspects:

- the non-compulsory character of standards;
- the national implementation of other standards (International and European Standards, standards of other countries),
- the final date of enforcement of CMEA Standards and national mandatory standards,
- The differentiation between responsibilities for standardisation and technical regulations.

The reason for this interim step was the misunderstanding from a great part of partners concerned about the differences between a standard as a voluntary reference document and a technical regulation.

- and appointment of a responsible national institution for all standardisation activities.

During consultations in these countries a lack of direct connections of standardisation to industry was mentioned. There was no evidence of private industrial structures (former associations) capable of being partners of standards bodies in the process of preparing the future set of new national standards that will fit the correspondent economic and industrial needs and goals for the next years to come. There was also missing the financial supports from the side of partners.

Generally, it was remarked that the actual staff of standards bodies – in spite of being very closed and motivated teams – seemed not be sufficient to overcome all the problems that have to be solved in short time.

For the next step, the following recommendations were given:

- According to the project Laws on Standardisation, the elaboration of **technical regulations** should be a task of competent ministries. Still now in some of these countries it seems a deficit of capacities to fulfil this work.

It should be taken into consideration the possibility of an appropriate transposition of existing EU Directives in accordance with the current economic conditions in these countries.

- **Standardisation** is a voluntary consensus activity. Therefore it was important to involve all the partners interested in the preparation of standards. In this sense, the National Standards Body (NSB) shall promote the European and International Standards near the industrial sectors as the reference documents important to follow in foreign trade. It was also important to motivate the

national industrial sectors to participate in the relevant Technical Committees of CEN/CENELEC and as well as of ISO and IEC.

As medium term project, the NSB should envisage the possibility of a more decentralised way of coordinating the standards making process.

The transposition of CMEA Standards and mandatory national standards, which had a lifetime of mostly more than 10 years, in modern standards reflecting the actual needs of the countries was the most important and urgent task.

For this purpose, in that time the following methodology was proposed:

- classification of existing national standards with regard to fields of interest and aim of transposition;
- considering the content of national standards with regard to changes in own economic situation and conditions of foreign market to define the real need and consequences for near future;
- establishing a priority list of necessary revision of mandatory national standards;
- definition of responsibilities and coordination of these activities by the NSB.

Ensuring that these actions are financed by all partners involved, the public administration should support the main percentage due its own interest in these tasks.

Each of these countries felt, that the national standards system must be changed, i. e. in system compatible to CEN/CENELEC system. Actually now, at least 80 % of European Standards are implemented as national standards. The same approach of elaboration of standards was adopted, whilst the process of transformation of national systems as a whole is particularly not yet finished.

### **3.2 Performed actions**

In the beginning of activity, a brief summary on principles of national, regional and international standardisation was given regarding in particular changes in the national, European and global markets and the consequences for participants in trade activities.

Explanations were given on functions of standards, hierarchy of normative documentation, place of standards in the legal system, difference between laws/regulations and standards a. o.

During workshop, seminars and further consultations, TSE representatives from their side informed on actual situation and difficulties in reformation activities. For the time being, TSE is not a member of CEN/CENELEC but still now a governmental body willing to change their status legally.

Specific information was given on the activity of TSE Technical Committees and so-called Mirror Committees and further substructures. The TSE representatives were interested to find out about the procedures on establishing such committees, about their organizational structure and about the functions of each structural unit (such as chairman, convenor, members, secretary). Their main interest was in the connection between national and European standardisation and the distribution of responsibilities between these two levels.

This was the main subject of mission to explain the DIN Principles on standardisation, forming the committees, definition of resources in personnel and in showing different ways in financing the standardisation work. The different statements made by the expert were supported and illustrated using examples of own work in DIN Water Management Standards Committee and different CEN working bodies.

## 4 Conclusions

Above all, the TSE representatives already got all necessary general information on CEN/CENELEC work were interested in how to organise the reformation of the national standardisation system. In fact, Turkey has decided to take part in the European standardisation as a partner with the same rights as far other members. For this purpose, the necessary governmental decisions are in preparation. TSE will be appointed as the responsible NSB. Because of current difficulties in approximating their system to the CEN/CENELEC system the most important questions were concerned with establishing committees, conducting ongoing work and ensuring the necessary resources (personnel, funding). In addition, questions raised on responsibilities (ho will do what?) and on time schedule for specific tasks (What shall be done when ?).

The expert was able to supply the necessary information on a. m. subjects and to give answers on all items. He gave of series of recommendations on different ways to achieve this reformation in short time. The most important subjects dealt with during mission were the change of status and role of TSE in this reformation process, the installation of standardisation as a consensus activity within the harmonisation process at two levels (national and European), the voluntary character of standards, the reasonable distribution of responsibilities in TSE, the involvement of all interested parties and the question on financial and staff resources. The proposed methodology was accepted by everyone present at different occasions.

The expert got the impression of willingness and high engagement of TSE staff and national experts to speed up the process to be able to join the CEN/CENELEC family. This transformation process will be finalised much quicker as in other countries joining CEN/CENELEC in the past years.

## 5 Recommendations

The transformation process within the TSE system will probably finish earlier than all other measures to obtain the CEN/CENELEC membership. At that moment, when also the legal perquisites are given, TSE should immediately be invited to join CEN/CENELEC as full member.

It was got the impression that it would appreciated to implement principles of the DIN system into national standardisation system as an effective way to form the basis for active participation in CEN/CENELEC work. Therefore, it is recommended to give TSE any assistance to overcome particular problems in this transformation process.

In view of actual Turkish economic realities, the foundation of a TSE Water Standards Committee should be actively accompanied, preferably by a DIN expert.

