

Required actions for EIA Regulation in Turkey

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Abstract: Environmental Impact Assessment (EIA), as a practice, has been implemented in Turkey since 1993. EIA Regulation has been revised for adoption and harmonization with European Union (EU) Directives more than seven times. Considering the procedural steps of EU EIA directive, revised EIA Regulation adopts most of the steps except the some of the provisions of Aarhus Convention and Espoo Convention. Although EIA Regulation has been implemented since 1993, linkage between the horizontal sector requirements has not been provided and implemented successively. Considering the linkage between international conventions and EIA, Biodiversity convention, Ramsar convention, Aarhus convention and Espoo convention these requirements have not been integrated into EIA Regulation effectively. This Paper will elaborate the current status of EIA implementation and focus on the necessities of the required actions for better implementation of EIA process such as use of screening, scoping, reviewing and monitoring guidelines effectively.

I. Introduction

Turkey has been implementing EIA Regulation since 1993. Turkey became an official candidate to European Union in 1999 and harmonization of European Union (EU) EIA Directive (Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment) studies was initiated at the beginning of 2001. MATRA programs [1] financed by The Netherlands have been implemented in Turkey [2]. “Approximation and implementation of EIA Directive in Turkey” project [3] was implemented between 2001 and 2002. “Establishment of EIA Training and Information Center” project [3] was implemented between 2004 and 2006. EIA Handbook and Sectoral EIA Guidelines for 12 sectors were introduced [4]. Sectoral Approximation Strategy project [3] was implemented for Ministry of Environment and targets for each sector have been determined.

EU-EIA Directive has been amended three times, in 1997, in 2003 and in 2009. Directive 97/11/EC brought the Directive in line with the Espoo Convention on EIA in a Transboundary Context. The Directive of 1997 widened the scope of the EIA Directive by increasing the types of projects covered, and the number of projects requiring mandatory environmental impact assessment (Annex I, same title for all directives, requires EIA report preparation). It also provided for new screening arrangements, including new screening criteria (at Annex III) for Annex II projects (relatively have less adverse impacts to environment but still need to be evaluated whether EIA report is needed or not), and established minimum information requirements. Directive 2003/35/EC was seeking to align the provisions on public participation with the Aarhus Convention on public participation in decision-making and access to justice in environmental matters. Directive 2009/31/EC amended the Annexes I and II of the EIA Directive, by adding projects related to the transport, capture and storage of carbon dioxide (CO₂).

II. EIA Regulation revisions in Turkey.

EIA Regulation drafted by the Ministry of Environment were enacted on 7th February, 1993 and was based on US and EU procedures and amended three times within first decade on 23rd June, 1997 and amended on 6th June 2002 and on 16 December 2003.

Other amendments realized in order to have more effective EIA were implemented on 17th July, 2008 and on 3rd October, 2013 and 25th November 2014 and also on five times amended for changes on the articles of the regulation on different dates.

During last 23 years of EIA Regulation implementation, the name of the Ministry has been changed three times, Ministry of Environment (MoE), Ministry of Environment and Forest (MoEF), and Ministry of Environment and Urbanization (MoEU). Those changes directly affected the function of EIA Regulation. Environmental permitting and licensing system for waste management, water and waste water management, noise and air quality belonged to EIA General Directorate in 2011. Environmental auditing, monitoring and measurements of those sectors carried out by EIA General Directorate since 2011. Measurements are performed by means of Environmental laboratory of the Ministry which was established in 1997 by means of EU funds.

