

IAIA 04 - VANCOUVER EIA FOLLOW UP

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EIA Regulation (1993)

- EIA Regulation is being implementing since 1993.
- It has the same stages with EU EIA Directive.
- Procedural steps are in line with EU.
- Turkey is rich for Annex I Projects and there has been completed more than 1000 EIA Project since 1993.

The KEY STAGES OF EIA Process	NOTES , ACCORDING TO 16TH OF DECEMBER, 2003 REGULATION
Project Preparation	The developer prepares the proposals for the project.
Notification to Competent Authority	The developer must notify the CA in advance of the application for development consent.
Screening	The CA makes a decision on whether EIA is required. This decision may happen when the CA receives notification of the intention to make a development for a Screening Opinion.
Scoping	The EIA Regulation provides that developer has to request a Scoping Opinion from the CA. Other environmental authorities' opinions on the required scope of EIA information is taken into consideration as well. The Scoping Opinion identifies the matters to be covered in the environmental information. It is a mandatory process.
Environmental Studies	The developer carries out studies to collect and prepare the environmental information (EIS).
Submission of Environmental Information to Competent Authority	The developer submits the environmental information to the CA in the form of an Environmental Impact Statement (EIS).
Review of Adequacy of the Environmental Information	Formal requirement for the review process is carried by the EIA Committee, which includes the governmental organisations responsible for implementing environmental legislation, universities and NGOs. The developer may be required to provide further information if the submitted information is deemed to be inadequate.
Consultation with Statutory Environmental Authorities, Other Interested Parties and the Public	The environmental information is available to the environmental authorities, other interested organisations and the general public for review. They have an opportunity to comment on the project and its environmental effects before a decision is made on development consent.
Consideration of the Environmental Information by the Competent Authority before making Development Consent Decision	The environmental information and the results of consultations are considered by the CA in reaching its decision on the application for development consent.
Announcement of Decision	The decision is made available to the public and it is mandatory to explain the description of the measures that will be required to mitigate adverse environmental effects.
Post-Decision Monitoring if Project is Granted Consent	CA executes post-decision monitoring to ensure that those undertakings which are committed to by the developer are performed. CA may cooperate with other environmental authorities when necessary.
<p>The highlighted steps must be followed in all Member States under Directives 85/337/EC and 97/11/EC. Scoping is not mandatory under the Directive but Member States must establish a voluntary procedure by which developers can request a Scoping Opinion from the CA if they wish. The steps which are not highlighted form part of good practice in EIA and have been formalised in some Member States but not in all. Consultations with environmental authorities and other interested parties may be required during some of these additional steps in some Member States.</p> <p>CA = Competent Authority; MS = Member State.</p>	

EU Legislative Requirements	2002 Regn	2003 Regn
EIAs are mandatory for all those projects listed in Annex I of the Directive.	YES	YES
For those projects listed in Annex II, the Annex III selection criteria must be used to determine if an EIA is required.	YES	YES
Member States may decide which Annex II projects are to be subject to EIA either on a case-by-case basis and/or by setting thresholds or criteria.	YES	YES
The competent authority must make available to the public the decision on whether an Annex II project shall be subject to an EIA or not.	YES	YES
The developer must provide relevant Annex IV information to the competent authority which must include information on alternatives they have considered and the main reasons for their choice.	YES	YES
A public consultation process must be established and the results of any consultation must be taken into account by the competent authority in deciding whether to grant development consent.	YES	YES
There is a requirement to consult with other Member States if the proposed project may have trans-boundary impacts.	NO	NO
The competent authority must make available to the public: applications for development consent and other information within a reasonable time in order to give them an opportunity to express an opinion before development consent is granted; the content of their decision and any conditions attached; the main reasons and considerations on which the decision was based; a description, where necessary, of the main measures to limit the environmental impacts of the development.	YES	YES
The proposed directive amending the EIA Directive is intended to implement the provisions of the Aarhus Convention which has been ratified by the Community.	PARTIAL	PARTIAL
It strengthens the rights of public involvement in the decision-making process. It also extends public participation procedures into a series of environmental directives under which plans or programs must be drawn up.	PARTIAL	PARTIAL

Projects for improving EIA System in Turkey

- 1-Establishing the EIA Training and Information Centre in MoEF, under the GD of EIA and Planning Dutch funded program.
- 2- Leonardo da Vinci Project: Training of the EIA Training and Information Center Trainers, EU Community Program.
- 3- Environmental Approximation Strategy (SAS) for Turkey, EU Funded Project,

Current Capacity for EIA Follow up

- Seperate department since 1997.
- 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
 - use the general format for the projects during the inspection studies.
 - 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.
 - Before going to project site, EIA Report has been re-assessed by the inspectors considering the declarations and promises for the mitigation purposes.
 - Principally, 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.

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

YEARS	Annex I	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	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
KAYSERI	21	127	4	18	23
IÇEL	20	226	5	19	19
KONYA	19	332	4	16	23
MANISA	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			

EIA FOLLOW UP VS. ENVIRONMENTAL MONITORING

- 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
- 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 organisations and facilities subjected to environmental inspection.

- 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)
- 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.
- 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.
- Facilities stated in the Article 2 of the Regulation on **Medical Wastes Control** published in the Official Journal dated 20.05.1993 No: 21586.
- Facilities with legal liabilities according to the Regulation on **Solid Wastes Control** published in the Official Journal dated 14.03.1991 No: 20814.
- Facilities with legal liabilities according to the Regulation on **Hazardous Chemicals** published in the Official Journal dated 11.07.1993 No: 21634.
- Facilities with legal liabilities according to the Regulation on **Hazardous Wastes Control** published in the Official Journal dated 27.08.1995 No: 22837.

The units authorised with inspection in the Ministry

- 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 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 and new Project in the GD of Environmental Management.

IMPEL is an informal network of European regulators concerned with the implementation and enforcement of environmental legislation. 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 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.

The role of IMPEL and new Project in the GD of Environmental Management.

- 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"
- 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,
- scooping procedure,
- adverse/positive impacts and their mitigation measures,
- monitoring and auditing mechanism
- action plan for EIA follow-up.

Each sector will determine what kind of monitoring procedure is required and which institutions shall be responsible.

New system for EIA Follow Up and Future Outlook

EIA Review Committee decide on the parameters and methods for monitoring the EIA Project and consultant 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 EIA Committee. In addition to that, sector specific training, site visits and on the job training shall be conducted for energy, mining, tourism, coastal structures, industrial projects, agriculture and waste sectors. On the job training shall be conducted at 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.
- EIA Training and Information Centre shall be the element for this issues.

Conclusions

- Guidelines should be introduced to the EIA system soon.
- Intensive Training programs for central and provincial level should be conducted.
- Common implementation of the EIA Regulation should be provided.
- “EIA Training and Information Centre” may be a key element for this purpose. 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 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 health and social impacts of EIA projects should also be studied.