

DRAFT REGULATION ON ECODSIGN REQUIREMENTS FOR ENERGY-RELATED PRODUCTS (2009/125/EC)

PART I

Objective, Scope, Legal Basis and Definitions

Objective

ARTICLE 1 – (1) The objective of this Regulation is to contribute to sustainable development by increasing energy efficiency, the level of protection of the environment and the security of the energy supply and to provide for the setting of requirements must be fulfilled by establishing a framework for setting of eco-design requirements for energy-related products with the aim of placing on the market and/or putting into service.

Scope

ARTICLE 2 – (1) The energy related products covered by this Regulation shall be determined by implementing regulations to be published by relevant competent authorities.

(2) This Regulation shall not apply to means of transport for persons or goods.

(3) This Regulation and the implementing regulations adopted pursuant thereto shall be without prejudice to Community waste management legislation and Community chemicals legislation, including Community legislation on fluorinated greenhouse gases.

Legal Basis

ARTICLE 3 – (1) This Regulation has been prepared based on the Law No. 4703 on the Preparation and Implementation of the Technical Legislation on Products, dated 29/6/2001.

Compliance with the European Union Legislation

ARTICLE 4 – (1) This Regulation has been prepared based on the Directive 2009/125/EC of the European Parliament and of Council of 21 October 2009 on the Harmonization of Laws of Member States establishing a framework for the setting of ecodesign requirements for energy-related products.

Definitions

ARTICLE 5 – For the purposes of this Regulation the following definitions shall apply:

1) “Waste” means any substance or object which is covered by Article 4(d) of the Regulation on Waste Management published in the Official Gazette no. 29314, dated 2/04/2015,

2) “Ministry” means Ministry of Industry and Technology,

3) “Components and sub-assemblies” means parts intended to be incorporated into products, and which are not placed on the market and/or put into service as individual parts for end-users or the environmental performance of which cannot be assessed independently,

4) "Environmental aspect" means an element or function of a product that can interact with the environment during its life cycle,

5) “Environmental impact” means any change to the environment wholly or partially resulting from a product during its life cycle,

6) "Environmental performance" of a product means the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file,

7) "Improvement of the environmental performance" means the process of enhancing the environmental performance of a product over successive generations, although not necessarily in respect of all,

8) "Generic ecodesign requirement" means any ecodesign requirement based on the ecological profile as a whole of a product without set limit values for particular environmental aspects,

9) "Specific ecodesign requirement" means a quantified and measurable ecodesign requirement relating to a particular environmental aspect of a product, such as energy consumption during use, calculated for a given unit of output performance,

10) "Ecodesign" means the integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle,

11) "Ecodesign requirement" means any requirement in relation to a product, or the design of a product, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of a product,

12) "Ecological profile" means a description, in accordance with the implementing regulation applicable to the product, of the inputs and outputs (such as materials, emissions and waste) associated with a product throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured,

13) "Energy recovery" means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat,

14) "Energy-related product (a "product")" means any good that has an impact on energy consumption during use which is placed on the market and/or put into service, and includes parts intended to be incorporated into energy-related products covered by this Regulation which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently,

15) "Recycling" means the reprocessing defined in the Article 4 of Regulation on Waste Management published in the Official Gazette no. 29314, dated 2/04/2015,

16) "Recovery" means any of the applicable operations listed in Annex II B to Regulation on Waste Management published in the Official Gazette no. 29314, dated 2/04/2015,

17) "Putting into service" means the first use of a product for its intended purpose by an end-user,

18) "Self-regulation" means a regulation prepared by the organizations engaged in the design or manufacturing of the products covered by this Regulation in order to fulfill the provisions of this Regulation and implementing regulations for the respective products,

19) "Manufacturer" means the natural or legal person who manufactures products covered by this Regulation and is responsible for their conformity with this Regulation in view of their being placed on the market and/or put into service under the manufacturer's own name or trademark or for the manufacturer's own use. In the absence of a manufacturer or of an importer, any natural or legal person who places on the market and/or puts into service shall be considered a manufacturer;

20) "Importer" means any natural or legal person established in Turkey who imports and places a product on the market,