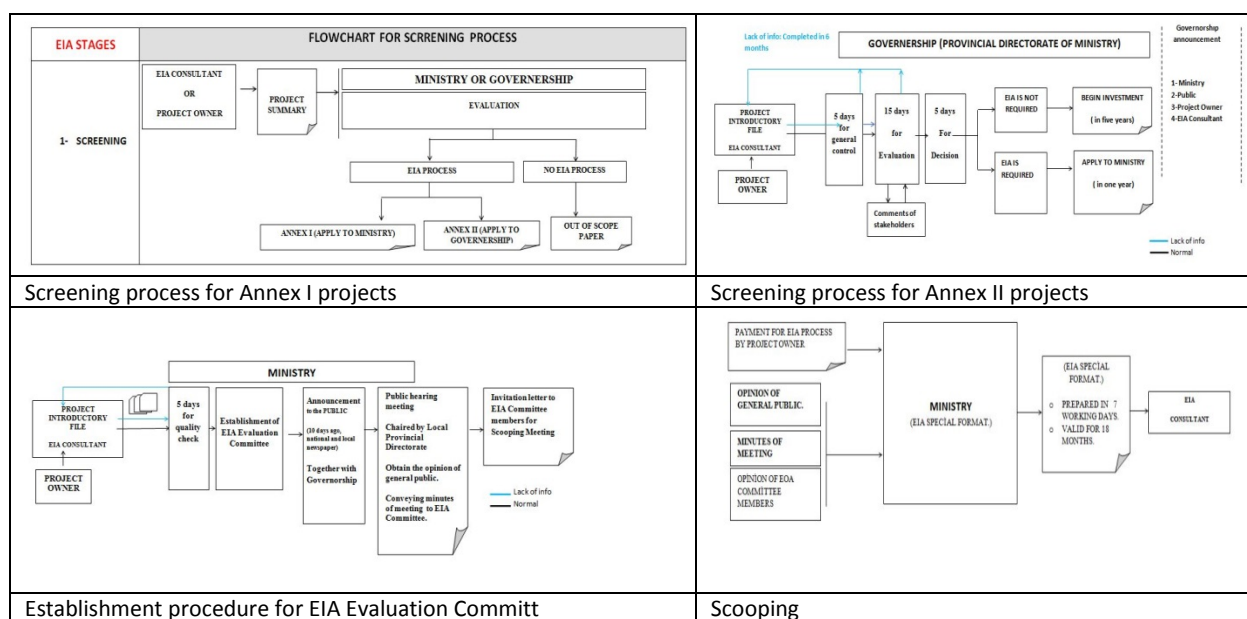
III. EIA Regulation implementations in Turkey.

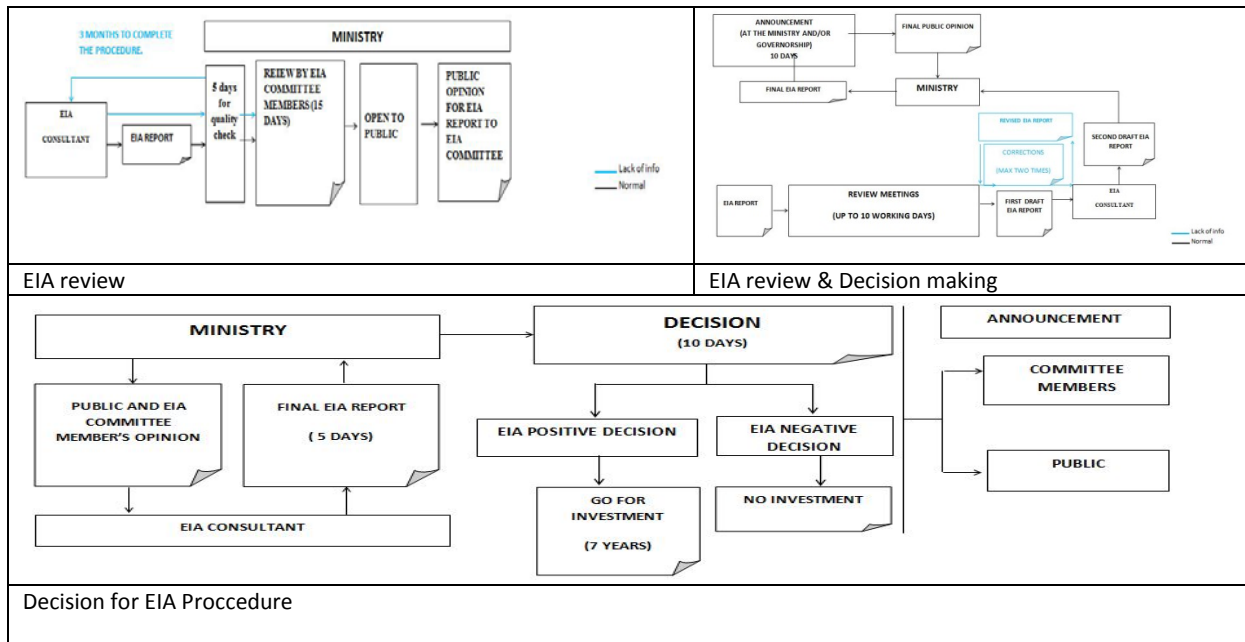
During last 23 years, internet usage and other innovative implementations become part of governmental implementation. E-EIA (Electronic EIA) is a new implementation of EIA Process that became part of e-government system in 2012. All stakeholders provide their opinion electronically without the need for paper based EIA Report.. This implementation saved time, energy and natural resources, and EIA procedures have been reduced for the days of delivering and printing the reports