Note of expert: The decision on TSE membership in CEN/CENELEC should not depend on actual missing participation in the European standardisation in particular areas as argued by different sides.

Unfortunately, it is a matter of fact that only a very few CEN/CENELEC newcomers are really following their obligations. It is expected that TSE will seriously overtake their responsibilities.

Gunnar Zeisler  
Berlin, 2006-01-03

Encl.  
Annex 1

***Annexes of report of missions can be available upon request.***

# Annex 4 Component 3: Pablo Corrons

## 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/TR**

Subject : **Report of mission “Component (3), Action 2: Standardisation management and information software”**

Date of assignment: 2005-11-08/11

Location: ANKARA (Turkey)

Name of expert(s): Pablo Antonio CORRÓNS CRESPI

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#### 1. SUBJECT OF THE ASSIGNMENT

#### 2. PERSONS ENCOUNTERED

#### 3. PERFORMED ACTIVITIES

3.1 Results of investigation

3.2 Existing situation identified

3.2.1 Detailed lists and specifications for TSE's IT and telecoms infrastructure in the standardization sector related to the software requirements.

3.2.2 Details of the TSE net programme used in the Standards Preparation Centre.

3.3 Analysis, recommendations and proposed actions

3.3.1 Downloading procedure

3.3.2 Registration procedure

3.3.3 Documents distribution procedure

3.3.4 Voting procedures

3.4 Planning proposed for the implementation plan

#### 4. CONCLUSIONS

#### 5. ANNEXES

Annex A: Database. Data entries lists.

Annex B: List of European and international phases (stages) in projects development.

Annex C: Registration procedures.

## 1. SUBJECT OF THE ASSIGNMENT

To provide technical assistance in order to develop the implementation of the standardization management and information software that will allow TSE to respond efficiently to the high volume of data and document communication within the CEN/CENELEC system.

The assignment has been carried out in line with condition 6 (CEN/CENELEC membership) taking into account Mr. Peacock's report of mission, condition 6. All efforts have been pointed out on function of the future "National Technical Committees", as the result of merging both "Mirror Committees" and "Specialised Technical Groups".

## 2. PERSONS ENCOUNTERED

TSE coordinator of the working group C3:

Mrs. Nilay YENÝAY

TSE working group members:

Ms. Serhan ERUZ

Mrs. Tomris ISMAILOGLU

Mrs. Buket KAHVECIOGLU

Mrs. Nazli FIGLALI

Mr. Alp Nuri TEKIN

Mrs. Ergül GÖKHUN

Observers:

Mr Tunga GÖKHUN [Head of the Standards Preparation Center (TSE)]

Mrs Ayse R. ARSLAM (Local Assistant)

Mr. Özcan KARKIN

Mr. Didem ÖZTOP

Other EU experts encountered:

Mr. Tomas C. KAISER (Component 4, TSE Business Plan)

## 3. PERFORMED ACTIVITIES

Every session were conducted on an interactive basis, with the TSE staff members participating fully in the discussions. The current standardization management and information software was presented to EU expert by TSE staff at the beginning of the mission. This information was taken into account by the EU expert in his recommendations. A series of slides (some of them attached to this report in Annex C) were presented by the UE expert to facilitate recommendations.

The whole mission produced a series of actions, which included responsibilities and deadlines, to ensure that the identified requirements for TSE's standardization management and information software could be met fully within the defined deadlines.

It is important to mention that during this mission the participation of TSE staff was as proactive as in the previous mission. In addition useful information was interchanged with Mr. Thomas C. KAISER (Component 4, *TSE Business Plan*).

### 3.1 Results of investigation

As indicated by Mr. Peacock in his report (see Report of 1st mission on C5: CEN and CENELEC membership for TSE), *concerning condition 6 and 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).*

Even though this 2nd Action in Component 3 is related to the software requirements only, the EU expert considers of the same importance the human resources needed to fulfil the condition 6. A total amount of 62 TSE staff members are in charge of the standardisation activities. Seven of them dealing directly in the current *Mirror Committees*, 36 dealing directly in the current *Specialised Committees*, and two are directly in charge of the system administration of the internal TSE database. These figures show that TSE is ready to fulfil condition 6 with regard human resources.

## **3.2 Existing situation identified**

### **3.2.1 Detailed lists and specifications for TSE's IT and telecoms infrastructure in the standardization sector related to the software requirements.**

In addition to software products installed in TSE, information regarding the following items identified by Mr. Peacock was provided to the EU expert by TSE staff.

- Details of TSE Intranet:  
*Distributed system.*
- Lists of servers, current software; dedicated TSE software and internal databases:  
*N° of servers: 12*  
*Current Software for clients PCs: Windows 2000 or XP, MS Word, MS Excel and Adobe Acrobat (5 licences).*  
*Internal databases:*
  - *One for documents registration and distribution.*
  - *Another one for the standards preparation process and sales (only for national purposes).*

*In principle, both databases will be merged in early future.*

- Details of regular access to external databases:  
*IEC and ISO servers: weekly.*  
*CEN and CENELEC: It is also expected to access weekly in the future.*
- List of automated procedures:  
*To be investigated following the recommendations of the EU expert. (see 3.3.2).*
- List of internet and telecom tools:  
*Internet access: available to all staff members.*  
*Personal e-mail address: every staff member has his/her own.*  
*Departmental e-mail addresses: YES.*
- Detailed qualifications of TSE software specialists:
  - *7 programmers.*
  - *3 system administrators.*
- Details of backup and safety system:  
*The information contained in the database is continuously copied. A backup is made every Thursday in TSE and an additional backup contained the whole information in TSE is made monthly and stored in two different buildings.*

### 3.2.2 Details of the TSE net programme used in the Standards Preparation Centre.

One of the two databases identified is used to register, to store and to distribute national and international documents. Many improvements are being carried out by the database programmer in cooperation with some TSE staff members. It is expected to make a new version available in early future.