21) "Commission" means European Commission,

22) "Materials" means all materials used during the life cycle of a product,

23) "Placing on the market" means making a product available for the first time on the market with a view to its distribution or use whether for reward or free of charge and irrespective of the selling technique,

24) "Hazardous waste" means waste which displays one or more of the hazardous properties listed in Annex III A to the Regulation on Waste Management published in the Official Gazette no. 29314, dated 2/04/2015,

25) "Implementing regulations" means regulations adopted pursuant to this Regulation laying down eco-design requirements for defined products or for environmental aspects thereof,

26) "Harmonised standard" means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonization legislation,

27) "Product design" means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by a product into the technical specification for that product,

28) "Member States" mean the member states of the European Union;

29) "Life cycle" means the consecutive and interlinked stages of a product from raw material use to final disposal,

30) "Reuse" means any operation defined in Article 4 of Regulation on Waste Management published in the Official Gazette no. 29314, dated 2/04/2015,

32) "Competent Authority" means the public authority or organization which is authorized to prepare and implement the legislation on products and which prepares and implements the implementing regulations for the respective products as required by this Regulation;

32) "Authorized representative" means any natural or legal person established in Turkey who has received a written mandate from the manufacturer to perform on his behalf all or part of the obligations and formalities connected with this Regulation,

PART II

Placing on the market and/or Putting into service, Responsibilities of importer, Marking and Declaration of conformity

Placing on the market and/or putting into service

ARTICLE 6 – (1) (The products covered by implementing regulations may be placed on the market and/or put into service only if they comply with those regulations and bear the CE marking in accordance with Article 8.

(2) The market surveillance and inspection for the products shall be carried out by the competent authority according to the provisions of the Regulation Relating to the Market Surveillance and Inspection of the Products put into force by the Decision of the Council of Ministers No: 2001/3529 of 13/11/2001.

(3) The competent authority shall ensure that consumers and other interested parties are given an opportunity to submit observations on product compliance to it.

Responsibilities of the importer

ARTICLE 7 – (1) Where the manufacturer is not established in Turkey and in the absence of an authorized representative established in Turkey, the importer shall have the following obligations;

a) to ensure that the product placed on the market or put into service complies with this Regulation and the applicable implementing regulations,

b) to keep and make available the EC declaration of conformity and the technical documentation,

Marking and EU Declaration of Conformity

ARTICLE 8 – (1) Before a product covered by implementing regulations is placed on the market and/or put into service, a CE conformity marking shall be affixed in accordance with the Regulation on CE Marking published in the Official Gazette no.28213, dated 23/2/2012, and an EU declaration of conformity issued whereby the manufacturer or its authorized representative ensures and declares that the product complies with all relevant provisions of the applicable implementing regulation.

(2) The CE marking consists of the initials "CE" as shown in Annex III

(3) The EC declaration of conformity shall contain the elements specified in Annex VI and shall refer to the appropriate implementing regulation

(4) The affixing of markings on a product which are likely to mislead users as to the meaning or form of the CE marking shall be prohibited.

(5) The information to be supplied pursuant to Annex I, Part 2 must be in Turkish when the product reaches the end-user. The information in question may also be provided in one or more other official languages of the institutions of the European Union in addition to Turkish. While enforcing this provision, it shall be considered whether the information can be supplied by harmonized symbols or recognized codes or other measures, the type of user anticipated for the product and the nature of the information which is to be provided shall also be considered.

PART III

Free Movement and Safeguard Clause

Free movement

ARTICLE 9 – (1) The placing on the market and/or putting into service of a product that complies with all the relevant provisions of the applicable implementing regulation and bears the CE marking in accordance with Article 8 shall not be prohibited, restricted or impeded on grounds of ecodesign requirements relating to those ecodesign parameters referred to in Annex I, Part 1 which are covered by the applicable implementing regulation.

(2) The prohibition, restriction or impediment of the placing on the market and/or putting into service of a product bearing the CE marking on grounds of ecodesign requirements relating to those ecodesign parameters referred to in Annex I, Part 1 for which the applicable implementing regulation provides that no ecodesign requirement is necessary.