EIA Training and Information Centre established by means of bilateral project with The Netherlands [3]. EIA handbook and EIA sectoral guidelines for 12 different sectors have been prepared [4]. Regular trainings have been conducted by EIA experts working at the provincial directorates by the Centre. [3].

Another important change involves in the public participation process, which begins before the scoping stage since 2002 revision. At the end of EIA process, final EIA Report is opened to the general public for ten working days [5]. On the other hand, the decision and the reason for the decision for the project are not directly declared to public [5]. As a result, environmental information gathered by the developer is made available to the public within a reasonable time during EIA process, before development consent is granted. Authorization of EIA consultant firms decided by the Ministry and EIA consultant firms are responsible either preparation of EIA Reports or monitoring the EIA Projects during the construction period. Monitoring reports are submitted to Ministry during the construction phase of the project. Monitoring reports are submitted to Ministry during the construction phase of the project. Monitoring department for EIA conducting site visits for EIA projects since 1999 [5]. EIA in the transboundary context (Espoo Convention) have not been included on the EIA Regulation. EIA processes; screening, scoping, establishment of EIA Committee, EIA Review and EIA Decision has been shown in Fig. 1.

Figure 1: EIA processes according to new EIA Regulation.





IV. EIA Regulation relations with Horizontal sector

The three key directives in the horizontal sector are:

- Environmental Impact Assessment (EIA) Directives (85/337, 97/11, 2003/35 and 2009/31/EC);
- Strategic Environmental Assessment (SEA) Directive (2001/42);
- Access to Environmental Information (AEI) Directive (90/313, 2003/4 and 2003/35/EC);

Other relevant legislation in this sector includes:

- Directive on Reporting on the Implementation of Certain Directives (91/692);
- Regulations on the European Environment Agency (1210/90 and 993/99);

The MoEU has overall responsibility for the co-ordination and implementation of horizontal sector legislation across Turkey. This responsibility is discharged both at a national level and through the Ministry's provincial offices. At present the only other relevant legislation is the EIA Regulation, although Turkey is a member of the European Environment Agency (EEA) and SEA project is under implementation namely "Technical Assistance for Implementation of the By-Law on Strategic Environmental Assessment", (TR2010/ 0327.02- 01/001). [5].

V. Weakness of EIA Directive

EIA Directive describes the EIA stages and Overview of EU Legislative Requirements and table of concordance (ToC) determines the level of harmonization considering the requirements of EIA Directive. This approach determines the procedural steps but not determines the real implementation status of EIA regulation. Considering the EIA procedural steps in Turkey, it is the same as EIA Directive. (Annex 1). Main weaknesses are the quality of EIA reports and the EIA evaluation committee. EIA Directive does not describes in detail the preparation procedure for EIA reports, usage of database and its requirements, descriptions of the experts who review EIA reports, their qualification etc.

The legislative requirements of the EU EIA Directive, the provisions of the Turkish EIA Regulation have been listed. Although new EIA Regulation has been developed in concordance with the Directive, due to the fact that Turkey is not yet a party to Aarhus and Espoo Conventions, the requirements arising from these Conventions are still gaps in the new Regulation.

VI. Proposed action within the EIA General Directorate

The EIA review committee assigned by the EIA General Directorate considers the sector of the projects. EIA projects are assessed by two head of departments and by seven units (Mining, chemicals, food and agriculture, industry, coastal structures, tourism and energy) - (Fig 1). Necessary paper works are carried out by each unit and members of the EIA Committee are determined from related governmental institutions. Each member of EIA Committee main concern is to complete their own permit and license procedure rather than environmental impacts and measures.

