



Workshop on SEA and EIA Implementation in Bulgaria, Romania and Turkey



Turkish EIA Legal Framework – Implementation and Application

AGENDA ITEM: ENVIRONMENTAL IMPACT ASSESSMENT

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Turkish EIA Legal Framework – Implementation and Application



CONTENT

- Legal Basis (Turkish By Law on EIA since 1993)
- EIA Procedure in Turkey
 - Screening
 - Scoping
 - EIA Report
 - Consultations
 - Final Decision
 - Monitoring & Control



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REVISIONS IN THE TURKISH BY LAW ON EIA FROM 1993 UP TO NOW

Since the promulgation of the EIA By Law on February, 7th 1993 (Official Gazette No:21489), four revisions were made by the MoEF
These were:

June, 23rd 1997 (Official Gazette No:23028)

June, 6th 2002 (Official Gazette No:24777)

December, 16th 2003 (Official Gazette No:25318)

July, 17th 2008 (Official Gazette No:26939) – still in force



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TURKISH BY LAW ON EIA

Objective

To set forth the administrative and technical methods and principles to be abided during the EIA process

Scope

- Screening,
- Scoping,
- EIA report,
- Consultations with public and relevant authorities,
- Final decision
- Monitoring & Control



SCREENING

EIA procedure is applied to the projects

- listed in Annex I
- coming from screening procedure
- in case of an increase and / or expansion in the capacity
(capacity increase is equal to or above the threshold value given in Annex I)

Screening is achieved by

- case by case examination
- thresholds set in the Annex II List

Screening decision is made available to the public



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Questions	Is there any possible effect ? (Yes/No?/Why?)
Are there any sensitive areas in or close to the project location?	
Is there any highly populated area in or in the impact area of the project?	
Are there any sensitive settlements in or near the impact area of the project?	
Is there any potentially high risk activity for the workers?	
Do water use and disposal of wastewater cause negative changes in the environment?	
Do the solid, liquid and gaseous wastes and noise values comply with the standards set in the related legislation ?	
Are there any social or cultural changes expected in or near the project area?	
.....	
General evaluation	



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Initiation Of The EIA Procedure

- An EIA Application File is prepared according to the general format given in Annex III is submitted to MoEF by Developer with an application letter
- Evaluation of the Application File by MoEF
- Establishing of a commission that consists of Ministry authorities, related institutions and establishments and the developer and/or related representatives
- The announcement of the project by MoEF and Governorship to the attention of the public, stating that the EIA process regarding the project has commenced and that the project is open to the knowledge of the public



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- The developer produce copies of the Application Report according to the number of commission members
- The MoEF prepare a letter stating the date and location of the Public Participation Meeting and Scope Determining Meeting and by attaching the Application report, send it to the commission members for the first commission meeting

Public Participation Meetings

- The location of the meeting is determined by the Governorship (Prov. Dir. of MoEF) and developer
- The date, time, location and subject of the meeting is published in a national and local newspaper, at least 10 days before the meeting



SCOPING

- compulsory for projects subject to EIA procedure
- comments and opinions of the public are recorded in the meeting that is held near the project location
- another meeting is held with the related authorities to determine the specific format to be given to the developer
- format validity is one year (*Developer is obliged to submit the Environmental Impact Assessment Report to the Ministry within one year from the submission*)



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Scope and Special Format Meeting

- The commission is informed about the project and current issues at the public participation meeting
- The main topics such as the scope in which the project should be assessed, the major environmental impacts of the project shall be considered under the main headings are examined in detail and a draft format is determined
- Subjects that need to be inserted and removed from the format is identified by taking into consideration the comments from the Public Participation Meeting, a special format for the EIA Report is determined



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EIA REPORT

- Content is specific to every project
- Typical EIA Report contains at least
 - Description and purpose of the project
 - Location of the project
 - Description of location and technology alternatives
 - Environmental specifications of the project site and impact area (in which the environmental aspects are effected)
 - Important environmental concerns and foreseen measures
 - Public consultations
 - Monitoring programme
 - Non-technical summary



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Evaluation and Assessment Period

- Submission of the EIA Report and informing the public
- The commission shall examine and assess;
 - whether EIA Report and its appendices are sufficient and appropriate,
 - whether the examinations, calculations and evaluations are based on a sufficient level of data, information and documentation,
 - whether the likely environmental impacts of the project have been sufficiently and comprehensively examined,
 - whether the necessary measures to dissipate likely negative effects have been determined,
 - whether the public participation meeting has been duly concluded, and the issues highlighted in the meeting have been sufficiently resolved...etc
- Completion of evaluation the report and end of meeting session



CONSULTATIONS

Public

- public participation meeting
 - MoEF's web page, local and national newspapers, brochures, announcements, public inquiries
- EIA Report is made available to the public on MoEF's web page and at Provincial Directorates
- opinions and proposals of the public related to the EIA Report and the project are taken throughout the whole EIA procedure
- final decision is announced to the public with its reasonings