(3) The display, for example at trade fairs, exhibitions and demonstrations, of products which are not in conformity with the provisions of the applicable implementing regulation shall not be prevented, provided that there is a visible indication that they may not be placed on the market and/or put into service until brought into conformity

Safeguard clause

ARTICLE 10 – (1) Where the competent authority ascertains that a product bearing the CE marking referred to in Article 8 and used in accordance with its intended use does not comply with all the relevant provisions of the applicable implementing regulation, the manufacturer or its authorized representative shall be obliged to make the product comply with the provisions of the applicable implementing regulation and/or with the CE marking and to end the infringement under conditions imposed by the competent authority.

(2) Where there is sufficient evidence that a product might be non-compliant, the competent authority shall take the necessary measures which, depending on the gravity of the non-compliance, can go as far as the prohibition of the placing on the market of the product until compliance is established.

(3) Where non-compliance continues, the competent authority shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the product in question or ensure that it is withdrawn from the market. In cases of prohibition or withdrawal from the market, the Commission and Member States shall be immediately informed thereof through the Ministry of Trade.

(4) Any decision by the competent authority concerned pursuant to this Regulation which restricts or prohibits the placing on the market and/or the putting into service of a product shall state the grounds on which it is based. Such decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available and of in the time limits to which such remedies are subject.

(5) The competent authority shall immediately inform the Commission and the other Member States, through the Ministry of Trade of any decision taken pursuant to this Article, indicating the reasons therefore, and, in particular, whether non-compliance is due to:

- a) failure to satisfy the requirements of the applicable implementing regulations,
- b) incorrect application of harmonized standards,

c) shortcomings in harmonized standards.

(6) The competent authority shall take the necessary measures to guarantee confidentiality with regard to information provided during that procedure, where justified.

(7) The decisions taken by competent authorities pursuant to this Article shall be made public in a transparent way.

PART IV

Conformity Assessment, Presumption of Conformity and Harmonised Standards

Conformity assessment

ARTICLE 11 – (1) Before placing a product covered by implementing regulations on the market and/or putting such a product into service, the manufacturer or its authorized representative shall ensure that an assessment of the product's conformity with all the relevant requirements of the applicable implementing regulation is carried out.

(2) The conformity assessment procedures shall be specified by the implementing regulations and shall leave to manufacturers the choice between the internal design control set out in Annex IV to this Regulation and the management system set out in Annex V to this Regulation. Where duly justified and proportionate to the risk, the conformity assessment procedure shall be specified among relevant modules as described in the Regulation on CE Marking.

(3) If the competent authority has strong indications of probable non-compliance of a product, the competent authority shall as soon as possible publish a substantiated assessment of the product's compliance. This assessment may be conducted by a competent body in order to allow for timely corrective action.

(4) If a product covered by implementing measures is designed by an organisation registered the Community eco-management and audit scheme (EMAS) and the design function is included within the scope of that registration, the management system of that organisation shall be presumed to comply with the requirements of Annex V.

(5) If a product covered by implementing regulations is designed by an organization having a management system which includes the product design function and which is implemented in accordance with harmonized standards, that management system shall be presumed to comply with the corresponding requirements of Annex V.

(6) After placing a product covered by implementing regulations on the market or putting it into service, the manufacturer or its authorized representative shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued available for inspection by the competent authority for a period of 10 years after the last of that product has been manufactured. The relevant documents shall be made available within 10 days upon receipt of a request by the competent authority.

(7) Documents relating to the conformity assessment and EC declaration of conformity referred to in Article 8 shall be drawn up in Turkish. If the documents are drawn up in other languages Turkish translations shall also be added.

Presumption of conformity

ARTICLE 12 – (1) A product bearing the CE marking referred to in Article 8 shall be regarded as conforming to the relevant provisions of the applicable implementing regulation.

(2) A product for which harmonised standards have been applied shall be regarded as conforming to all the relevant requirements of the applicable implementing regulation to which such standards relate.

(3) Products which have been awarded the Community eco-label pursuant to applicable European regulations, shall be presumed to comply with the ecodesign requirements of the applicable implementing regulations in so far as those requirements are met by the eco-label.

