

18 June 2007

Screening report

Turkey

Chapter 1 – Free Movement of Goods

Date of screening meetings:

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Bilateral meeting: 20-24 February 2006

I. CHAPTER CONTENT

The **general principle** of the free movement of goods implies that products must be traded freely from one part of the Union to another. This principle is enshrined in the EC Treaty, in particular Articles 28 to 30, 95(4) to 95(9), 296 to 298, as interpreted in the case law of the European Court of Justice as well as Commission Directive 70/50/EEC and interpretative communications. Measures having equivalent effect to a quantitative restriction are prohibited subject to a limited and restrictive set of exceptions. This notably implies the elimination of technical barriers to trade and the compliance with the principle of mutual recognition. Adequate administrative arrangements should be put in place to apply the information exchange procedures laid down in Decision 3052/95/EC and in the “strawberry” Regulation (EC) No 2679/98.

In a number of sectors the general principle is complemented by a harmonised regulatory framework. **Horizontal measures** define the quality infrastructure which Member States should put in place in areas such as standardisation, conformity assessment, accreditation, metrology and market surveillance.

The harmonised European product legislation, which needs to be transposed by each Member State, represents the largest part of the *acquis* under this chapter. It is based on the “old approach” (imposing precise product specifications) or the “new and global approach” (imposing general product requirements).

New and Global Approach product legislation covers the areas of non-automatic weighing instruments and measuring instruments, low voltage equipment (LVD), electromagnetic compatibility (EMC), toys, machinery, lifts, noise emissions by outdoors equipment, emissions of pollutants from non-road mobile machinery engines, personal protective equipment (PPE), equipment and protective systems intended for use in explosive atmospheres (ATEX), medical devices, gas appliances, pressure vessels, cableway installations, construction products, recreational craft, eco-design requirements for energy-using products (EUP), and radio and telecommunications terminal equipment (R&TTE).

Old Approach product legislation covers the areas of motor vehicles, chemicals, pharmaceuticals, cosmetics, legal metrology and pre-packaging, textiles, footwear labelling, and crystal glass.

A series of **procedural measures** also require sufficient administrative capacity in order to be properly applied. These include a notification procedure in the field of technical standards and regulations laid down in Directive 98/34/EC as amended, Regulation (EEC) No 339/93 on *External border checks* related to product safety, Directive 91/477/EEC on the control of the *acquisition* and possession of weapons and Directive 93/7/EEC on cultural goods.

The EC and Turkey have progressively established a Customs Union, whose final phase has entered into force on 31.12.2005. They have done so through Decision 1/95 of the Association Council¹ which mirrors a number of provisions of the *acquis* in the area of free movement of goods.

II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Turkey and the discussion at the screening meeting. Turkey indicates that it can accept the *acquis* regarding free movement of goods, and indicates that it does not expect any difficulties to implement the *acquis* by accession.

¹ Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union. *Official Journal L 035*, 13/02/1996 p.1-47

II.a. General Principles

Legislative alignment

Turkey has initiated an internal screening of its domestic legislation in the light of Articles 28-30 EC, as interpreted by ECJ case law and Commission interpretative documents of 2003. Provisions identical to articles 28-30 are also present in Decision 1/95 of the Association Council establishing the Customs Union. So far, this analysis has allowed identifying and removing a number of national provisions contrary to these articles, but is not yet completed.

Turkey stated that the general principle is in force, according to which import of goods into the country is free, with the exceptions due to morality, public order or public security, the protection of human animal and plant health, or the protection of industrial and commercial property. Specific provisions exist for products considered as old, used, refurbished or faulty.

An Import Regime Decree is published annually recalling the general principle, and containing the applicable customs tariffs, the agricultural component as well as the specific provisions concerning the old, used, refurbished or faulty goods. A Communiqué of the USFT, also published annually lists which of the old used, refurbished or faulty goods can be imported freely. In addition, for investment purposes, entire used production lines can be imported without authorisation, as specified in a Communiqué of the Undersecretariate of Treasury. A limited number of licences are granted for used motor vehicles (68 licences in 2006). Import communiqués, also published annually, contain lists of actual products which may be subject to conditions and specific requirements in import. Sector specific legislation may list the products, whose import is prohibited, such as dangerous substances, weapons, narcotics. Restrictions exist on the import of repaired products and spare parts, making after sale service particularly complex. Two distinct licences are necessary for alcoholic beverages, one from the Ministry of Agriculture, and one from the Tobacco and Alcohol Board (TABA).

Turkey considers these provisions to be compatible with Decision 1/95, including the provisions on motor vehicles, by virtue of the Statement attached to Decision 1/95 of the Association Council.²

Market access is conditional upon the existence of an agent or representative, or service centres established in all regions of Turkey for a number of products, including automotive and electronic products. There are no specific provisions concerning parallel imports. Parallel imports can take place provided that each importer fulfils the same requirements.

Mandatory standards are currently rare. Around 30 are in force for products covered by the new approach. Compulsory certification practices have also been entirely phased out for products originating in the EU. Turkey prepared in 2005 a draft regulation on the application of the mutual recognition principle, in line with the *acquis*, but it has not been adopted.

Exports are regulated by the Export Regime Decree, revised occasionally. The reasons for preventing exports may be market turmoil, scarcity of goods, public morality, public policy, public security, protection of the health and life of humans, animals and plants, protection of artistic, historic or archaeological assets.

² Statement by Turkey on Article 5, attached to Decision 1/95.

No specific requirements for storage facilities are applied to domestic and imported goods on the basis of health and safety considerations (e.g. petroleum, food or medicinal products).

Horizontal legislative provisions under the Consumer Protection Act require all consumer information regarding a product to be provided in the national language and script, alongside any other languages. Turkey does not consider that the use of easily understandable pictogrammes or foreign words may assure an equivalent level of consumer protection. Turkey is progressing with the internal screening of its legislation. No particular target intermediate or completion dates have been provided in this respect.

Implementation capacity (including administrative capacity)

Undersecretariat of Foreign Trade (USFT) is responsible for coordinating activities in relation to the free circulation of products. A number of sectoral administrations are responsible for issuing, and implementing regulations in their area of competence, including market surveillance. In particular, line ministries are responsible for issuing technical regulation for certain products, and for developing and implementing market surveillance strategies and activities. USFT is also the main interlocutor of the Commission in the management of the Customs Union.

