

**IAIA 04 - VANCOUVER
ENVIRONMENTAL LEGISLATION, AND
INSTITUTIONS AND IMPACT ASSESSMENT**

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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 900 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 G D 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,

1-E establishing the E I A Training and Information Centre in MoE F, under the G D of EIA and Planing

The EIA Training Center will mainly responsible for:

- training in the area of E I A ;
- scientific research on E I A ;
- information distribution on E I A studies;

Project results are;

- Consensus achieved on the requirements of a E I A Training and Information Centre;
- an E I A training strategy and programme developed;
- an E I A research strategy and programme developed;
- a n information and communication strategy developed;
- relevant documents adapted and new materials developed, 12 sectoral guideline will be developed,

2- Leonardo da Vinci Project: Training of the EIA Training and Information Center Trainers

The purpose of the proposed project

- Training the EIA Experts and Decision Makers
- Learning the working principles, roles and responsibilities of Manchester EI and Imperial College,
- Examining the EIA Directive implementations of UK central and local level authorities,
- Conducting field visits for selected projects and their EIA implementations.
- Visiting the UK Prime Minister Office Environment Department and local level environmental agencies
- Conducted for two groups for two weeks for 7 (seven) participants of EIA experts and EIA decision makers of EIA general Directorate in June and July, 2004.

3- Environmental Approximation Strategy (SAS) for Turkey

- Environmental Approximation strategy has been prepared for the sectors of horizontal, air, water, chemicals, nature protection, waste, nuclear safety and industrial pollution.
- **3.1 Sectoral Approximation Strategy For Horizontal Sector:**
- Other ministries and agencies were consulted through three Sector Working Groups each focusing one of the three key directives in the sector. The work was carried out between April 2003 and March 2004.
- The three key directives in the horizontal sector are:
 - Environmental Impact Assessment (EIA) Directives (85/ 337, 97/ 11 and 2003/ 35);
 - Strategic Environmental Assessment (SEA) Directive (2001/ 42);
 - Access to Environmental Information (AEI) Directive (90/ 313 and 2003/ 4).
- 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);
 - Regulation on the LIFE Programme (1655/ 2000);
 - Decision on a Programme to Promote European Environmental NGOs (97/ 872);

3.1 Sectoral Approximation Strategy For Horizontal SectorContnd

- Directive Specific Implementation Plans (D SIP) have been prepared for the three key directives, and a single Summary DSIP has been prepared for the other items of legislation identified above.
- The EIA Directive has links to legislation in most other sector of the environment, such as the IPPC Directive, the Incineration Directive and the Landfill Directive.
- The SEA Directive has links with many directives in other sectors that require the preparation of strategies and plans, including the waste and water framework directives.
- The Reporting Directive has links with those directives in other sectors for which reports to the standards of the Reporting Directive are required.
- The MoEF has overall responsibility for the co-ordination and implementation of horizontal sector legislation across Turkey. This responsibility is discharged both at national level and through the ministry's provincial offices.

3.2 Priorities for Transposition

The EIA Regulation (2003) transposes most of the requirements of the 1997 EIA Directive, but further transposition is needed to make Turkish legislation consistent with the ESPOO Convention (transboundary issues) and, under the 2003 Directive, the Aarhus Convention (public information).

The four priorities for transposition

- Transposition of the SEA Directive;
- Completion of transposition of the EIA directives;
- Transposition of the Access to Environmental Information Directive;
- Transposition of other horizontal sector legislation.

3.2 PRIORITIES FOR INSTITUTIONAL STRENGTHENING

- Projects:
 - 1- EU-funded technical assistance project focusing on institutional strengthening, focused on the AEI Directive from 2004 to 2006.
 - 2- Establishing the EIA Training and Information Centre (2004-6),
 - 3- MATRA project proposed and in progress to establish the information office needed for effective implementation of the AEI Directive.
 - 4-MATRA Project for drafting the SEA Regulation and implementing in pilot scale is ongoing project
- Training
 - For the EIA Directive four separate training programmes are required, covering MoEF staff (2004-6), sector specialists (2005-7), transboundary issues (2006-7) and provincial/ local staff (2008-25).
 - Implementation of the SEA Directive also requires initial training at national level for staff from ministries (2006-10), followed by a wider training programme at local and provincial levels (2010-25).
 - For the AEI Directive, the EU-funded technical assistance and establishment of the information office are complemented by 'training of trainers', local training and public awareness campaigns.

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. “EIA Training and Information Centre” may be a key element for this purpose.
- Bilateral agreements, EC funded projects and other ways for financial support shall be useful to achieve desired situation as well as MoEF own training programs.
- N G O 's, general public, consultants, developers and their representatives should be informed more often about implementations of EIA by MoEF and its updated services.
- In coming years, EIA Training and Information Centre may serve as International EIA Training through Mediterranean Region, Middle East, Caspian Region and Newly Independent States.
- Collective responsibility feelings through environmental problems by each level of the community may result in pollution prevention and protection of natural, living and social environment.