It is important to highlight that the above mentioned database will be partially opened to the external users, so that they can download all those documents related to their activities. The EU expert welcomes this approach, which avoids the use of an additional document distribution system. Moreover this approach is coherent with the intended management of *National* Technical Committees, where the secretariat activities will be carried out by TSE staff; at least during the first years.

The document downloading, registration and distribution procedures were analysed in deep by the working group members. Supporting material was provided and presented by the EU expert (See also annexes B and C).

### **3.3 Analysis, recommendations and proposed actions**

#### 3.3.1 Downloading procedure

As indicated above, the Secretariat of *National* Technical Committees will be held by TSE staff members. No access rights to CEN and CENELEC servers will be provided to members in *National* Technical Committees, so periodical downloads from those servers (and CD-ROM) must be carried out by TSE staff members; for instance, once a week. In this sense, and regarding the software requirements, in principle TSE is ready to fulfil the requirements of every downloading procedure. However a clear procedure must be developed.

**Action:** To develop a procedure which ensures the viability of the downloading procedure (Component 2).

**Responsible person:** Mr. Cemal.

**Target date:** 4th quarter 2005.

#### 3.3.2 Registration procedure

New data entries are currently being added to the internal database in order so that additional information can be uploaded. However, all those new developments are closer to national and international standardisation requirements than to European standardisation needs. Real registration procedures for European standardisation activities have not been incorporated into the database yet.

In addition the current registration procedure prevents from getting any historical background of any European standard. This is due to the fact that any additional information is registered on the previous one. Then the previous information is lost.

**Action:** The database shall include all relevant information regarding European standardisation (See Annex A) and shall be adapted in such a way that any historical background of any standard stays in the database.

**Responsible person:** Mr. Ozcan KARKIN together with IT staff.

**Target date:** 2nd quarter 2006.

Every document to be distributed has to be registered in the system (database). For the time being not every distributed document is been registered in the system. For instance, documents sent via e-mail are only kept in personal inboxes.

**Action:** To develop a procedure which ensures that every document sent outside TSE is being registered, p.e in the database.

**Responsible person:** Mrs. Ergul GÖKHUN.

Target date: 2nd quarter 2006.

The whole registration procedure can be made manually. However automatic procedures shall be investigated before the implementation of the new database, so that it can be partially made automatically. Use of CEN and CENELEC database extracts (\*.txt files) could be the best option.

Action: To investigate the viability of using automatic uploading procedures by using CEN and CENELEC database extracts.

Responsible person: Mr. Tunga GÖKHUN.

Target date: 1st quarter 2006.

### 3.3.3 Documents distribution procedure

In principle, every member of every *National* Technical Committee will have partially access to the internal database via Internet. In this sense no additional management tools (p.e. *Livelink*, *ftp server*, *domino server*, etc.) are needed. The current database is being adapted to the documents distribution.

Regarding national standards development, notifications are automatically sent to all stakeholders via e-mail informing them that a new document has been placed in the database. It is expected that the same procedure will be implemented in *National* Technical Committees in the future. Then these e-mail notifications will provide information about new European documents uploaded in the database.

In addition, comments to documents in the database can be uploaded to the database by members in *National* Technical Committees.

Action: To finalise the implementation of the external users access to the database. The other actions must be taking into account.

Responsible person: Mr. Ozcan KARKIN

Target date: 1st quarter 2006

### 3.3.4 Voting procedures

These procedures have not been developed due to the fact that electronic voting rights to CEN and CENELEC systems have not been provided yet.

However a procedure shall be drafted, taking into account the recommendations provided by EU expert (see also Annex C).

Action: To prepare a procedure for voting European documents.

Responsible person: Mrs. Ergul GÖKHUN.

Target date: 1st quarter 2006.

## **4. CONCLUSIONS**

The information in clause 3 shows that the TSE Standardisation Department will be ready to fulfil CEN/CENELEC membership, condition 6 even before end of 2007.

For this reason the EU expert strongly recommends to merge the two present types of Committees as soon as possible, best before 2007, although it is planned to end of 2007.

This will be beneficial not only to this component but also to the others included in this project.

## 5. ANNEXES

A copy of the completed set of slides presented by the EU expert was given to members of Working Group 3. Only presentations *Documents registration procedure* and *Votes cast. Registration procedure* are attached to this report (see Annex C).

Annex A: Database. Data entries lists.

Annex B: List of European and international phases (stages) in projects development.

Annex C: Registration procedures.

***Annexes of report of missions can be available upon request.***

## Annex 5 Component 4: Thomas-Christian Kaiser



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 : **Business plan**

Date of assignment : 07 to 10 November 2005 Location : Ankara  
Name of expert : Thomas-Christian Kaiser, DIN

### CONTENTS

#### 1. SUBJECT OF THE ASSIGNMENT

Component 4: Business Plan

- Discussion of all unclear or uncertain elements of the business plan
- explanation of unclear items and giving examples from the own experience
- review of those clauses for which contents were already drafted in Turkish
- recommendations for the ongoing of the work.
- 

#### 2. PERSONS ENCOUNTERED

Tunga GÖKHUN, Director, Standardization Department  
Members of working group for component 4 (as given at annex 1)  
Maria CARTON, Project Manager, present project  
Pablo A. Corróns Crespí, EU expert for component 3

#### 3. PERFORMED ACTIVITIES

##### 3.1 Results

The work of the four days resulted in general and detailed reviews of the work done in between by the working group for component 4 and in encouraging the group for taking up the other tasks that were defined during the first mission related to a list of their key stake holders and according visits to ten of them to show up personally and by this to learn about the real estimation of TSE by them and probably about proposals coming from them.

