

Title: EIA Follow Up Procedures in Turkey: Current Situation and Future Outlook

**A Paper submitted to IAIA'04: EIA Follow up.
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Abstract

EIA regulation has been implementing in Turkey since 1993. After becoming a candidate country for European Union, Turkey has been increased her effort through approximation studies including the EIA implementations. Turkey is a centralized country for public administration and most of the EIA process has been controlled and implemented by the Ministry of Environment and Forest, The General Directorate of EIA and Planning. In order to implement the EIA Regulation in the same sense, there is a need to have sectoral guidelines for main sectors. In order to provide for arranging regular training programs and for preparing remaining EIA guidelines, Ministry of Environment and Forest has decided to establish EIA Training and Information Center in January, 2004 .

EIA follow-up process is a separate department and annually selected EIA projects in 81 province are inspected by the EIA experts. Before going to project site, EIA Report has been assessed by the inspector considering the specific properties of the project, process used, air pollution, emissions, other related environmental permits, waste, noise, water usage and water pollution, reclamation process if applicable etc and it is controlled on site. Although there exist a general guidelines used for this purpose, sector specific guidelines are needed to be prepared and for general and sector specific training should be conducted. This paper indicates current EIA Process and current environmental follow-up procedures vs. current EIA follow up procedures in Turkey and the challenges for better implementing of EIA Follow-up Process.

Introduction

The EU Environmental Impact Assessment (EIA) Directive (85/337/EEC) was declared on 3 July 1985 and amended by Council Directive 97/11/EC (14th March 1997). Deadlines for transposition were 3 July 1988 and 14 March 1999 respectively for each Member State.

In Turkey, the EIA Regulation drafted by the Ministry of Environment enacted on 7 February 1993 was based on US and EU procedures and amended on 23 June 1997 and amended on 6 June 2002 and on 16 December 2003 in order to harmonize with the EU EIA Directive requirements. Monitoring and auditing for EIA Projects has been conducted since 1997 in Turkey.

Recent Developments in the EIA System

The new EIA Regulation covers all procedural requirements of EU EIA Directive except the issues related to the Espoo Convention.

Within the key stages of EIA according to European Union requirements, scoping has been introduced as mandatory for Annex I Projects which are subject to the EIA procedure. The developer has to request a Scoping Opinion from the Competent Authority (CA), which is represented by the Ministry of Environment and Forest (MoEF).

Annex III selection criteria will be taken into account if any Annex II project is subject to EIA. For the Annex II Projects, a Project Introductory File submitted to MoEF by the developer. The CA will provide its opinion as to whether an EIA is required or not. Use of the Annex III selection criteria will lead to more environmentally sensitive decision-making.

Annex I and II projects have been amended to correspond to the lists of the EU EIA Directive. The new EIA Regulation has almost the same Annex I and II project lists. There have been some minor differences from the previous EIA Regulation such as mining projects, tourism development projects and energy projects.

Another change involves the public participation process, which will begin before the scoping stage rather than later in the EIA process. In the new Turkish EIA Regulation, the public hearing meeting will be arranged before the scoping stage. At the end of EIA process, the decision and the reason for the decision of the project will be declared to the public. As a result, the new EIA Regulation ensures that any environmental information gathered by the developer is made available to the public within a reasonable time in order to express its opinion before development consent is granted. Qualification of consultants again introduced with new regulation and consultant firms shall be responsible either preparation of EIA Reports or monitoring the EIA Projects during the construction period. Inspection reports will be submitted to MoEF during the construction phase of the project.

EIA Follow Up Procedure in Turkey

EIA follow up has been conducted by the Department for Monitoring and Auditing of EIA and Planning General Directorate. This department has been established in 1997 and more than 1000 Annex 1 and Annex 2 project has been followed up by the department during seven years.

Turkey is a rich country for considering the projects in Annex 1 and Annex II on EIA Regulation. Considering the being a relatively large country, more than 1000 EIA Report has been assessed and 7000 Annex II Project has been assessed and screened during last ten years. Annex II Projects had been assessed by either by MoEF and or Local Environmental Boards established in 81 provinces.