The Undersecretariat for Foreign Trade is the contact point for the information exchange procedure under Decision 3052/95/EC on measures derogating from the free movement of goods.

II.b. Horizontal Measures

Standardisation

The legal framework consists of the Decree on technical regulation and standardisation for foreign trade (Decree of Council of Ministers 2005/9454). This decree also aims at fulfilling a number of other duties, such as aligning and implementing in a coordinated manner the technical regulation of products with the one of the EU, at regulating the external border checks and ensuring conformity with product safety rules at the borders, with the aim of aligning with Council Regulation 339/93 (see below). This decree also defines the administration competent for issuing technical requirements for imports. Therefore, by force of this Decree and its implementing provisions, certain mandatory standards are still in place. These have decreased very substantially in the recent years, and there are currently 30 standards for products under New Approach legislation.

The Turkish Standard Institute (TSE) is responsible for issuing and implementing technical standards. TSE has so far transposed close to 90% of the CEN and CENELEC standards. TSE is a member of the ISO (International Organisation for Standardisation) and IEC (International Electro Technical Commission), as well as affiliate member of CEN and CENELEC. TSE is affiliated member (not yet full member) of CEN/CENELEC. National Technical Committees (NTCs) have been established, on the basis of the groups in charge of preparing standards within TSE.

In addition to standardisation activities, TSE is involved in certification of products, services, quality management systems and calibration. It has administratively separated the function of standardisation from its other functions. It was accepted by the European Commission as a Notified Body in certain modules of the directives on pressure equipment, gas appliances, construction products and lifts following the designation of the Turkish authorities and assessments initiated by the EC. TSE also operates occasionally as a market surveillance support laboratory. TSE is a financially independent public entity without state

financing. As the revenues generated by its official tasks related to import controls have been reduced, it relies now more on other functions, such as certification and notified body services in order to sustain its core task of standardisation.

Conformity assessment

The legal framework for conformity assessment in Turkey consists of general provisions covered by Articles 7, 8 and 9 of the Framework Law (Framework Law 4703 relating to the preparation and implementation of the technical regulation on the products, published in 2001). Detailed principles can be found in the implementing Regulation on Conformity Assessment Bodies (CABs) and Notified Bodies (NBs). Most of the specific product legislation is also supported by legislation handling the designation of NBs specifically in that sector.

Since December 2006 Turkey has been able to notify conformity assessment bodies by virtue of the Decision establishing the Customs Union and Decision 1/2006 of the Association Council³.

The procedures and criteria for designating Notified Bodies are contained in the regulation on Conformity Assessment and Notified Bodies, published in 2002. TÜRKAK has applied to sign the Multi Lateral Agreement with the European Accreditation Cooperation (EA) on product certification. When this is done, it will be possible to accept its assessment of the capacity of the candidate notified bodies. These will be notified to the Commission through the Undersecretariat of Foreign Trade. Until then, the capacity of the candidate NBs needs to be assessed by a third party.

Article 4 of the Regulation on the CABs and the NBs lays down the criteria concerning independence, impartiality and technical competence, to be met by the conformity assessment bodies. It also states that the bodies accredited by the Turkish Accreditation Council, or by the accreditation bodies member to EA and to other regional accreditation organisations with which EA has signed mutual recognition agreements, are presumed to meet the concerned criteria.

Accreditation

The legal framework for accreditation consists of Law 4457 (Law on the establishment and tasks of the Turkish accrediting agency), of 1999.

According to this Law, TÜRKAK is the national accreditation agency, established in 1999. It is a member of EA since 2002, and has signed the multilateral agreement (MLA) of the European Accreditation Cooperation (EA) on calibration laboratories, testing laboratories, quality systems certification bodies and inspection bodies in April 2006. TÜRKAK's accreditation in these fields is now recognised in all EA member countries. TÜRKAK had accredited 89 laboratories at the date of the screening meeting. This figure has increased to 192 currently, mostly in the fields of testing, calibration and system certification.

Accreditation is not compulsory for notified bodies (NB), but public authorities request that candidate NBs comply with EN 45000 standards. The relevant Ministries are responsible for appointing NBs in their field of competence. These authorities work in cooperation with TÜRKAK to assess the capacity of the NBs, or accept those notified to the European Commission. In particular, Ministry of Industry and Trade, Ministry of Labour and Social

³ Article 9 of Decision 1/95 and its implementing provisions contained in Decision 1/2006 of the Association Council.

Security, Ministry of Health, Ministry of Public Works and Settlements, Undersecretariat for Maritime Affairs and the Telecommunication Authority have established cooperation protocols with TÜRKAŞ.

Metrology

The legal base for **legal metrology** is Law 3516 on metrology and measurements in force since 1989. Turkey considers that a large part of its legislation in the area of metrology is aligned with the *acquis*.

The authority responsible in this area is the Ministry of Industry and Trade (MIT, Directorate General for Measurements and Standards). The Ministry has 7 regional metrology laboratories, and 81 provincial verification offices, and municipal verification offices.

Turkey has been a full member of the Bureau for Weights and measures (BIPM - Bureau International des Poids et Mesures) since 1875, a full member of the International Organisation of Legal metrology since 2005, and an associated member of the European Cooperation in Legal metrology (WELMEC) since 2005.

MIT has the task to prepare the legislation in the area of legal metrology, and is responsible for the verification and issuing the type-approval for the instruments used. Finally, it holds the national measurement standards, or ensures that they are controlled, and establishes laboratories.

Other aspects of metrology are separated from the legal metrology. Scientific metrology is provided by TÜBİTAK and industrial metrology by a network of calibration laboratories.

MIT is entirely responsible for the market surveillance in the area of metrology.

Market surveillance

The legal base for market surveillance activities consists of Law 4703 on the Preparation and Implementation of Technical Legislation on Products, (in force since 11.1.2002), the Regulation on Market Surveillance of Products (in force since 11.1.2002), specific product legislation and administrative legislation by public authorities, in the form of circulars or communiqués.

The responsibility for market surveillance belongs to the public authorities. Each ministry or public body designs and is responsible for the surveillance of the market for the products under its responsibility, as well as designing and implementing the appropriate strategies. E.g. the telecommunication authority for radio and telecommunication terminals, Ministry of health for cosmetics, toys medical devices and medicinal products, detergents, etc. The bodies involved in market surveillance are coordinated by central units and by provincial or regional directorates. The overall coordination of public authorities is performed by the Coordination Board on Market Surveillance, and information is still exchanged through the product safety system and on a limited scale. Turkey occasionally coordinates with the European Commission concerning the notification of dangerous products.