The progress made so far till the arrival of the undersigned can be seen in the set of charts given at annex 2.

In an oral report to the Director of the Standardisation Department also four recommendations were given, the tasks of the working group for the next mission to be performed by Hyenne, and some final remarks were given (see also annex 2).

The oral report was accepted and he gave additional information on outcomes of the work for component 2 on QM manual that will be taken to be inserted in the business plan. As there is an overlapping between the two working groups by two TSE members, the necessary information flow should now be secured.

### 3.2 Existing situation identified

It has to be stated that not all of the tasks having been given in July have not been accomplished yet, due to mainly

- Not clear understanding of all items
- Heavy workload of a limited number of standardisation officers in the different working groups
- Summer season, Ramadan, and the week of Bayram

It was promised till the next mission of Hyenne, having been postponed to February, to have accomplished all tasks, as now everything seemed to be very clear.

The set of charts for the purpose of the business plan, presented at the end of the first mission to the director of standardization was amended and partly aggregated with comments based on the results of this mission (see at annex 3).

### 3.3 Recommendations

The business plan will contain all recommendations.

Four prominent recommendations are given in chart 13 of annex 2.

Final remarks for the ongoing of the work are given in chart 15 of annex 2.

### 3.4 Difficulties encountered during assignment

No difficulties during the assignment, but the progress since the first mission was not that expected (reasons see above in clause 3.2).

### 3.5 Planning proposed for the implementation plan

The reiterated tasks till the next mission are given in chart 14 of annex 2.

## 4 CONCLUSIONS

The interest in the topic on side of TSE is further on high. The fact that a draft of a new law for TSE is under preparation influences significantly the work on the business plan and may break it sometimes. Anyhow a significant commitment of all persons encountered could be noticed. TSE made all efforts again to make this mission a success.

## 5 ANNEXES (IF APPLICABLE)

see annexes 1, 2 and 3

Ankara / Berlin, 11 November 2005

Thomas-Christian KAISER, DIN

***Annexes of report of missions can be available upon request.***

# 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 2<sup>nd</sup> mission on C5: CEN & CENELEC membership for TSE**

Date of assignment: **28 November-1 December 2005**

Location: **TSE, Ankara, Turkey**

Name of expert: **Robert Peacock**

### 1. SCOPE OF THE ASSIGNMENT

- (d) To reassess TSE's compliance with the nine conditions for full membership of CEN and CENELEC.
- (e) To review against the detailed workplan, which was prepared with TSE during the first mission under C5 in October 2005, TSE's progress in compiling the documentation which will be required for its application file to CEN and CENELEC.
- (f) If necessary, to hold a roundtable meeting with the relevant Ministries to explain the necessity and importance of their cooperation with TSE.

The expert conducted a workshop on TSE's premises to fulfil items (a) and (b) above. Details of the workshop appear in sections (3) and (4) of this report below.

It was not possible to hold the proposed roundtable in item (c) above but a meeting was held during the assignment at the Ministry of Industry and Trade (MIT) with its Legal Advisor. Details of the meeting appear in section (5) of this report below.

### 2. NAMES OF PARTICIPANTS

#### TSE WORKSHOP:

- (a) Mr Alpay Iğrek, Director, EU & International Relations Department, TSE;
- (b) Mr Tunga Gokhun, Department Head, Standards Preparation Center, TSE;
- (c) Mr Nilay Yeniay, Director of National Standards, Standards Preparation Center, TSE;
- (d) Mrs Buket Kahvecioglu, Specialist, Standards Preparation Center, TSE;
- (e) Mrs Serhan Eruz, Technical Officer, Standards Preparation Center, TSE;
- (f) Mrs Ergul Gokhun, Director, International Standards Directorate, Standards Preparation Center, TSE;
- (g) Mrs Nazli Figlali, Specialist, International Standards Directorate, Standards Preparation Center, TSE;
- (h) Mr Alp Nuri Tekin, Specialist, International Standards Directorate, Standards Preparation Center, TSE;
- (i) Mr Cemal Yildizeli, Officer, Standards Preparation Center, TSE;
- (j) Mrs Sermin Bubik, Director, Document Selling and Information Department, TSE.

## MEETING AT THE MINISTRY OF INDUSTRY AND TRADE (MIT):

- (a) Mr Onder Canpolat, Legal Advisor, Ministry of Industry and Trade (MIT);
- (b) Mr Alpay Iğrek, Director, EU & International Relations Department, TSE;
- (c) Mrs Ayşe Arslan, Local Assistant, "Support to Standardisation Activities in Turkey" project.

### 3. WORKSHOP

The workshop was conducted on an interactive basis with the TSE staff participating fully in the discussions. Comments on TSE's achievement to date of the agreed workplan are highlighted in blue below in section (4) of this report, itemised again for each of the established nine conditions for full membership of CEN & CENELEC.

During the workshop, it was also established that Mr Alpay Iğrek, Director, EU and International Relations Department, TSE, will be coordinating TSE's application for full membership of CEN & CENELEC.

### 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 Iğrek, Director, EU and International Relations Department.  
Deadline for action: ready.**

The above documentation had been prepared. It was also recommended that the EU Council Decision on Turkey's Accession Partnership (dated 9 November 2005) should be included.