Current Capacity for EIA Follow up

Department for Monitoring and Auditing is one of the five department within the General Directorate of EIA and Planning. It includes three section responsible from monitoring the EIA Projects, monitoring of the plan (1/25 000 scale) and SEA, qualification issues for the EIA consultants. Totally 9 expert and 3 section manager and head department working at the referred department.

The EIA Department for Monitoring and Auditing use the general format for the projects during the inspection studies. This guideline consist of three pages and it includes a kind of questionnaire. Before going to project site, EIA Report has been re-assessed by the inspectors considering the declarations and promises for the mitigation purposes. The experts are also invited for the some of the EIA related sectors when it is required. Monitoring and auditing only realized during the construction period of the project. During the operation phase, monitoring has been realized by general Directorate of Environmental Management.

General format used during the monitoring the EIA Projects includes the subsections of waste management, air pollution, water pollution, land usage, other environmental permits which has been promised to be completed during EIA process such as permission for emissions, water pollution discharge parameters, construction permit, production permit (for mining projects) etc.

The number of projects that have been inspected from 1997 to 2004 for Annex I and Annex II Projects have been provided on Table 1 and the number of Annex I and Annex II projects for selected provinces have been provided on Table 2 respectively.

EIA Follow Up procedures were under the responsibility of EIA and Planning General Directorate but with the revised EIA Regulation, qualification certificate on EIA has again been introduced and the responsibilities shall be shared with the consultant firms. The roles and responsibilities and qualification principles has been declared by the decree and as of 24th May 2004, consultant firms are also responsible for EIA Project's Follow Up. Before the date of 24th May 2004, Project owners are responsible for preparing and submitting the detailed updated information

about the environmental permits that the firm had been approved after the EIA approval by MoEF according to article of 18 of Turkish EIA Regulation.

TABLE 1: NUMBER OF PROJECTS OF ANNEX I AND ANNEX II FROM 1997 TO 2004

YEARS	Annex 1	Annex II
1997	15	----
1998	109	108
1999	68	66
2000	106	261
2001	60	132
2002	47	139
2003	111	180
TOTAL NUMBER OF PROJECTS HAVE BEEN INSPECTED	516	886
TOTAL NUMBER OF PROJECTS DECISION GIVEN	995	5490

TABLE 2: NUMBER OF ANNEX 1 AND ANNEX II PROJECTS IN SELECTED PROVINCES.

PROVINCES	NUMBER OF ANNEX I PROJECTS (IN DESCENDING ORDER)	NUMBER OF ANNEX II PROJECTS	NUMBER OF SITE STUDY FOR INSPECTION	NUMBER OF EIA PROJECTS INSPECTED IN EACH STUDY	NUMBER OF ANNEX II PROJECTS INSPECTED IN EACH STUDY
ANTALYA	66	508	5	42	15
IZMIR	56	532	4	26	22
ISTANBUL	51	109	3	13	9
KOCAELI	45	206	4	9	26
MUGLA	39	310	5	32	24
ÇANAKKALE	37	216	3	13	18
TEKIRDAG	36	118	3	16	18
BURSA	27	351	4	8	28
SAKARYA	24	154	2	4	12
ANKARA	22	125	3	11	5
BILECIK	22	110	4	16	13
KAYSERİ	21	127	4	18	23
İÇEL	20	226	5	19	19
KONYA	19	332	4	16	23
MANİSA	19	226	3	11	15
BALIKESİR	17	205	4	8	35
TOTAL FOR TOP 16 PROVINCES	521	3855	60	262	305
TOTAL FOR 81 PROVINCES	995	5490			
RATIO (%)	52	70			

General Environmental Monitoring System in MoEF in Environmental General Directorate:

EIA Follow up ends with the beginning of the operational phase of the project in Turkey. The General Directorate of Environmental Management, Environmental Monitoring department is responsible for the project's environmental monitoring. This department has been established in 2001 and works according to the regulation of "Environmental Monitoring". Environmental Monitoring Regulation has come into force on 5th of January 2001 and revised on 24th July 2002 and on 30th January 2003 and the purpose of this Regulation is to arrange procedures and principles of environmental inspection for protecting the environment concerning the establishment and operation of the facilities from each phase of production to final disposal of wastes.

This Regulation contains operations and formalities concerning environmental inspection, qualities of environmental inspectors, legal responsibilities of persons performing concerned activities, and duties and authorities of inspecting bodies.