Harmonised standards

ARTICLE 13– (1) The competent authority shall, as far as possible, ensure that interested parties are consulted at national level on the process of preparing and monitoring harmonised national standards.

(2) Where the competent authority considers that harmonised standards the application of which is presumed to satisfy specific provisions of an applicable implementing regulation do not entirely satisfy those provisions, the competent authority shall inform the Commission through the Ministry of Trade to that effect, giving the reasons therefor.

PART V

Requirements for Components and Sub-assemblies and Implementing Regulations

Requirements for components and sub-assemblies

ARTICLE 14– (1) Implementing regulations may require a manufacturer or its authorized representative placing components and sub-assemblies on the market and/or putting them into service to provide the manufacturer of a product covered by implementing regulations with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or sub-assemblies.

Implementing regulations

ARTICLE 15– (1) Where a product meets the criteria listed under paragraph 2 of this Article, it shall be covered by an implementing regulation or by a self-regulation measure.

(2) The criteria referred to in paragraph 1 are as follows:

a) the product shall represent a significant volume of sales and trade in the past year according to the most recently available figures;

b) the product shall, considering the quantities placed on the market and/or put into service, have a significant environmental impact;

c) the product shall present significant potential for improvement in terms of its environmental impact without entailing excessive costs, taking into account in particular:

(1) the absence of other relevant legislation or failure of market forces to address the issue properly,

(2) a wide disparity in the environmental performance of products available on the market with equivalent functionality,

(3) Implementing regulations shall meet all the following criteria:

a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user,

b) health, safety and the environment shall not be adversely affected,

c) there shall be no significant negative impact on consumers in particular as regards the affordability and the life cycle cost of the product,

d) there shall be no significant negative impact on industry's competitiveness,

d) in principle, the setting of an ecodesign requirement shall not have the consequence of imposing proprietary technology on manufacturers,

e) no excessive administrative burden shall be imposed on manufacturers.

(4) Implementing regulations shall lay down ecodesign requirements in accordance with Annex I and/or Annex II. Specific ecodesign requirements shall be introduced for selected environmental aspects which have a significant environmental impact. Implementing regulations may also provide that no ecodesign requirement is necessary for certain specified ecodesign parameters referred to in Annex I, Part 1.

(5) The requirements shall be formulated so as to ensure that the competent authorities can verify the conformity of the product with the requirements of the implementing regulations. The implementing regulation shall specify whether verification can be achieved directly on the product or on the basis of the technical documentation.

(6) Implementing regulations shall include the elements listed in Annex VII.

PART VI

Miscellaneous and Final Provisions

Coordination and cooperation

ARTICLE 16– (1) The Ministry shall ensure that appropriate measures are taken in order to encourage the competent authorities responsible for implementing this Regulation to cooperate with each other and provide each other and the Commission with information to assist the operation of this Regulation and in particular, o assist in the implementation of Article 10.

(2) The administrative cooperation and exchange of information shall take utmost advantage of electronic means of communication.

(3) The Ministry shall inform the Commission of the authorities responsible for applying this Regulation though the Ministry of Economy.

Small and medium-sized enterprises

ARTICLE 17– (1) The Ministry shall take necessary measures to encourage Small and Medium-Sized Enterprises (SMEs) and very small firms to adopt an environmentally sound approach as early as at the product design stage and to adapt to the regulations. Where required,

guidelines covering specificities of SMEs active in the product sector affected may be included in the implementing regulations to be published by competent authorities.

Consumer information

ARTICLE 18– (1) (1) In accordance with the applicable implementing regulation, manufacturers shall ensure, in the form they deem appropriate, that consumers of products are provided with:

- a) the requisite information on the role that they can play in the sustainable use of the product;
- b) when required by the implementing regulations, the ecological profile of the product and the benefits of ecodesign.

Confidentiality

ARTICLE 19 – (1) Requirements relating to the supply of information referred to in Article 14 and Annex I, Part 2 shall be proportionate and shall take into account the legitimate confidentiality of commercially sensitive information.

Self-regulation

ARTICLE 20 – (1) Voluntary agreements or other self-regulation measures shall be assessed at least on the basis of Annex VIII.