For the market surveillance tasks, MIT has 670 inspectors, and additionally those of the DG for Industry, DG for measurements and standards and those of the Directorate General for protection of consumers and competition for a total of 70, as well as 600 further inspectors in the 81 provincial offices. MIT has imposed sanctions since 2005. Other ministries have staff dedicated to market surveillance for the activities falling under their sectoral

competence. The details of these are illustrated in the sections dedicated to the relevant areas below.

Since they generally do not possess own testing facilities, the Ministries frequently refer to Turkish Standard Institute or other laboratories to perform tests.

II.c. New and Global Approach Product Legislation

Legal metrology: non-automatic weighing instruments; measuring instruments

The legal framework in this area consists of the Regulation on non automatic weighing instruments, in force since June 2003, and the implementing communiqué of October 2004, amended in November 2005. Mandatory standards were repealed in May 2005. Turkey considers its legislation in line with the *acquis*. The alignment with the Directive 2004/22/EC on measuring instruments is expected to take place in 2007.

The Ministry for Industry and Trade is the responsible authority as well as for the market surveillance activities in this area. Turkey notified one candidate CAB to the Commission (TSE), which is operating since January 2007 in one module of the conformity assessment for EC declaration of conformity module.

For market surveillance in the area of metrology, MIT has 239 inspectors altogether, in the headquarters and provincial units, and has a budget of €400.000.

Low voltage equipment (LVD)

The legal framework in this area consists of the Regulation on Electrical Equipment Designed for use within Certain Voltage Limits, published in 2002, which included a transitional period, ended in 2003. Therefore, Turkey considers its legislation to be in line with the *acquis*. At the time of the screening meeting, 594 harmonised standards were adopted in Turkey, and the adoption of the 55 remaining ones was under way. All mandatory standards were repealed in May 2005.

The criteria for appointing notified bodies were published in 2003, but Turkey has not notified to the Commission conformity assessment bodies in the area of LVD.

The Ministry of Industry and Trade (MIT) is responsible for the legislation, as well as for Market surveillance activities. With the Communiqué on imports of CE marked products (2004/22) TSE has been mandated by MIT to carry out checks on products under the LVD regulation coming from third Countries.

Electromagnetic compatibility (EMC)

The legal framework in this area consists of the Regulation on Electromagnetic Compatibility, in force since 2003. Turkey considers its legislation to be in line with the *acquis* in this area. The need for checking products bearing CE marking is limited to products originating in non-EU countries. Similar requirements for EC originating products have been repealed. Turkey expects to include the provisions of Directive 2004/108/EC in its legal order by the end of 2006. Turkey has adopted 105 out of 125 standards, and has planned to complete the adoption by the end of 2006. There are no mandatory standards in force in the area of EMC.

The Ministry of Industry and Trade is the competent authority for in this area, including market surveillance.

Currently, no CABs have been notified to the Commission. MIT is in charge of performing market surveillance in the sector.

Toys

The legal framework in this area consists of the "Toy Regulation" in force since 2003, which aims at introducing into the Turkish legal order the provisions of Council Directive 88/378. Turkey considers that its legislation is aligned.

The Ministry of Health is in charge of enforcing the legislation in this area and of performing market surveillance. TSE laboratories are used for market surveillance activities, which consist of checks on a random basis or initiated upon consumers' complaints.

Turkey has adopted the relevant EN standards. There are no candidate NBs in the area of toys.

Machinery

The legal framework in this area consists of the Regulation on safety of machinery, in force since 2003. Turkey considers that its legislation is in line with the *acquis*. Turkey has adopted 499 European standards, and is introducing the remaining ones (78). Mandatory standards were repealed in 2005.

The Ministry of Industry and Trade (MIT) is the competent authority. Several candidate CABs existed in this area, but none had been notified to the Commission at the time of the screening exercise. One candidate CAB has been notified meanwhile. MIT is in charge of the market surveillance activities. Controls are performed on products introduced into Turkey from third non-EU countries, while those affixing CE marking, and originating in the EC may be imported freely.

Turkey's experts participate in the EC and the ADCO Working Group on machinery.

Noise emissions by outdoors equipment (Old Approach directive)

The legal framework in this area consists of the regulation on the noise emissions in the environment by equipment for outdoor use. Its implementation has taken place in two phases: noise levels to stage 1, in 2004 and those of level 2 in 2006. The procedure to introduce the provisions of the amendments to Directive 2000/14 into the Turkish legal order were in progress at the time of the screening and have been completed meanwhile. All EN standards under Directive 2000/14 have been adopted in Turkey.

The MIT is the competent authority in this area, and is also responsible for market surveillance. No CAB has applied to be notified to the Commission.

Emissions of pollutants from non-road mobile machinery engines (Old Approach directive).

The regulation on pollutants from non road mobile machines has been adopted and entered into force in 2003, and amended in 2004. Turkey considers that its legislation is aligned.

The competent authority is the Ministry of Industry and Trade. Two CABs have been identified in order to be notified to the Commission, but this notification has not yet been done. Market surveillance activity is performed by MIT.

Lifts

The legal framework in this area consists of the Regulation on Lifts, published in 2003, and in force since 2004, with a transitional period until March 2005 to comply with difficulties in the licensing procedure. The EN standards have been introduced in Turkey. Turkey considers its legislation to be in line with the relevant EC provisions. MIT is responsible for market surveillance. Turkey has one NB operating in this area and another candidate has been notified to the Commission after the screening exercise, during 2007.

Personal protective equipment (PPE)

The legal framework in this area consists of the Regulation on Personal Protective Equipment, in force since 2005, and the Communiqué on the Categorisation and Guide to the Use of PPE, also of 2005. Turkey considers that its legislation is aligned with the *acquis*. All EN standards have been introduced into Turkey. Two CABs have been notified to the Commission for certain modules under this directive.

The Ministry of Health is the competent authority, and is also in charge of market surveillance. The Market surveillance and inspection Department has been created to this end. MoH has nominated 94 technical and medical staff of the DG for Occupational Health and Safety for the market surveillance of PPE. In December 2005, 7 market surveillance activities were carried out in Ankara. In 2006, a Twinning Project was conducted about Market Surveillance Support on PPE. Under the Twinning Project, 18 market surveillance activities have taken place in Ankara and Istanbul.