#### 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.**

TSE was due to make a presentation (during the time of the expert's assignment) to the Under Secretary of the Prime Ministry relating to the future structure of TSE and the revision of the law on TSE. However, it seemed that there were problems relating to the reference in certain other laws of TSE as a "government institution". It was proposed during the workshop that a possible short-term solution to the problems relating to the existing law (see above) could be to amend the existing law to take account of the requirements listed above whilst, at the same time, continuing with the comprehensive revision of the law or the adoption of a new law which would take account of the future structure of TSE. However, this was later ruled out as an option at the meeting with the Ministry of Industry and Trade's legal advisor (details of which appear below in section 5 of this report).

The issues relating to the law on TSE are due to be taken up again by the project in the w/c 12 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.

TSE had prepared a detailed spreadsheet, which showed all the above information. There are currently 1,054 Turkish Standards on which mandatory status (conferred by Turkish Ministries) still exists. 146 of these standards have been withdrawn by TSE but this "withdrawal" has not been reflected at the regulatory level. 60 of the 1,054 mandatory Turkish Standards conflict with European Standards (ENs) and, of these 60, two fall into the category of standards which have been "withdrawn" by TSE but not at the regulatory level.

- 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);

TSE claims that most EU technical regulations (160/170), including all the *New Approach Directives*, have now been approximated into Turkish legislation.

- Detailed list on a year-by-year basis of mandatory standards that have been withdrawn to date;

TSE had prepared a detailed spreadsheet, which showed that the mandatory status on 343 Turkish Standards has been withdrawn so far.

- 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.**

TSE has obtained a list of current technical legislation from the Undersecretariat of the Prime Ministry for Foreign Trade and the General Secretariat of the EU (in the Turkish government). TSE's *Specialised Committees* (i.e. Technical Committees) will be analysing the existing mandatory standards, which fall under their responsibility, and also comparing all the European Standards, which fall under their responsibility, with any other technical legislation.

TSE will then send letters to the (approximately) 15 "functional" Ministries in the Turkish government (i.e. those that previously conferred mandatory status on Turkish Standards) to seek the full withdrawal of any mandatory status which has been conferred on Turkish Standards, together with any technical legislation which conflicts with current European Standards. All related correspondence should be translated into English for inclusion in TSE's application file.

(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. Official Journal reference 24714 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.**

The General Secretariat of the EU in the Turkish government claims that Official Journal reference 24714 for the *Regulation on the Notification of the Technical Legislation and Standards between Turkey and the European Union* (which entered into force in May 2002) has been fully harmonised with Directive 98/34/EC, but it was agreed that this statement would be validated by TSE and, accordingly, TSE would be checking the level of harmonisation.

However, it was established that Directive 98/48/EC had not yet been approximated into Turkish legislation. It was therefore agreed that TSE would write to the General Secretariat of the EU in the Turkish government to request details of the timescale for the approximation of Directive 98/48/EC. It was recommended that the related correspondence, particularly the General Secretariat of the EU's response, should be translated into English for inclusion in TSE's application file.

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.**

This requirement was in hand. It was recommended that key elements of TSE's new Quality Manual, particularly those that relate directly to the conditions for full membership of CEN and CENELEC, should be translated into English for inclusion in TSE's application file.

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.**

TSE currently has approximately 300 purely national standards projects in its work programme and three notifications (for one new standard, one revision and one amendment) had been prepared by TSE as examples. It was agreed that TSE will start completing notifications for all new national work (but not submitting them to CEN & CENELEC, which have stated that they are not ready to receive notifications from Affiliates) with effect from 1 December 2005 and that a record of this decision would be included in its application file. It was also recommended that the draft notifications should be made available for inspection during TSE's audit.

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

This requirement was in hand and it was recommended that copies of the letters or e-mails, which should be sent to the ISO/IEC Joint Information Centre every six months, announcing the availability of TSE's standards work programme, should be included in TSE's application file.

### **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.**

TSE was due to make a presentation (during the time of the expert's assignment) to the Under Secretary of the Prime Ministry relating to the future structure of TSE and the revision of the law on TSE. However, it seemed that there were problems relating to the reference in certain other laws of TSE as a "government institution". It was proposed during the workshop that a possible short-term solution to the problems relating to the existing law (see above) could be to amend the existing law to take account of the requirement listed above whilst, at the same time, continuing with the comprehensive revision of the law or the adoption of a new law which would take account of the future structure of TSE. However, this was later ruled out as an option at the meeting with the Ministry of Industry and Trade's legal advisor (details of which appear below in section 5 of this report).

The issues relating to the law on TSE are due to be taken up again by the project in the w/c 12 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.**

This requirement was in hand. It was recommended that key elements of TSE's new Quality Manual, particularly those that relate directly to the conditions for full membership of CEN and CENELEC, should be translated into English for inclusion in TSE's application file.

#### 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 Igrrek, Director, EU and International Relations Department. Deadline for action: when TSE is ready to prepare its application file for full membership.**

It was agreed that Mrs Ergul Gokhun, Director, International Standards Directorate, Standards Preparation Center, would be preparing an official statement from TSE, confirming its ability to meet the cost of the fees for full membership of CEN and CENELEC, which would be included in its application file.

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.**

TSE's new standardization budget for the period 2006-2009 is currently being prepared in which it will rely on receiving 10% of its income from TSE's other services. It was recommended that, in the budget, TSE should allow for 10% inflation in each year for the cost of its membership of CEN and CENELEC and, from 2007 onwards, it should also increase the budget (for membership fees of CEN and CENELEC) by 100% to take account provisionally of the costs of full membership.