Penalties

ARTICLE 21– (1) The provisions of the Law no. 4703 on Preparation and Implementation of Technical Legislation on Products shall be applied in the case of violation of the provisions of this Regulation and of the implementing regulations.

Repeal

ARTICLE 12 – (1) The Regulation on Ecodesign Requirements for Energy-Related Products (2009/125/EC) published in the Official Gazette dated 07/10/2010 and 27722 is repealed at the date of the entry into force of this Regulation. References to the repealed Regulation shall be construed as references to this Regulation.

Entry into force

ARTICLE 22 – (1) This Regulation shall enter into force on the date of its publication.

Enforcement

ARTICLE 23 – (1) The provisions of this Regulation shall be enforced by the Presidency.

METHOD FOR SETTING GENERIC ECO-DESIGN REQUIREMENTS

Generic ecodesign requirements aim at improving the environmental performance of products, focusing on significant environmental aspects thereof without setting limit values. The method according to this Annex will be applied when it is not appropriate to set limit values for the product group under examination.

PART I

Ecodesign Parameters for Products

(1) In so far as they relate to product design, significant environmental aspects are must be identified with reference to the following phases of the life cycle of the product:

- a) raw material selection and use;
- b) manufacturing;
- c) packaging, transport, and distribution;
- d) installation and maintenance;
- e) use;
- f) end-of-life, meaning the state of a product having reached the end of its first use until its final disposal.

(2) For each phase, the following environmental aspects must be assessed where relevant:

- a) predicted consumption of materials, of energy and of other resources such as fresh water;
- b) anticipated emissions to air, water or soil;
- c) anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields;
- d) expected generation of waste material;
- e) possibilities for reuse, recycling and recovery of materials and/or of energy, taking into account the provisions of applicable regulations.

(3) In particular, the following parameters must be used, as appropriate, and supplemented by others, where necessary, for evaluating the potential for improving the environmental aspects referred to in point 2:

- a) weight and volume of the product;
- b) use of materials issued from recycling activities;
- c) consumption of energy, water and other resources throughout the life cycle;
- d) use of substances classified as hazardous to health and/or the environment according to the Regulation on Classification, Packaging and Labelling of Dangerous Substances published in the Official Gazette dated 26/12/2008 and numbered 27094 and taking into account legislation on the marketing and use of specific substances, such as Regulation on Restrictions on the Manufacturing, Marketing and Use of Certain Dangerous Substances and Preparations published in the Official Gazette dated 26/12/2008 and numbered 27094 or Regulation on the Restriction of the

Use of Certain Hazardous Substances In Electrical and Electronic Equipment published in the Official Gazette dated 30/5/2008 and numbered 26891,

e) quantity and nature of consumables needed for proper use and maintenance;

f) ease for reuse and recycling as expressed through: number of materials and components used, use of standard components, time necessary for disassembly, complexity of tools necessary for disassembly, use of component and material coding standards for the identification of components and materials suitable for reuse and recycling (including marking of plastic parts in accordance with ISO standards), use of easily recyclable materials, easy access to valuable and other recyclable components and materials; easy access to components and materials containing hazardous substances;

g) incorporation of used components;

h) avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances;

i) extension of lifetime as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability, reparability;

j) amounts of waste generated and amounts of hazardous waste generated;

k) emissions to air (greenhouse gases, acidifying agents, volatile organic compounds, ozone depleting substances, persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter) without prejudice to the Regulation on the Measures Against the Emission of Gaseous and Particulate Pollutants From Internal Combustion Engines to be Installed in Non-road Mobile Machinery published in the Official Gazette dated 26/6/2015 and numbered 29398,

l) emissions to water (heavy metals, substances with an adverse effect on the oxygen balance, persistent organic pollutants),

m) emissions to soil (especially leakage and spills of dangerous substances during the use phase of the product, and the potential for leaching upon its disposal as waste).

PART II

Requirements Relating to the Supply of Information

(1) The information to be provided by the manufacturer may include:

a) information from the designer relating to the manufacturing process;

b) information for consumers on the significant environmental characteristics and performance of a product, accompanying the product when it is placed on the market to allow consumers to compare these aspects of the products;

c) information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products; and

d) information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life.