Due to this reason EIA procedure should be follow by two EIA departments. Sectoral EIA Department will be responsible for daily works of the project including public participation, focused on sectoral information, extensive knowledge about EIA Annex I and Annex II projects, their process, determination of environmental impacts and measures - (Fig 2). The Impact Assessment department will be responsible for assessing the EIA reports considering the volumes of flora and fauna, noise, soil protection, water and wastewater pollution, waste policy, air pollution, site selection including protected areas assessment. New approach will provide both sector specific experts and impact assessment experts through the environmental media. EIA committee will not require less expertise from other governmental bodies and will provide their impact and measure related inputs. In order to achieve this result, EIA department's responsibilities and expert level job descriptions and qualifications should be determined.

EIA Report will be distributed to all units of Impact Assessment Department. Each unit will be responsible for some part of EIA report. Impact Assessment department will send their findings to Industrial Investment EIA Department. Three experts (when required more participants) of Impact Assessment Department will join EIA Assessment Committee meetings. By means of new approach, EIA General Directorate will not only be "coordinating" unit for EIA process, will be "real responsible unit" for assessment of EIA Report.

Figure 1 : Current Orinigram

INDUSTRIAL INVESTMENTS EIA DEPARTMENT	INFRASTRUCTURAL INVESMENTS EIA DEPARTMENT
Mining Unit	Transport Unit
Food and Agriculture Unit	Tourism Unit
Chemicals Unit	Energy Unit
Industry Unit	

Figure 2 : Proposed Orinigram

SECTORAL EIA DEPARTMENT	IMPACT ASSESSMENT DEPARTMENT
Mining Unit	Flora and Fauna Unit
Food and Agriculture Unit	Air Pollution Unit
Chemicals Unit	Noise Unit
Industry Unit	Waste Unit
Transport Unit	Water and Wastewater Unit
Tourism Unit	Horizontal Sector Relations
Energy Unit	Site Selection Unit

VI. Conclusions

EIA handbook, screening, scoping and review guidelines should be prepared, updated and used effectively during the EIA process. Impact assessment based EIA Committee members and new organizational decisions should be taken and implemented. Common implementation of the EIA Regulation should be provided. In order to achieve these requirements, “EIA Training and Information Centre” may be a key element for this purpose. Bilateral agreements, European Union funded projects and other ways for financial support shall be useful to achieve the desired situation as well as MoEU own training programs.

Flora and fauna studies and Birds Directive relations, wetlands and Ramsar convention relations, determination of precautions for adverse impacts where the project site decided such as forest areas and national parks, protected areas, sensitive areas, biogenetic reserve areas, cultural heritage, touristic zones, agricultural zones etc. should be studied carefully and should be followed the national and EU legislations.

In order to achieve these targets, EIA Permit and Inspection General Directorate should be re-organized and focused to impact based EIA implementation rather than license and permit based.

References:

1. References: Matra social transformation programme (n.d.). Retrieved February 20, 2016, from <https://www.government.nl/topics/matra>
2. MATRA Projects Programme. (n.d.). Retrieved February 15, 2016, from <http://istanbul.nlconsulate.org/organization/departments/matra-and-human-rights-section/matra-projects-programme.html>
3. Albayrak, A. (2004, June 12). Title: Recent Developments for EIA Implementations in Turkey: Establishing EIA Center and Sectoral Approximation Strategy. Retrieved February 02, 2016, from http://www.iaia.org/pdf/IAIAMemberDocuments/Publications/Conference_Materials/IAIA04/PapersPDF/SN28.2-Albayrak-Recent Developments for EIA Implementations in Turkey.pdf
4. EIA Sectoral Guidelines. (n.d.). Retrieved February 12, 2016, from <http://www.csb.gov.tr/gm/ced/index.php?Sayfa=sayfa&Tur=webmenu&Id=7763>
5. Turkish EIA Regulation. (n.d.). Retrieved February 02, 2016, from 5. <http://www.resmigazete.gov.tr/eskiler/2014/11/20141125-1.htm>