The following organisations and facilities are subjected to environmental inspection.

- a) Facilities present in the lists stated of the Annex I and the Annex - II of the Environmental Impact Assessment Regulation published in the Official Journal dated 23.06.1997 No: 23028 (then revised on 23rd of June 2002 and 16th of December 2003 respectively)
- b) Group - A and Group - B facilities present in the lists of the Annex - 7 of Regulation on the Protection of Air Quality and Annex - 8 High Pollutant Characterised Facilities published in the Official Journal dated 2.11.1986 No: 19269.
- c) Facilities present in the sectors stated in the Tables in the Articles from 5 to 21 (included) of the Regulation on Water Pollution Control published in the Official Journal dated 04.09.1998 No: 19919.
- d) Facilities stated in the Article 2 of the Regulation on Medical Wastes Control published in the Official Journal dated 20.05.1993 No: 21586.
- e) Facilities with legal liabilities according to the Regulation on Solid Wastes Control published in the Official Journal dated 14.03.1991 No: 20814.
- f) Facilities with legal liabilities according to the Regulation on Hazardous Chemicals published in the Official Journal dated 11.07.1993 No: 21634.
- g) Facilities with legal liabilities according to the Regulation on Hazardous Wastes Control published in the Official Journal dated 27.08.1995 No: 22837.
- h) Other facilities with legal liabilities according to the Environmental Law and regulations issued based on this Law and facilities against which a denunciation or complaint is issued.

The units authorised with inspection in the Ministry are as follows: Chairmanship of Inspection Board, the Directorate General for Environmental Management, the Directorate General for Environmental Impact Assessment and Planning, Provincial Directorates of Environment and Chairmanship of Special Environmental Protection Organisation present in special environmental protection provinces according to the Article 25 of the Decree in the Power of the Law concerning the Establishment of Special Environmental Protection Organisation No: 383.

The annual inspection program is prepared in December of the previous year by the General Directorate with the co-operation of Chairmanship of Inspection Board, Directorate General for Environmental Impact Assessment and Planning, Chairmanship of Special Environmental Inspection and Provincial Directorates of Environment, and enters into force by the approval of the Minister. With this program, the organisations and enterprises to be inspected in the current year by the Ministry and its regional offices, the duration of inspection, the staff to be in charge of inspection and the distribution of duties in inspections where performed in groups are determined.

In cases of accident, denunciations or complaints or when deemed necessary by the Ministry, inspection is carried out separately from the annual inspection program. The organisations and enterprises authorised for inspection with the Environmental Law and regulations to be issued according to this law are informed about the annual inspection program, and necessary co-operation and co-ordination is provided.

Evaluation of compliance with the points requiring measurements in the environmental inspection form is performed according to the results of measurement to be made by the private and public institutions and enterprises accredited according to the provisions of the Law on the establishment and duties of the Turkish Accreditation Organisation dated 27.10.1999 No: 4457 by the staff of the Ministry in charge of inspection.

The Ministry organises practical training programs for the projected terms with the aim of training of inspection authorities. The Ministry determines the principles and methods for the organisation of training and qualification programs.

The role of IMPEL

IMPEL is an informal network of European regulators concerned with the implementation and enforcement of environmental legislation. The network is a powerful tool for sharing experience and information on the practical

application of environmental legislation across Europe. Co-operation among practitioners in the fields of inspections, permitting and enforcement under the IMPEL network started in 1992. 29 countries – all Member States of the European Union, the ten future Member States, the three candidate countries Bulgaria, Romania and Turkey as well as Norway – and the European Commission now participate in the network.

The core objectives of IMPEL are:

- to create the necessary impetus in the European Community to ensure a more effective implementation and enforcement of environmental legislation,
- to share information and experiences, discuss problems and offer practical advice on implementation and enforcement of EC environmental legislation,
- to contribute to a greater consistency of approach in the implementation and enforcement of EC environmental legislation,
- to promote mutual understanding of the common characteristics and differences of national regulatory systems,
- to develop good and whenever possible best practices as regards inspection, permitting, monitoring, reporting and enforcement of EC environmental legislation.