(2) Information should be given on the product itself wherever possible.

(3) This information must take into account obligations under other relevant legislation, such as the Regulation on Control of Waste Electrical and Electronic Equipment (2012/19/EU) published in the Official Gazette dated 22/05/2012 and numbered 28300.

PART III

Requirements for the Manufacturer

(1) Addressing the environmental aspects identified in the implementing regulations as capable of being influenced in a substantial manner through product design, manufacturers of products must perform an assessment of the product model throughout its lifecycle, based upon realistic assumptions about normal conditions and purposes of use. Other environmental aspects may be examined on a voluntary basis. On the basis of this assessment manufacturers will establish the product's ecological profile. It will be based on environmentally relevant product characteristics and inputs/outputs throughout the product life cycle expressed in physical quantities that can be measured.

(2) Manufacturers must make use of this assessment to evaluate alternative design solutions and the achieved environmental performance of the product against benchmarks.

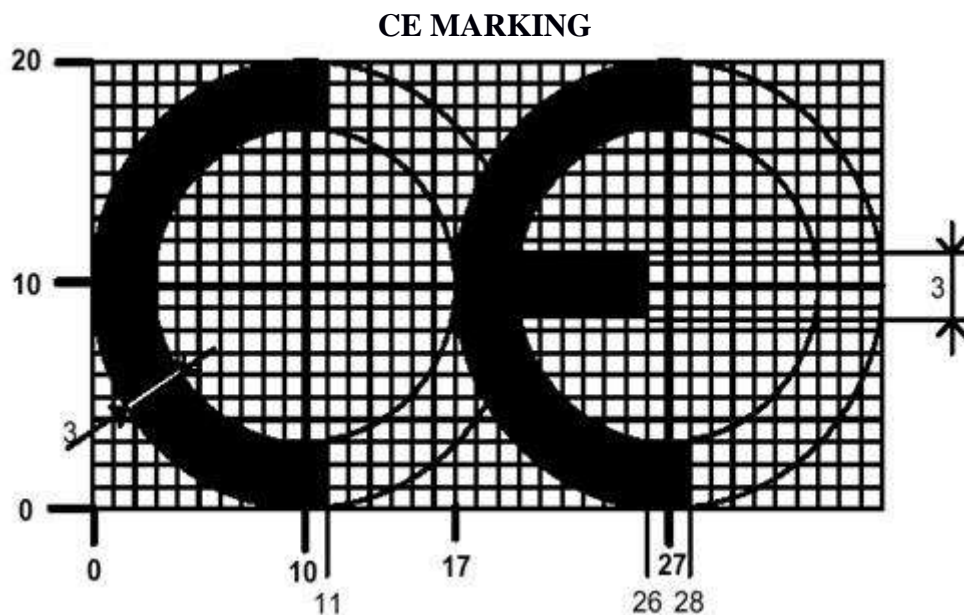
(3) The benchmarks will be identified in the implementing regulations.

(4) The choice of a specific design solution must achieve a reasonable balance between the various environmental aspects and between environmental aspects and other relevant considerations, such as safety and health, technical requirements for functionality, quality, and performance, and economic aspects, including manufacturing costs and marketability, while complying with all relevant legislation.

Annex II

METHOD FOR SETTING SPECIFIC ECODESIGN REQUIREMENTS

Specific ecodesign requirements aim at improving a selected environmental aspect of the product. They may take the form of requirements for reduced consumption of a given resource, such as a limit on the use of a resource in the various stages of a product's life cycle, as appropriate (such as a limit on water consumption in the use phase or on the quantities of a given material incorporated in the product or a requirement for minimum quantities of recycled material).



The CE marking must have a height of at least 5 mm. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The CE marking must be affixed to the product. Where this is not possible, it must be affixed to the packaging and to the accompanying documents.

INTERNAL DESIGN CONTROL

The manufacturer or its authorized representative who ensures and declares that the product satisfies the relevant requirements of the applicable implementing regulation must take into account the following considerations while preparing declaration of conformity:

(1) The declaration of conformity may cover one or more products and must be kept by the manufacturer.