Equipment and protective systems intended for use in potentially explosive atmospheres (ATEX)

The Regulation on equipment and protective systems intended for use in potentially explosive atmospheres has been published in 2002 and entered into force the same year, with a transitional period until 2003. Turkey considers that its legislation is aligned with Community provisions. Turkey has adopted all EN standards. Turkey has not yet notified CABs to the Commission. MIT is the competent authority, including market surveillance functions.

Medical devices

The legal framework in this area consists of the Regulation on Active Implantable Medical Devices, in force since December 2003, published in March 2002, the Regulation on Medical Devices, also in force since December 2003, and the Regulation on In Vitro Diagnostic Devices in force since April 2005, which Turkey considers to be aligned with the *acquis*.

The Ministry of Health (MoH) is the competent authority. It has also developed its 'Market Surveillance Strategy' and will perform market surveillance activities. For these tasks it has 100 inspectors both in the Central and Provincial Directorates. €312,500 has been allocated for market surveillance activities in the budget of the MoH. TSE has been mandated by MoH to carry out checks on products coming from third countries, under the MD regulation.

Gas appliances

The legal framework in this area consists of the Regulation on the Appliances Burning Gaseous Fuels, published in April 2002 and in force since 2004. With this, Turkey considers that its legislation is in line with the *acquis*. 119 EN Standards have been adopted in Turkey and the remaining ones are being introduced.

Two CABs are operating in Turkey in this area.

MIT is the competent authority and is in charge of market surveillance. It does not possess laboratories to perform market surveillance and is using testing activities of external bodies, such as TSE. However, TSE has also been notified as a CAB to the Commission. From the market control activities performed in 2004 and 2005 by MIT, it appeared that a majority of products in the market were not conforming to the legislation in force. During 2006 the number of non-complying products decreased significantly.

Pressure vessels

The legal framework in this area consists of the following regulations, and dates of entry into force. Regulation on Aerosol Dispensers, (2002), the Regulation on Common Provisions for Pressure Vessels and Methods Inspecting Them (2001), Regulation on Seamless, Steel Gas Cylinders (2003), Regulation on Seamless, Unalloyed Aluminium and Aluminium Alloy Gas Cylinders (2003), Regulation on Welded Unalloyed, Steel Gas Cylinders (2003), Regulation on Simple Pressure Vessels (2004), Regulation on Pressure Equipment (2004). Technical standards have been transposed or are being adopted by TSE.

Two CABs have been notified to the Commission prior to the screening meeting, and are now operating. Turkey informed that four more will be notified in the future for certain modules under this Directive.

Market surveillance is performed by MIT, which is also the competent authority for this area. 155 inspectors are assigned for the market surveillance of pressure vessels and pressure equipment. Of these, 25 are appointed to the DG for Measurement and Standards and 130 to provincial directorates of MIT. A significant number of products have been found non-conforming to the legislation in 2004 and 2005.

Cableway installations

The legal framework in this area consists of the Regulation on Cableway Installations Designed to Carry Persons. It was published in January 2005 and entered into force the same year, but will only become fully compulsory after the 4-year transitional period. During this period, the products can be manufactured and put on the market in compliance with the Regulation or with the Turkish standards. TSE has adopted all the European harmonised standards in support of Directive 2000/9/EC relating to cableway installations designed to carry persons.

The MIT is the competent authority. No CABs have been notified. The provincial organisation of the Ministry will be in charge of the market surveillance activities.

Construction products

The legal framework in this area consists of the Regulation on Construction Products of 2002, in force since 2004, its successive amendments (2 in 2004, 1 in 2005), and the Communiqués on the Principles and Methods for Market Surveillance of Construction Products Regulation on the Market Surveillance and Inspection of the Products. The implementing communiqués are being continually revised in order to remain aligned and follow the latest evolutions of the European legislation. Turkey considers that its legislation is therefore aligned with the *acquis*. The relevant EN standards have been introduced in Turkey.

Two CABs have been notified to the Commission.

The Ministry of Public Works and Settlements is the competent authority and is also responsible for implementing market surveillance. Tests on samples of material used in new constructions are performed systematically.

Recreational craft

The legal framework in this area consists of the Regulation on Recreational Crafts, published in April 2002, and in force since 1 June 2005. The Regulation has been amended to take into account the evolution of the *acquis*. Turkey considers that its legislation is aligned with the *acquis*. The Regulation also contains the provisions concerning market surveillance. All harmonised EN standards have been adopted as Turkish standards in 2005.

Turkey has notified one CAB to the Commission for certain modules.

The Undersecretariat for maritime affairs acts as competent authority, and is also in charge of market surveillance. To this end, 80 ship inspectors have been trained to perform market surveillance for recreational crafts and are available for these tasks.

Eco-design requirements for energy-using products (EUP)

Turkey does not yet have specific legislation in this area.

Radio and telecommunications terminal equipment (R&TTE)

The legal framework in this area consists of the Regulation on Radio and Telecommunication Terminal Equipment, published in May 2003, in force since 2004. Turkey considers its legislation to be in line with the *acquis*. Turkey has introduced 145 standards, and is completing the adoption of the remaining ones.

The Telecommunications Authority is the competent authority, and also performs market surveillance. 9 staff are devoted to market surveillance and testing is done by external laboratories. The Telecommunication Authority was established as the independent authority with administrative and financial autonomy for regulating the overall telecommunications sector in Turkey.

II.d. Old Approach Product Legislation

Motor vehicles

The legal framework relating to motor vehicles is introduced in the Turkish legal order and published in the form of Regulations pursuant to the Law 2918 of 1983 on Road Traffic. These regulations are intended to provide for alignment with the relevant EU directives. In this context, the relevant texts published in the Official Gazette cover type approval of motor vehicles and their trailers, type approval of two and three-wheeled motor vehicles, and type approval of wheeled agricultural or forestry tractors.

Turkey stated that the alignment with the most recent *acquis* is in progress and that it intends to reach full alignment during the course of 2007. The responsibility of preparing and implementing the legislation belongs to MIT, who is also the Approval Authority. MIT is assisted by a Technical Committee on motor vehicles (MARTEK), formed by the representatives from public and private sectors joining in 11 technical subcommittees. In order to issue a vehicle type approval certificate, the Framework Regulation requires that the vehicle should have component, system or separate technical unit type approval certificates, depending on vehicle categories as required by the respective separate regulations.