The core of IMPEL's activities concerns the training of inspectors, minimum criteria for environmental inspections, exchange of information and experience on implementation and enforcement of existing EU environmental legislation, development of common views on the coherence and practicality of current EU legislation and on commenting issues of practicality and enforceability at an early stage in the development of new EU legislation, before a proposal is formally tabled.

All IMPEL activities take place within a project structure. IMPEL projects look at how legislation is currently implemented and enforced and then good practice for the inspection and/or permitting process is defined.

The framework for IMPEL projects and activities is its Multi Annual Work Programme. This programme aims at providing a structure for IMPEL's work for the years of 2002-2006. It is based on the 6th Environmental Action Programme with a particular focus on the Recommendation on Minimum Criteria for Environmental Inspections (2001/331/EC).

An IMPEL Project has already been initiated in The General Directorate of Environmental Management namely Developing capacity in implementation and enforcement of Environmental Legislation in Turkey with a Publication reference EuropeAid/114824/D/SV/TR. The aim of the project is to strengthen the institutional, administrative and monitoring capacity of the Ministry of Environment and Forest and other institutions involved in environmental monitoring and inspection. Assistance in establishing permitting, monitoring, inspection and enforcement procedures in Turkey that are in accordance with EU IMPEL (Implementation of Environmental Legislation) standards. Assistance in establishing training activities and accreditation programmes for environmental inspectors. Establishment of a pilot project of Best Practice in Enforcement at a regional level. Indicative maximum budget is 710 000 € and project is on inception phase. The General directorate of EIA and Planning shall participate to this project as a stake holders and common studies will be conducted during the project life time and beyond it.

New system for EIA Follow Up and Future Outlook

EIA Training and Information Centre shall be established during this year and 12 sectoral guidelines shall be prepared for selected projects. This guidelines will focus on current permitting system and comparison of timing of EIA process initiation, screening procedure, scoping procedure, adverse/positive impacts and their mitigation measures, monitoring and auditing mechanism and action plan for EIA follow up. Each sector will determine what kind of monitoring procedure is required and which institutions shall be responsible from them. Amended EIA regulation and its enclosures include the new system that EIA Review Committee shall decide on the parameters and methods for monitoring the EIA Project and consultant have prepared the EIA Report shall be responsible for submitting the Inspection Reports for determined periods to the General Directorate of EIA and Planning. MoEF has also right to monitor the EIA projects in the same manner explained and supported by the figures above.

Training programs shall be conducted for the inspectors. There shall be sector specific training through the HA Committee which has the members from General Directorate of EIA and Planning, GD of Environmental Management, other governmental organisations such as Ministry of Agriculture and Rural Affairs, State Hydraulic Works, Ministry of Culture and Tourism, GD of Forest, GD of Natural Preservation and National Parks, Municipalities and Local Environmental Boards etc. In addition to that, sector specific training shall be conducted for energy, mining, tourism, coastal structures, industrial projects, agriculture and waste sectors. On the job training shall be conducted on relevant sector organisations and workshops shall be conducted for the representatives of each sectors respectively. Having a sufficient information about each sector will provide better review capacity for EIA Committee and shall result in better action plan for EIA Follow up procedure. MoEF believes that particular training

needed for authorities at local and regional level in order to improve their understanding of the EIA Directive and its application by the help of EIA Training and Information Centre.

Conclusions

Guidelines should be introduced to the EIA system soon. Training program for central and provincial level should be conducted. Common implementation of the EIA Regulation should be provided. In order to achieve this requirements, "EIA Training and Information Centre" may be a key element for this purpose. Bilateral agreements, EC funded projects and other ways for financial support may be useful to achieve desired situation as well as MoEF own training programs. NGO's, general public, consultants, developers and their representatives should be informed more often about implementations of EIA by MoEF and its updated services.

Collective responsibility feelings through environmental problems by each level of the community may result in prevention and protection of natural, living and social environment. The tools for determining the monitoring of the social impacts of EIA projects should also be studied.

References

- 1- EIA Directive 85/337/EEC and amended EIA Directive 97/11/EC.
- 2- Terms of Reference of MATRA Projects.
- 3- Turkish EIA Regulation (1993,1997, 2002 and 2003)
- 4- Turkish Environmental Monitoring Regulation (5th of Jan. 2001, revised 24th July 2002 and on 30th Jan. 2003)
- 5- IMPEL and EU web site.
- 6- MoEF web site,