(2) A technical documentation file making possible an assessment of the conformity of the product with the requirements of the applicable implementing regulation must be compiled by the manufacturer.

(3) The documentation must contain, in particular:

- a) a general description of the product and of its intended use;
- b) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
- c) the ecological profile, required by the implementing regulation;
- d) elements of the product design specification relating to environmental design aspects of the product;

e) a list of the appropriate standards referred to in Article 12, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing

measure where the standards referred to in Article 12 have not been applied or where these standards do not cover entirely the requirements of the applicable implementing regulations;

f) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in Annex I, Part 2;

g) the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing regulation.

(4) The manufacturer must take all measures necessary to ensure that the product is manufactured in compliance with the design specifications referred to in point 3 and with the requirements of the measure which apply to it.

Annex V

MANAGEMENT SYSTEM FOR ASSESSING CONFORMITY

(1) A management system may be used for the conformity assessment of an product provided that the manufacturer implements the following environmental elements specified in point 2.

(2) Environmental elements of the management system

This point specifies the elements of a management system and the procedures by which the manufacturer can demonstrate that the product complies with the requirements of the applicable implementing measure

a) The environmental product performance policy:

The manufacturer must be able to demonstrate conformity with the requirements of the applicable implementing regulations. The manufacturer must also be able to provide a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the overall environmental product performance.

All the measures adopted by the manufacturer to improve the overall environmental performance of and to establish the ecological profile of an product, if required by the implementing regulation, through design and manufacturing, must be documented in a systematic and orderly manner in the form of written procedures and instructions. These procedures and instructions must contain, in particular, an adequate description of:

1) the list of documents that must be prepared to demonstrate the product's conformity, and, if relevant, that have to be made available;

2) the environmental product performance objectives and indicators and the organizational structure, responsibilities, powers of the management and allocation of resources with regard to their implementation and maintenance;

3) the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;

4) procedures for controlling the required documentation and ensuring that it is kept up to date;

5) the method of verifying the implementation and effectiveness of the environmental elements of the management system.

b) Planning

The manufacturer must establish and maintain:

- 1) procedures for establishing the ecological profile of the product,
- 2) environmental product performance objectives and indicators, which consider technological options taking into account technical and economic requirements,
- 3) a programme for achieving these objectives,

c) Implementation and documentation:

The documentation concerning the management system should cover the following, in particular:

- 1) responsibilities and authorities must be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement

- 2) documents must be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product

- 3) the manufacturer must establish and maintain information to describe the core environmental elements of the management system and the procedures for controlling all documents required

d) The documentation concerning the product must specify, in particular:

- 1) a general description of the product and of its intended use

- 2) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions

- 3) the ecological profile, if required by the implementing regulations

- 4) documents describing the results of measurements on the ecodesign requirements carried out including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing regulations

- 5) the manufacturer must establish specifications indicating, in particular, standards which have been applied; where standards referred to in Article 13 are not applied or where they do not cover entirely the requirements of the relevant implementing regulations, the means used to ensure compliance

- 6) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in Annex I, Part 2

d) Checking and corrective action:

- 1) the manufacturer must take all measures necessary to ensure that the product is manufactured in compliance with its design specification and with the requirements of the implementing regulation which applies to it.

- 2) the manufacturer must establish and maintain procedures to investigate and respond to non-conformity, and implement changes in the documented procedures resulting from corrective action.

- 3) the manufacturer must carry out at least every three years a full internal audit of the management system with regard to its environmental elements.

EC DECLARATION OF CONFORMITY

(1) The EC declaration of conformity must contain the following elements:

- a) the name and address of the manufacturer or of its authorized representative,
- b) a description of the model sufficient for unambiguous identification,
- c) where appropriate, the references of the harmonized standards applied.,
- d) where appropriate, the other technical standards and specifications used,
- e) where appropriate, the reference to other legislation providing for the affixing of the CE mark that is applied,
- f) the identification and signature of the person empowered to bind the manufacturer or its authorized representative