The assessment of the degree of alignment is ongoing. As a consequence, Turkey's EC type approvals are not being accepted, nor is the validity of notifications of technical services since both are linked to the full implementation of the *acquis*. Turkey's approvals under the 1958 UN/ECE Agreement relating to regulations to which both Turkey and EC have acceded are accepted, on the basis of applicable UN/ECE rules.

Turkey stated that it accepts the EC type approvals issued by EU Member States without any additional requirement.

As additional information, Turkey indicated that the quality of the fuel produced in Turkey does not allow for the transposition of Community legislation concerning emissions from motor vehicles and that the mandatory standards for headlamps, brakes, linings, safety belts and safety glazing for motor vehicles have been repealed. Other requirements to allow imports exist concerning setting up a minimum number of service centres.

Market surveillance is carried out by 81 Provincial Directorates of the Ministry.

With regard to used vehicles, Turkey requires import licences, which actually prevents such imports.

Chemicals

Limitations, classification, packaging and labelling

The Regulation on Dangerous Chemicals (RDC) was published and entered into force in 1993. The regulation was revised on three occasions and the Communiqué on the procedure for the filling of the Safety Data Sheet was issued in March 2002 to take into account the Directive 99/45/EC, 67/548/EEC and 91/115/EEC. Regulation on Dangerous Chemicals (RDC), as amended, also partially transposes some requirements of the Directives 67/548/EEC, 99/45/EC, 91/115/EEC and 76/769/EEC.

According to Turkey, the RDC and the Communiqué on the procedure for the filling of the Safety Data Sheet fully transpose Directive 91/155/EEC, but does not fully transpose Directive 67/548 EEC and certain of its annexes, The RDC will therefore be amended by the Ministry of Environment and Forestry. Turkey considers that RDC meets some requirements of Directive 76/769/EEC, but at the same time recognises that implementation of Directive 67/548 is a prerequisite for the full transposition and implementation of this Directive. The Turkish authorities indicated that, starting in 2007, the legal framework for the transposition and implementation of the Chemicals Directives will be prepared. Competent authorities will be designated, a new registration system, inventory system of chemicals and National Chemicals Monitoring Database will be established, and Chemicals Sector Strategy will be prepared. Administrative capacity will also be reinforced.

The authority in charge of the legislative issues, as well as of market control is the Ministry of Environment and Forestry. The Ministry of Agriculture and Rural Areas (MARA) is in charge of the issues relating to pesticides (parts of the Directive 99/45/EC), and the Ministry of Health (MoH) and MARA shared the responsibility for legislative alignment relating to Directive 76/769/EEC.

Turkey acknowledges that there is no comprehensive inventory of the chemicals present on the Turkish market, that market control is not performed systematically, that the registration system for import/export of chemicals is insufficient and, that the CAS/EINECS classification system is not in use.

Detergents

The legal framework in this area consists of the Regulation on the Exclusive Characteristics of Foodstuffs and of the Appliance and Equipment Related to Public Health Regulation, which was revised in order to transpose the relevant EC legislation, and entered into force in November 2004. Five implementing decrees complete the legislative framework. Turkey indicated that the alignment with Detergent Regulation 648/2004 is ongoing, but did not provide a timetable.

Market control is performed by the Ministry of Health, through its provincial health directorates.

Fertilisers

The legal framework in this area consists of Regulation on Chemical Fertilisers Used in Agriculture, and the Regulation on Chemical Fertiliser Inspection, both of 2002, and their successive amendments, which, according to Turkey, bring the national legislation in line with the *acquis*.

The legislative and market control tasks belong to MARA. 250 chemical fertiliser inspectors, who work in 81 Provincial Directorates of MARA, are trained about chemical fertiliser inspections to carry out market surveillance.

Drug precursors

The Regulation on Chemical Substances Subject to Control, and the implementing regulation Circular 2005/56 constitute the legal framework in this area. Turkey has not provided plans to complete the alignment. The same circular regulates the specific requirements concerning customers' declaration for 23 specific substances.

Concerning the implementation of international agreements, the regulation regarding the implementation of the provisions of the 1988 United Nations Agreement against the Smuggling of Drugs and Psychotropic Materials was published in the OG on 11 February 1996. The Agreement on the Intermediate and Chemical Substances frequently used in the illegal Production of Drugs and Psychotropic Substances between the Republic of Turkey and the European Community” was published in the OG in April 2004. Article 16 of Law 4208, which amends Law 2313 on Control of Narcotic Drugs, sets the obligation for an Authorisation of the Ministry of Health for manufacturing, trading (including import and export) or transporting, possession of the substances stated in Table I and Table II annexed to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

The competent authority is the Ministry of Health, including for issuing licenses and market control.

Explosives for civil uses (New Approach directive)

The legal framework in this area consists of the Regulation on Certification, Placing on the Market and Supervision of Explosives for Civil Use, intended to align with Directive 93/15/EEC. This regulation was published in October 2002, and is in force since 2003. Issues relating to transportation, storage and keeping of explosives are regulated by the Ministerial Decree 87/12028 of September 1987 on “Rules and procedures for production, import, transport, storage, sales, use, disposal and inspection of explosives”. Import of civil explosives is regulated by Import Communiqué 2006/11, published on 31 December 2005.

Turkey considers its legislation to be in line with the current directives. All 58 EN standards have been introduced in Turkey.

The competent authority for the legislative alignment is MIT, and the implementation is shared with the Ministry of Interior. At present, no CABs have applied to be notified.

Good laboratory practice (GLP)

The legal framework in this area consists of the Regulation on Good Laboratory Practice Principles and Certification of Test Laboratories, meant to transpose the GLP Directive 2004/10/EC (codified version of Directive 87/18/EEC as adapted to technical progress by 1999/11/EC), of June 2005, and of the Regulation on the Inspection and Verification of Good Laboratory Practice, meant to transpose the GLP Directive 2004/9/EC (codified version of Directive 88/320/EEC as adapted to technical progress by 1999/12/EC), published in June 2002.