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.**

Following advice provided by the project, it is intended to complete by February 2006 the first draft of TSE's five-year business plan. This will include the budget and financial projections for TSE for the period 2006-2010 which are being worked on simultaneously.

#### 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.**

TSE had prepared detailed spreadsheets and pie charts to meet several of the requirements listed above and a number of amendments were proposed and agreed in order to clarify the data details. The requirements for outstanding items were also agreed, including identification of all the areas covered by standardization in CEN and CENELEC in which the Turkish economy is active.

It was also agreed that, in order to avoid confusion in future, the two categories of TSE Technical Committee (i.e. *Specialised Committee* and *Mirror Committee*) would be renamed forthwith as National Technical Committee (NTC) and Mirror Technical Committee (MTC) until such time as the two structures are merged (currently intended by end 2007). The relationship between the two types of committee still needs to be documented for inclusion in TSE's application file.

There are currently 117 MTCs, covering 37 sectors of European standardization in CEN and CENELEC. However, apart from an introductory meeting for all the then newly-established Mirror Committees in December 2004, none of the MTCs have met yet on an individual basis. Although the MTC members have been working remotely on CEN and CENELEC documents, no meetings have been held to date to (for example) consider the national point of view and brief national delegates attending CEN and CENELEC meetings. This requirement needs to be addressed urgently.

In respect of the national point of view in particular, it is intended that, using the TSE net programme, TSE will start in December 2005 to establish a system of "dummy" voting on ENs at Approval Stage to be recorded (but not submitted to CEN & CENELEC) for inclusion in TSE's application file.

It was also recommended that members of the MTCs should be invited to consider new work items that TSE can propose to CEN and CENELEC.

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.

First drafts of the necessary documentation have been prepared, including details of related tasks, duties and responsibilities of those staff involved in TSE's IT sector.

2. Details of the *TSE net* programme used in the Standards Preparation Center.

Details of the *TSE net* programme will be translated into English.

**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.*

TSE had prepared detailed spreadsheets and pie charts to meet several of the requirements below and a number of amendments were proposed and agreed in order to clarify the data details. The requirements for outstanding items were also agreed.

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.**

Since 1998, TSE has not produced a hardcopy standards catalogue. Its catalogue is currently produced quarterly on CD-ROM and is also available online from TSE's website.

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.**

As of 31 October 2005, TSE had adopted:

- 8,778 CEN ENs from a total of 9,643 (i.e. 91%);
- 3,041 CENELEC ENs from a total of 4,726 (of which 1,033 were amendments) (i.e. 82%);
- 254 CENELEC HDs from a total of 361 (of which 61 were amendments) (i.e. 85%).

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.**

During December 2005, TSE plans to adopt either by cover page or translation all outstanding ENs. However, ENs, which conflict with the 60 existing mandatory standards identified in Condition 2 (b) above, will not be adopted until the conflicting standards can be withdrawn (following the necessary agreement from the relevant Ministries).

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

**TSE's current work programme is available on its website.**

9. Details of approximated *New Approach* Directives (also relevant to Condition 2):

- Summary table;
- References in Turkey's Official Journal.

**TSE claims that most EU technical regulations (160/170), including all the *New Approach* Directives, have now been approximated into Turkish legislation.**

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).

**There are currently 238 Turkish Standards in total which conflict with ENs.**

**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).

**There are currently 1,054 Turkish Standards on which mandatory status (conferred by Turkish Ministries) still exists. 146 of these standards have been withdrawn by TSE but this "withdrawal" has not been reflected at the regulatory level. 60 of the 1,054 mandatory Turkish Standards conflict with European Standards (ENs) and, of these 60, two fall into the category of standards which have been "withdrawn" by TSE but not at the regulatory level.**

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.**

TSE has obtained a list of current technical legislation from the Undersecretariat of the Prime Ministry for Foreign Trade and the General Secretariat of the EU (in the Turkish government). TSE's Specialised Committees (i.e. Technical Committees) will be analysing the existing mandatory standards, which fall under their responsibility, and also comparing all the European Standards, which fall under their responsibility, with any other technical legislation.

TSE will then send letters to the (approximately) 15 "functional" Ministries in the Turkish government (i.e. those that previously conferred mandatory status on Turkish Standards) to seek the full withdrawal of any mandatory status which has been conferred on Turkish Standards, together with any technical legislation which conflicts with current European Standards. All related correspondence should be translated into English for inclusion in TSE's application file. It was recommended particularly that the letters of commitment from Ministries (to withdraw within a specific timescale the conflicting mandatory status on the conflicting standards and any other conflicting legislation) should be translated into English.

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. Official Journal reference 24714 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.**

The General Secretariat of the EU in the Turkish government claims that Official Journal reference 24714 for the *Regulation on the Notification of the Technical Legislation and Standards between Turkey and the European Union* (which entered into force in May 2002) has been fully harmonised with Directive 98/34/EC, but it was agreed that this statement would be validated by TSE and, accordingly, TSE would be checking the level of harmonisation.

However, it was established that Directive 98/48/EC had not yet been approximated into Turkish legislation. It was therefore agreed that TSE would write to the General Secretariat of the EU in the Turkish government to request details of the timescale for the approximation of Directive 98/48/EC. It was recommended that the related correspondence, particularly the General Secretariat of the EU's response, should be translated into English for inclusion in TSE's application file.

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.**

This requirement was in hand. It was recommended that key elements of TSE's new Quality Manual, particularly those that relate directly to the conditions for full membership of CEN and CENELEC, should be translated into English for inclusion in TSE's application file.

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)

This requirement was in hand and it was recommended that copies of the letters or e-mails, which should be sent to the ISO/IEC Joint Information Centre every six months, announcing the availability of TSE's standards work programme, should be included in TSE's application file.