Annex VII

CONTENTS OF THE IMPLEMENTING REGULATIONS

- (1) the exact definition of the type(s) of product(s) covered
- (2) the ecodesign requirement(s) for the product(s) covered, implementing date(s), staged or transitional measures or periods:
 - a) in the case of generic ecodesign requirement(s), the relevant phases and aspects selected from those mentioned in Annex I, points 1 and 2, accompanied by examples of parameters selected from those mentioned in Annex I, point 3 as guidance when evaluating improvements regarding identified environmental aspects
 - b) in the case of specific ecodesign requirement(s), its (their) level(s)
- (3) the ecodesign parameters referred to in Annex I, Part 1 relating to which no ecodesign requirement is necessary
- (4) the requirements on installation of the product where it has a direct relevance to the product's environmental performance considered
- (5) the measurement standards and/or measurement methods to be used; where available, harmonised standards must be used
- (6) the details for conformity assessment specified in the Regulation on CE Marking published in the Official Gazette dated 23/2/2012 and numbered 28213
 - a) Uygulanan modülün ya da modüllerin Modül (A)'dan farklı olması durumunda, o işlemin seçilmesine yol açan faktörler.
 - b) İlgili olduğunda, üçüncü tarafların onaylama veya belgelendirme kriterleri. (Aynı ürün için diğer "CE" koşullarında farklı modüller belirtilmişse, ilgili koşul için uygulama tebliğlerinde belirtilen modül geçerlidir.)
- (7) Özellikle teknik dosyanın ürünün uygulama tebliğlerine uygunluğunun kontrolünü kolaylaştırmak için gerekli olan unsurlarına ilişkin olmak üzere imalatçı tarafından sağlanacak bilgiye ilişkin şartlar.
- (8) Uygulama tebliğlerinin kabul edildiği tarihte mevzuata uygun olan ürünün piyasaya arzına veya hizmete sunulmasına izin verilen geçiş döneminin süresi.
- (9) Teknolojik gelişmelerin hızını da dikkate alarak, uygulama tebliğlerinin değerlendirilmesi ve olası revizyonu için öngörülen tarih.

Annex- III

SELF-REGULATION

(1) Self-regulatory initiatives must comply with all provisions of the international Treaties that Turkey is a party.

(2) In addition, the following non-exhaustive list of indicative criteria may be used to evaluate the admissibility of self-regulatory initiatives as an alternative to an implementing regulation in the context of this Regulation.

a) Openness of participation: Self-regulatory initiatives must be open to the participation of operators, both in the preparatory and in the implementation phases

b) Added value: Self-regulatory initiatives must deliver added value in terms of the improved overall environmental performance of the product covered

c) Representativeness: Economic enterprises and non-governmental organizations taking part in the preparation and implementation of a self-regulatory action must represent a large majority of the relevant economic sector, with as few exceptions as possible. Care must be taken to ensure respect for competition rules

d) Quantified and staged objectives: The objectives defined by the stakeholders must be set in clear and unambiguous terms. If the self-regulatory initiative covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and (interim) targets in an affordable and credible way using clear and reliable indicators. Research information and scientific and technological background data shall facilitate the development of these indicators.

e) Involvement of civil society: With a view to ensuring transparency, self-regulatory initiatives, interim and final monitoring reports must be publicized, including through the use of the Internet and other electronic means of disseminating information. Stakeholders including industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulatory initiative.

f) Monitoring and reporting: Self-regulatory initiatives must contain a well-designed monitoring system, with clearly identified responsibilities for industry and independent inspectors. The plan for monitoring and reporting must be detailed, transparent and objective.

g) Cost-effectiveness of administering a self-regulatory initiative: The cost of administering self-regulatory initiatives, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.

h) Sustainability: Self-regulatory initiatives must respond to the policy objectives of this Directive, including the integrated approach, and must be consistent with the economic and social dimensions of sustainable development. The protection of the interests of consumers, health, quality of life and economic interests, must be integrated

i) Incentive compatibility: Self-regulatory initiatives are unlikely to deliver the expected results if other factors and incentives- market pressure, taxes, and legislation at national level- send contradictory signals to participants in the self-regulatory initiative. Policy consistency is essential in this regard and must be taken into consideration when assessing the effectiveness of the initiative