The responsibility for preparing, and implementing this legislation is shared between MARA, MoH and the Ministry of Environment and Forestry. At the time of the screening, Turkey did not provide indications on its intended GLP monitoring programme. In November 2006, three Ministries agreed on the establishment of the National GLP Monitoring Authority within the Turkish Accreditation Agency and their decision was endorsed by the administration of TÜRKAK. The “GLP Monitoring Authority Working Group”, was established to prepare operational procedures of the Monitoring Authority and the National GLP Monitoring Programme. It is composed of representatives of MOH, MOEF, MARA and TÜRKAK,

Pharmaceuticals

Community codes (human use and veterinary medicinal products); centralised procedure; good clinical practice; orphan medicinal products; good manufacturing practice; colouring matters

The legal framework in this area consists of the following Regulations (and dates of entry into force): Regulation on Licensing of Medicinal Products for Human Use (2005), Regulation on the Promotion of Human Medicinal Products (concerning advertising, December 2003), Regulation on the Monitoring and Evaluation of the Safety of Human Medicinal Products (Pharmacovigilance, June 2005), Regulation on the Classification of Human Medicinal Products (concerning classification of Medicinal Products, June 2005), Regulation on Packaging and Labelling for Human Medicinal Products (Labelling and Package Leaflet, December 2005), Regulation on the Manufacturing Practices for Human Medicinal Products (Manufacture and Importation, October 2003) amended in June 2004, Communiqué concerning the colouring substances for human medicinal products, intended to transpose Directive 78/25/EEC. The provisions on centrally authorised products are present, and will enter into force upon accession.

Turkey considers its legislation to be partly in line with the directives. Turkey has indicated that it intends to introduce new legislation concerning wholesale of medicinal products, warehousing and distribution of human medicinal products. Data exclusivity is regulated by the Regulation on Licensing of Medicinal Products for Human Use published in January 2005, and entered into force on 30 December 2005, except for the provisions on abridged applications. The provisions laid down in the Regulation on Licensing of Medicinal Products for Human Use establish that data exclusivity is granted for 6 years to original products, which have been licensed in a state within the Customs Union area as from 1st January 2001 for the first time, and for which no generic marketing authorisation

application was made in Turkey prior to 1 January 2005, as well as to original products which shall be licensed in a state within the Customs Union Area for the first time after 1 January 2005 . A Draft Regulation on the Conduct of Clinical Trials for Human Medicinal Products has also been prepared.

Apart from these acts and ongoing work, Turkey has not indicated whether it intends to introduce additional legislation in order to reach full alignment.

The Turkish authorities acknowledged that the legislation for veterinary medicinal products, has not been aligned with the *acquis*, and could not provide a timetable for alignment. Turkey also indicated that certain difficulties are expected concerning the transposition and the administrative capacity, which may impact on the transposition and the implementation of the *acquis* in this area.

The Ministry of Health is the competent authority in the area of medicinal products for human use, including marketing authorisation and market control, and the Ministry for Agriculture and Rural Affairs is the competent authority in the area of veterinary medicinal products.

Transparency in relation to pricing and reimbursement of medicinal products

The legal framework in this area consists of the Decree on the Pricing of Medicinal Products for Human Use (February 2004) and its successive amendments (April and November of the same year). Turkey considers that its pricing, reimbursement schemes are in line with the *acquis*. The provisions of Regulation 1084/2003/EC were introduced through the Regulation on the Variation of Human Medicinal Products (December 2005).

The MoH is responsible for issuing the pricing lists.

Cosmetics

The legal framework in this area consists of the Law 5324 on Cosmetics, published on 30 March 2005, the Regulation on Cosmetics, published in May 2005, and implementing provisions contained in 7 communiqués published in July 2005. The publication of the Regulation amending the Regulation on Cosmetics, on 12 October 2006 was meant to introducing the provisions of Directives 2005/9/EC, 2005/42/EC, 2005/52/EC, 2005/80/EC, 2006/65/EC. As regards Directives 95/17/EC, 2003/15/EC, 2004/94/EC; the communiqués for animal tests and confidentiality of ingredients will be published by MoH, following the completion of the transposition of the Directives 67/548 EEC, 99/45/EC, 91/155 EEC, 93/67 EEC by the Ministry of Environment and Forestry Affairs.

The Ministry of Health is responsible for preparing the legislation and for market surveillance. The latter is performed through the network of provincial offices.

Legal metrology and Pre-packaging (Old Approach directives)

The legal basis for the adoption of the legislation aligning with EC provisions consists of Law 4703 on the Preparation and Implementation of Technical Legislation on Products of 2001 and Law 3516 Metrology and Measurements, of 1989, and 20 sectoral provisions. The introduction of the European Parliament and Council Directive 2004/22/EC on Measuring Instruments (2004/22/EC) will be done in 2007. Turkey considers the rest of its legislation in this area to be aligned with the *acquis*.

The competent authority is MIT, including for market surveillance, which is performed through MIT provincial offices. The etalons at the provincial offices are calibrated every

two years by the regional metrology laboratories of MIT. Etalons at the regional metrology laboratories of MIT are calibrated by UME every two years in order to ensure traceability

Turkey has notified one CAB for certain modules of the Non Automatic Weighing Instruments directive.

Crystal glass

The legal framework in this area consists of the Regulation on Crystal Glass Products, which was published in 2002. There are no compulsory standards in Turkey.

The competent authority is MIT, which also performs market surveillance through its provincial offices.

Textiles

The legal framework in this area consists of the following acts: Regulation concerning Naming of Textile Products published in 2005, and which aims at aligning with Directive 96/74/EC of the European Parliament and of the Council, Regulations on Certain Methods for the Quantitative Analysis of Binary Textile Fibre Mixtures, of the Regulation on the Quantitative Analysis of Ternary Fibre Mixtures published in April 2001, aiming at aligning respectively with Directives 96/73/EC and 73/44/EEC. Turkey considers that with these acts, its legislation is in line with the relevant *acquis*, while alignment is not yet concluded concerning Directives 2006/2/EC amending 96/73/EC and 2006/3/EC amending 96/74/EC.

At the time of the screening meeting, 12 compulsory national standards applicable to textiles and clothing were still in place. These standards are expected to be abolished by the end of 2007. There are currently 301 harmonised textile-related EN standards in Turkey. No laboratory has so far applied for accreditation for testing in the area of textiles.

MIT is responsible for the legislative aspects as well as for market surveillance.

Footwear

The legal framework in this area consists of the Regulation concerning Labelling of the Materials used in the Main Components of Footwear for Sale to the Consumer, which was published in the Official Gazette in August 2005.

MIT is responsible for transposing the relevant *acquis* and to implement it, including market surveillance. Testing laboratories of Turkish Standards Institute (TSE) are used for the testing in the footwear market.