## 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 Relations Department. Deadline for action: 31 October 2005.**

It was understood that *Law 5846 on Intellectual and Artistic Works* (1951 and amendments up to 2004) ratifies the updated *Berne Convention for the Protection of Literary and Artistic Works* (although there is no specific reference in the law to standards). It was recommended that TSE should seek a letter of confirmation to this effect from the Ministry of Culture.

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.**

TSE was due to make a presentation (during the time of the expert's assignment) to the Under Secretary of the Prime Ministry relating to the future structure of TSE and the revision of the law on TSE. However, it seemed that there were problems relating to the reference in certain other laws of TSE as a "government institution". It was proposed during the workshop that a possible short-term solution to the problems relating to the existing law (see above) could be to amend the existing law to take account of the requirement listed above whilst, at the same time, continuing with the comprehensive revision of the law or the adoption of a new law which would take account of the future structure of TSE. However, this was later ruled out as an option at the meeting with the Ministry of Industry and Trade's legal advisor (details of which appear below in section 5 of this report).

The issues relating to the law on TSE are due to be taken up again by the project in the w/c 12 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.**

This requirement was in hand. It was recommended that key elements of TSE's new Quality Manual, particularly those that relate directly to the conditions for full membership of CEN and CENELEC, should be translated into English for inclusion in TSE's application file.

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

**Responsible in TSE: Mrs Sermin Bubik, Director, Document Selling and Information Department. Deadline for action: 31 October 2005.**

TSE has prepared a statement which confirms that TSE has no agents or distributors for the sale of standards and that only TSE offices (including regional offices in Turkey) are authorised to sell Turkish Standards.

It was recommended that TSE should also obtain (through AFNOR) a copy of the signed CEN Exploitation Agreement in order to ensure that TSE is able to meet its obligations.

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.

All the files, which are currently being prepared either for inclusion in TSE's application file or in support of it, should be maintained as dynamic files and updated constantly by nominated individuals being allocated specific responsibility for maintaining each file.

## **5. MEETING AT THE MINISTRY OF INDUSTRY AND TRADE (MIT) ON 30 NOVEMBER 2005**

The expert explained the background to the need for TSE to accede to full membership of CEN and CENELEC as part of Turkey's EU accession programme and introduced the nine specific conditions, particularly Condition 2, which concentrates largely on Turkey's legislative and regulatory environment. MIT's legal advisor asked TSE to send him a translation of the nine conditions.

The expert advised that a possible short-term solution to the problems related to the existing law could be to amend the existing law to take account of the requirements listed below whilst, at the same time, continuing with the comprehensive revision of the law or the adoption of a new law which would take account of the future structure of TSE.

The expert advised that, in order to satisfy the criteria for full membership of CEN and CENELEC, Statute no. 132 *for the establishment of the Turkish Standards Institution (1960)* needs to be amended so that *inter alia* it:

- 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.

However, the legal advisor to MIT reported that any amendments to the existing law would put back the whole process of preparing the new (draft) law. It was therefore agreed that this would not be a viable solution and that TSE would have to await the promulgation of the new law. MIT's legal advisor asked TSE to send him a translation of the above four requirements which he would take account of in the new law.

The legal advisor reported that MIT planned to send the draft law to the Prime Minister's Office by 15 December 2005. He expected that the draft law could be submitted for Parliamentary approval by the end of January 2006 and that it could be passed by Parliament by the end of June 2006 (although he commented that obviously any interventions could delay progress).

Although *Law no 4703 relating to the preparation and implementation of the technical legislation on products* (which entered into force in January 2002), states that "standard shall mean any voluntary document ...", another law (in addition to the law on TSE), which is also still extant, also gives Ministries the authority to confer mandatory status on standards. This other law will therefore also need to be revised or amended. It was also understood that the new (draft) TSE law, which the expert had not seen, would make no reference to the status of standards and the expert was concerned that some Ministries would take this as an opportunity to continue conferring mandatory status on standards where it suited their requirements.

Most of the standards with mandatory status fall under MIT's responsibility and it was understood that a commission has been established under the Undersecretariat of the Prime Ministry for Foreign Trade to work closely with MIT to withdraw the existing mandatory status on all affected standards. The Directorate of Foreign Trade and Standardization (in the Undersecretariat of the Prime Ministry for Foreign Trade), which has responsibility for technical regulations, and the Council of Market Surveillance (also under the Undersecretariat of the Prime Ministry for Foreign Trade) has decided that the mandatory status on all standards should be withdrawn. MIT has been tasked with coordinating this responsibility but, currently, there is no timescale for the completion of this work.

The situation appears to be complicated further by the existence of three financially-oriented laws (which deal with *inter alia* public procurement and financial control) which it is understood link TSE to the Treasury and bind TSE to the Turkish government.

## 6. CONCLUSIONS

A re-assessment against the nine CEN/CENELEC conditions for full membership concludes that TSE continues to make 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 TSE's successful application for full membership and the current target date for TSE's application for full membership of CEN & CENELEC remains Quarter 1 in 2006 (most likely the end of March 2006).

It has therefore been proposed that the two EU experts for C5 will revisit Turkey in 2006 to carry out together in the third mission for C5 a formal practice audit, under normal audit conditions, which should ensure that TSE are fully prepared for the official CEN/CENELEC audit. It is also proposed that TSE should submit a dummy application file to each of the experts in advance of the practice audit.