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Related authorities

- An EIA Commission is formed specific to each project
- Members are selected from related institutions, universities, NGOs, etc. depending on the project location, size and type
- MoEF is also a member of this Commission
- Beginning from the scoping all the other phases of the EIA procedure is held in coordination with this Commission



FINAL DECISION

- given by MoEF by taking into account the studies of the EIA Commission and opinions of the
 - public
 - public concerned
 - EIA Commission
- pronounced by MoEF to the developer, relevant institutions and organizations in writing
- announced by Governorate to the public the content of the decision, reasons constituting the basis for the decision and that the opinions and recommendations of the public have been reflected in the Final Environmental Impact Assessment Report



MONITORING & CONTROL

- according to the commitments in the EIA Report, monitoring and control activities are conducted in the construction and operational phases.
- in the context of EIA studies, monitoring programmes are prepared.
- monitoring reports for initiation, construction, operation, and post-operation periods of the investments are reported to Ministry and/or Governorate.
- to ensure the quality control of the EIA Reports, MoEF gives Qualification Certificate to the firms that are eligible to prepare Project Presentation Files and EIA Reports.

EIA PROCEDURE OF TURKISH EIA REGULATION

Annex I projects & projects coming from screening procedure

Application to MoEF with Project Introduction File (PIF) prepared according to Annex-III criteria.
Confirmation of the PIF (Art. 8)

Establishment of the Review & Evaluation Committee consisting of relevant competent authorities
Determination of the date and place of the Public Participation Meeting & Scope Determination Meeting (Art. 8)
The announcement of the meeting is made available on the web page of MoEF

Public Participation Meeting
At the dates declared in **local and national newspapers**. (Art. 9) **Also brochures and announcement, and where required public inquires are made in order to take the comments of the public and to inform them about the public participation meeting.**

Meeting of the Committee to Determine Scope and Special Format (Art. 10)
The comments of the public are taken into consideration during preparation of the content of EIA Report

Format of the EIA Report is given to the project developer.
The special format prepared during EIA procedure is valid for 1 year.

Submission of the EIA Report to the Ministry (Art.11)

Examination of the report with respect to compliance with the special format

Report is not in conformity with the special format (Report is returned to the applicant)

Submission of the Report to the Ministry after the completion of its deficiencies

Report is in conformity with the special format

Duplication of the Report in adequate number (**the EIA Report is made available to public via internet or as a hard copy at the Ministry and provincial directorates.**)

Invitation to the Review Committee Meetings (Art. 12)

Report is finalised (Submission of the final Report **which is also made available to public**)

EIA Negative Decision

EIA Positive Decision (5 year)
The decision is announced to public in Provincial Directorates with its reasons

The opinions and proposals of the public related to the EIA Report are taken throughout the whole EIA procedure
The public has the right to go to the court related to the EIA decisions given by the MoEF.



Subjection to the EIA for a Thermal Power Plant

- Article 2 of Annex I (Turkish By Law on EIA) :

2- a) Thermal power plants and other combustion installations with a heat output of 300 megawatts or more,

- Article 31 of Annex II (Turkish By Law on EIA) :

31- Industrial installations for the production and/or transport of electricity, gas, steam and hot water (10 MW and more),



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- Details of Thermal Power Plants which EIA Procedures Continue in TURKEY

<i>FUEL TYPE</i>	<i>NUMBER</i>	<i>INSTALLED CAPACITY (MW)</i>
<i>Natural Gas</i>	8	6382,5
<i>Importing Coal</i>	9	7363
<i>Domestic Coal</i>	3	876,5
<i>Asphaltite</i>	3	840
<i>Importing + Domestic</i>	1	1470
<i>TOTAL</i>	24	16932



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- Details of Thermal Power Plants which EIA Positive Decision Given As of 2008 January

<i>FUEL TYPE</i>	<i>NUMBER</i>	<i>INSTALLED CAPACITY</i>
<i>Importing Coal</i>	<i>4</i>	<i>3045</i>
<i>Natural Gas</i>	<i>8</i>	<i>5013,5</i>
<i>Domestic Coal</i>	<i>2</i>	<i>675</i>
<i>Asphaltite</i>	<i>1</i>	<i>270</i>
<i>TOTAL</i>	<i>15</i>	<i>9003,5</i>



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Settlement of these Power Plants according to cooling water demand

- 6 of them are near the coast (2 of them are at the Black Sea Coast)
- 1 of them is near a dam
- Others are far from a water body (planned as air cooled)



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Receive Further Information, Ongoing EIA Projects and Finalized Project Information can be reached from:

<http://www.cevreorman.gov.tr>

<http://www2.cedgm.gov.tr/dosya/cedsonuckarar/cedsonuc.htm>

http://www.cedgm.gov.tr/CED/Files/cedsureci/ced_sureci_devam_eden.htm

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***THANK YOU FOR YOUR
ATTENTION !***