II.e. Procedural Measures

Notification procedures

The legal framework in this area consists of the Regulation on the Notification of Technical Standards and Standards between Turkey and the EU, in force since 2002. Turkey has introduced the provisions of Directive 98/34/EC. The notifications contain the drafts of the provisions intended to be adopted, or the legislation actually adopted as well as a statement of grounds. Turkey periodically notifies certain pieces of legislation to the Commission.

The authority responsible for the notification is the Undersecretariat of Foreign Trade, through its Central Unit for Notifications of Technical Regulations. The same administration

attends the regular meetings and those of the Enlarged Committee 98/34. TSE also attends the latter meetings.

External border checks

Turkey has not yet adopted provisions which align specifically with Regulation 339/93. A draft has been prepared, but still needs to be adopted. The legal framework currently consists of the Framework Law 4703 on general safety of products. The legislation concerning conformity checks on imports is contained in the Decree on Technical Regulation and Standardisations for Foreign trade.

Firearms

The legal framework in this area consists of the Law 6136 on Firearms, Knives, and the other similar objects; Regulation 91/1779 on Firearms and Knives and similar objects, Law 2521 on manufacturing, transactions and possession of the hunting rifles, knives and target shooting rifles for sport; Law 6551 on Exclusion of gunpowder and explosives, Hunting Materials and Arms and their components from the Monopoly; Law 5201 on Supervision of Industries, manufacturing arms and equipment and explosives. Turkey still needs to align its legislation in this area.

Companies manufacturing certain kinds of shooting weapons need a licence from the Ministry of Interior in order to operate. The European certificate is not recognised. The manufacturer also has to submit monthly the list of sales. Retailers also have to submit the list of the weapons sold to the relevant authorities within two weeks.

Return of cultural objects

The return of cultural objects as regulated in the EU by the provisions concerning the return of cultural objects unlawfully removed from Member State's territory as regulated by Directive 93/7/EC. These apply exclusively to Member States and are not regulated in Turkey. Turkey indicated that a Law to align with Directive 93/7/EEC is being prepared.

The Turkish legislation regulates export of cultural goods, which is discussed in detail in the screening report for chapter 29.

III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

The Turkish legislation is partially in line with the *acquis* in Chapter 1, Free Movement of Goods. Alignment is uneven. While it is complete in certain sectors, it needs further upgrading, especially as regards the horizontal measures and removal of non-tariff barriers to trade. These amendments are also necessary to comply with the commitments deriving from Decision 1/95 of the Association Council establishing the Customs Union.

Turkey has not produced plans for additional alignment, where it is incomplete. In particular no plan was provided to comply with the general principles deriving from Articles 28-30 EC, to resolving existing disputes over violations of Decision 1/95 of the Association Council.

The failure to remove obstacles to market access for certain sectors, and the existence of import permits for alcoholic beverages, used motor vehicles, other "old", used and renovated (refurbished) goods, constitute serious impediments to the free circulation of goods and breaches of Decision 1/95. Moreover, as long as restrictions on free movement of goods carried by vessels and airplanes registered in Cyprus or where the last port of call was Cyprus remain, Turkey will

not be in a position to fully implement the *acquis* relating to Chapter 1 – free movement of goods.

Overall, implementing structures have been established in most sectors, although the administrative capacity is yet insufficient to ensure effective market surveillance. Therefore, the capacity of the bodies in charge of market surveillance needs to be reinforced. Moreover, the segregation of tasks between regulatory, standardisation, accreditation, metrology, conformity assessment and market surveillance functions needs to be made more effective. In particular, TSE also operates occasionally as a market surveillance support laboratory. This function has to be abolished in the area of related directives following its formal acceptance as a notified body. A clear separation of financial flows between TSE's different functions has not been achieved yet. As a result of insufficient market surveillance capacity, and of the absence of proper provisions concerning checks on imports for third countries, certain border controls remain in force.

III.a. General Principles

Turkey has reached a sufficient level of alignment with the general principles deriving from Articles 28-30 EC and related European Court of Justice case law as far as price control regimes are concerned.

Turkish legislation is not in line with the general principles as regards import and export license regime. Importing licences/permits give discretionary powers to the administration for the import of used, old, refurbished products. The obligation for each importer to establish appropriate contracts for servicing, maintenance and repair in all provinces of Turkey, also results in a barrier to trade, and in particular to parallel imports. According to the case law of the European Court of Justice, the existence of import license systems, such as the one in force in Turkey, constitute a violation of the principle of free movement of goods. The failure to present timeframe for the abolition of restrictions to used vehicles is also incompatible with Decision 1/95 as Turkey declared in a statement attached to Decision 1/95 that these would be in force "for a certain period of time from the entry into force of the Decision"⁴.

Decision 1/95 implies that Turkey introduces mutual recognition in its legal order. However, this is not yet the case, despite the fact that Member States have done so towards Turkey. This failure therefore constitutes a violation of Decision 1/95. Barriers to import occasionally appear in products not covered by EC legislation (not harmonised area) where mutual recognition should apply. Besides, the lack of mutual recognition does not allow free movement of goods to take place in a legal framework which is certain and stable.

Certain technical barriers to trade are still in place in a limited number of sectors. These include requirements in terms of repair centres for electrical devices and automotive, substantial barriers to circulation of spare parts or repaired products. Significant barriers are still in place for spirits, burdensome dual licensing requirements and labelling requirements which are not in line with the *acquis*. Fiscal discriminatory practices concerning the same sector are addressed in detail in the screening report of chapter 16 - Taxation. A general prohibition on energy drinks with a certain amount of caffeine is in force, which is not supported by scientific rationale and lacks proportionality.

Turkey does not consider that the use of easily understandable pictogrammes or foreign words may assure an equivalent level of consumers' protection. This is contrary to the case law of the European Court of Justice.

⁴ Statement by Turkey on Article 5.

The Turkish legislation is to a large extent in line concerning exports, consumer information provisions, and storage facilities.

Turkey has initiated an internal screening of its legislation and administrative practices in the light of Articles 28-30 EC in 2003. Certain provisions have been identified and repealed since the beginning of this exercise, but no schedule for its completion has been put forward.

The legislation concerning conformity assessment is overall aligned with the *acquis*. Nevertheless, public authorities that designate conformity assessment bodies should not be the same as those that perform market surveillance tasks and notified bodies should not perform market surveillance operations on behalf of the relevant authorities. Turkey has not yet provided sufficient information on how this is avoided.