TSE would like to see this practice audit (the final assignment under C5) undertaken at the end of February 2006 but the expert (together with a representative of ON's technical cooperation department) recommended that this practice audit should only be carried out when the law on TSE has been revised, particularly as the whole of 2006 is potentially available under the project for this assignment. This would then enable TSE to correct any final non-conformities and submit its application file to CEN and CENELEC shortly afterwards. Consequently TSE would also be able to benefit more profitably from the lessons learnt from the practice audit which hopefully would be followed shortly afterwards by the formal CEN/CENELEC audit. Other timescales of May 2006 and September 2006 were therefore proposed as alternative options for the final assignment under C5.

Author of this report: **Robert Peacock**

Prepared in: **December 2005**

# Annex 7 Component 6: Javier Garcia

## 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 : **Report of mission "Implementation fo the 98/34/EC Directive"**

Date of assignment : 2006-01-27/27

Location : Ankara, Turkey

Name of expert(s) : Javier GARCIA

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## 1. SUBJECT OF THE ASSIGNMENT

According to the terms of reference of the project, in order to complement the criteria to be fulfilled to apply for CEN & CENELEC membership, it is necessary to consider the appropriate implementation of the 98/34/EC directive. Consequently, *“in the framework of the 98/34/EC Directive (formerly 83/189/EEC), provide consultancy and advice in the establishment of suitable structures for centralising the exchange of information, i.e. for establishing the necessary information point”*.

Being the aim of this component the establishment of the information procedure in accordance with the requirements of the 98/34/EC Directive, this activity under component 6 implies a first approach to the principles of European Standardisation, as included in the text of Directive 98/34, as well as to the notification procedure to be applied. Consideration was given to the basic concepts and definitions applicable to the European standardisation system and its players.

## 2. PERSONS ENCOUNTERED

TSE coordinator of the working group C6:

Mrs. Serhan ERUZ

TSE working group members:

Mrs. Nilay YENIAY

Mrs. Müge ALGAN

Mr. Bülent GÜYER

Mr. Burak YETKIN

## 3. PERFORMED ACTIVITIES

In order to complement the explanations on the contents and implications of the Directive's requirements, the consultancy continued with the presentation and analysis of the CEN Standards Notification Procedure. This procedure is clearly detailed in the CEN Business and Operations Support System (BOSS) website: (<http://www.cenorm.be/boss/support/support+processes+-+index/notification+procedure+-+notifications/cmc+services+on+the+notification+procedure+-+notifications.asp>).

Concepts like “Standstill”, “Mandatory implementation of European standards as national standards” and “Mandatory withdrawal of conflicting national standards” were thoroughly commented upon as the key factors that contribute to the elimination of technical barriers to trade and consequently to the free movement of goods in the EU's internal market. Special emphasis was put in the analysis and explanation of the role of the so-called “new deliverables” and their role in the implementation of the information exchange procedure on technical standards.

Additionally, and considering the fact that the Directive itself is currently undergoing a revision process, TSE staff was informed about the situation of the latest discussions between the EC and the European standardisation organizations in relation to the standards part of the Directive.

It presents the steps and requirements to be fulfilled by the different national standardisation bodies (NSB) in order to provide the European standardisation bodies and the rest of the NSBs, as well as the EC services, the information related to the new standards being developed at national level.

After analysing the different stages of the notification procedure, and taking the chance to revise the corresponding TSE initiatives to incorporate its contents into their own internal procedures, some considerations and suggestions were proposed to facilitate its implementation. To this end, the presentation of AENOR's example in implementing the Notification Procedure to fulfil 98/34 Directive's requirements, as a case of National Standards Body Notification Procedure, helped to clarify some aspects. Special emphasis was made in issues related to the management of the local databases for standards development (SD) management as well as how and at what moment in the SD process to generate the listings of notifications which have to be communicated to the CEN Management Center.

The last part of the consultancy focused on the international sphere:

Directive 98/34 applies exclusively to the avoidance of technical barriers to trade in the internal market of the EU. Nevertheless, TSE as signatory of the WTO Code of Good Practice for the preparation, adoption and application of standards (annex 3 to the WTO/TBT agreement), has already experience on the notification of its national standards work program in accordance with the Code's principles.

To develop the above referenced actions, the following schedule was performed:

**Day One: 2006-01-23**

Directive 98/34/EC

- Contents and functioning
- Revision process of the standards part of Directive 98/34/EC

**Day Two: 2006-01-24**

CEN Standards Notification Procedure

- Standstill concept

**Day Three: 2006-01-25**

National Standards Body Notification Procedure

**Day Four: 2006-01-26**

WTO TBT Agreement

- WTO notification for Regulations
- WTO Code of Good Practice
- ISONET

NOTE: Enclosed to this report is the material used as a reference during the performance of the activity (Annex I)

#### **4. CONCLUSION**

TSE is already implementing in its internal quality management procedures the necessary measures to ensure the fulfilment of the CEN Notification Procedure in order to comply with the requirements set by Directive 98/34/EC.

Some slight adjustments (like, for example, the project identification) will be performed as a result of the consultancy.

Nevertheless, in general terms the degree of knowledge and awareness of the obligations that Directive 98/34/EC implies, is high, and the level of implementation and readiness of the already existing IT needs (standards development databases) allows to envisage no difficulties in the effective future participation in the full operation of the CEN Notification Procedure.

#### **5. ANNEXES**

**ANNEX I:** Presentation

***Annexes of report of missions can be available upon request.***

## Annex 8 Updated table of working days by components

Inception phase	50,00
Project Management	154,00
Component 1	32,00
Component 2	37,00
Component 3	46,00
Component 4	37,00
Component 5	18,00
Component 6	7,00
Component 7	19,00
Local expert	35,00
<b>Total w. d.</b>	<b>435,00</b>