Measures have been taken in order to extend the EC-Turkey Customs Union to the 10 countries that joined the EU in May 2004 and to the 2 countries that joined in January 2007, but access to ports and airports is still restricted for vessels and airplanes registered in Cyprus or whose last port of call was Cyprus.

III.b. Horizontal measures

Turkey has reached a good level of alignment with the EC legislation concerning horizontal measures.

Provisions concerning standardisation are aligned to a large extent with the *acquis*. A limited number of mandatory standards are still in place, and are being rapidly phased out. Certain clarifications and minor legislative amendments appear necessary concerning the functioning of the Turkish Standard Institute. These concern the potential or actual conflict of interests when performing market surveillance activities and being appointed as a notified body.

The provisions concerning conformity assessment, as well as accreditation, are aligned with the *acquis*. The administrative and implementing capacity in this area is sufficient to operate in the internal market. These considerations have allowed Turkey to notify certain bodies in 2006. Similarly, the legislation on metrology, including legal metrology is aligned with the *acquis* to a large extent and the national institute of metrology (TÜBİTAK) has the necessary capacity to operate.

The legislation concerning market surveillance is advanced. Efforts to reinforce the administrations in charge are ongoing, but the implementing capacity is not yet sufficiently developed. Turkey needs to reinforce market surveillance, and needs to shift the tasks related to market surveillance from the Customs administrations (pre-market controls) to the responsible institutions (in-market controls).

III.c. New and Global Approach Product Legislation

Turkey has reached a high level of legislative alignment concerning horizontal provisions and in most sectors covered by the new approach. However, the role of Turkish Standard Institute (TSE) in relation with market surveillance activities, and the separation between normative and market surveillance activities needs to be further clarified.

At the moment of the screening alignment was not achieved for any of the sectors covered by the New Approach or was incomplete. Currently, a high, or complete alignment has been attained by the legislation on low voltage devices, electro-magnetic compatibility, toys (also subject to alignment with chemicals, and despite certain minor discrepancies), machinery (except for the recent Directive 2006/42/EC), lifts, personal protective equipment,

equipment and protective systems intended for use in potentially explosive atmospheres, gas appliances simple pressure vessels, pressure equipment, cableway installations, construction products, legal metrology, radio and telecommunication terminal equipment, energy efficiency requirements for households electric refrigerators, freezers and combinations thereof, new hot boilers, non automatic weighing instruments. Noise emissions in the environment by equipments in use outdoors.

Alignment is incomplete concerning recreational crafts, emissions of gaseous and particular pollutants, eco-design requirements for energy-using products, emissions of pollutants from non-road mobile machinery engines, measuring instruments, marine equipment, and pre-packaging.

Concerning medical devices, the Turkish legislation is partially aligned. Alignment is complete for three Directives (Directive 90/385/EEC, Directive 93/42/EEC, and Directive 98/79/EC), but not for the remaining ones (Directive 2003/12/EC, Directive 2003/32/EC, and Directive 2005/50/EC).

III.d. Old approach product legislation

Alignment is in general considerable in the areas covered by the old approach, with certain exceptions, and because of incomplete alignment with certain aspects of the legislation. Turkey has not outlined target dates for the completion of the legislative alignment in the sectors not yet aligned, neither for the upgrading of the quality infrastructure nor of the market surveillance activities.

Alignment is incomplete in the automotive area. In particular, the norms on exhaustions cannot be implemented because of the inadequate quality of fuels used in Turkey. The assessment of the conformity of key Regulations transposing EU Directives, which are necessary for Turkey to issue type approvals is ongoing.

Alignment in the area of chemicals is uneven. Turkey has not introduced provisions of Directive 67/548/EEC on classification of dangerous substances. As a consequence, the requirements concerning safety data sheets and the classification of dangerous preparations cannot be implemented either. The legislation on explosives for civil use and Good Laboratory Practices (GLP) are aligned to a large extent but, need to be updated to remain in line with the most recent *acquis*. Moreover, no plans were indicated concerning the GLP monitoring programme. The alignment concerning detergents and Fertilisers is not complete.

Turkish legislation and EC legislation on drug precursors share the same principles because they both stem from the 1988 UN Convention. But alignment is not complete with the Regulation EC 273/2004 on drug precursors. The Turkish legislation does not distinguish between substances of Category 1, 2 and 3 and impose the same constraints to all 23 substances.

With regard to the legislation on pharmaceuticals and medicinal product for human use, the legislation relating to authorisation procedures, pharmacovigilance, classification, labelling, advertising, manufacturing, inspections, variations to the terms of marketing authorisations, clinical trials, community codes and transparency in relation to pricing and reimbursement of medical products is overall in line with the *acquis*, although requiring certain amendments. Alignment is limited concerning wholesale distribution, medicinal products derived from human blood and plasma, homeopathic medicinal products, rules on supervision and sanctions and with directives (2003/94 on good manufacturing practices, 2004/24 on traditional herbal products 2004/27 on community codes for pharmaceutical

products, 2005/28 on good clinical practices), which are the most recent ones. The regime concerning data exclusivity is aligned with the previous EC regime (Directive 2001/83/EC, although not yet with Directive 2004/27/EC). However, and despite the alignment achieved, the provisions related to data exclusivity and filing of generic applications is not applied in a consistent and systematic manner.

The provisions on centrally authorised products are overall aligned, although their entry into force is delayed until accession. The absence of mutual recognition will also have to be addressed by accession. The legislation for veterinary medicinal products is not aligned and considerable difficulties are expected in terms of administrative capacity to transpose and apply the *acquis* in this specific area.

The legislation on cosmetics is aligned to a limited extent.

The legislation on legal metrology, and pre-packaging, as well as crystal glass, footwear and textiles are aligned, with the exception of the latest directives on textiles of 2006.

III.e. Procedural measures

The legislation concerning notification procedures is not aligned. The provisions concerning the return of cultural goods unlawfully removed from the territory of a member state, which are covered by this chapter, apply among member states, and are not aligned. No alignment has taken place concerning the provisions of Regulation 339/93 on external border checks. Turkey has indicated that it is working on alignment, but has not provided plans. The legislation on firearms is overall compatible with the principle and the minimum requirements set by the *acquis*, in particular those concerning intra-community trade.