

# **An Overview on Environmental Impact Assessment Procedures in Turkey**

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## **1. What is Environmental Impact Assessment (“EIA”)?**

Impact Assessment is simply defined as the process of identifying the future consequences of a current or proposed action. The concept of “environment” in impact assessment evolved from an initial focus on the biophysical components to a wider definition, including the physical-chemical, biological, visual, cultural and socioeconomic components of the total environment<sup>i</sup>.

According to the Turkish EIA Regulation (“**EIA Regulation**”), EIA refers to the studies to be carried out for the determination of the likely positive or negative impact that the projects will have on the environment; studying possible environmental protection measures relating to these projects in order to minimize negative effects; determining and assessing selected technological alternatives and locations; and monitoring and controlling the implementation of such projects.

EIA shall provide information on the potential negative and positive environmental and social impacts of the intended projects. It shall also aim to make recommendations for the mitigation of the potential negative impacts and enhancement of the positive ones. A field survey of the project site shall be conducted and potential environmental impacts of project activities are to be identified, assessed, and documented.

The purpose of the environmental assessment process can be defined as follows:

- to support the goals of environmental protection and sustainable development.
- to integrate environmental protection and economic decisions at the earliest stages of planning an activity.
- to predict environmental, social, economic, and cultural consequences of a proposed activity and to assess plans to mitigate any adverse impacts resulting from the proposed activity<sup>ii</sup>.

## **2. History of EIA in Turkey**

As in many other countries, in Turkey, importance of environmental issues has considerably increased in last decades. As a result, at that time, the main environmental issues were identified, some framework environmental policies drawn up and administrative structures to implement these policies were established.

Environment Law (published in the Official Gazette dated August 11, 1983 and numbered 18132)(Law No. 2872) (“**Environment Law**”) is Turkey’s first framework environmental

legislation. It continues to provide a legal framework for many regulations scattered throughout Turkish legislation that seek to clarify and elaborate its intentions, including EIA. The aim of the Environment Law is not only to prevent and eliminate environmental pollution, and also to ensure management of natural and historic assets and the land in such a way as to utilize its richness and preserve it for future generations.

Prior to establishment of the Ministry of Environment and Forestry (“**Ministry**”), a General Directorate of Environment has been founded under the Prime Ministry in 1978. In 1991, this organization was reorganized as the Ministry of Environment. In 2003, the Ministry of Environment has been united with the Ministry of Forestry.

EIA Regulation was first drafted and entered into effect on the date of February 7, 1993. The Regulation was amended and revised in various times on June 23, 1997, June 6, 2002, December 16, 2003 and July 17, 2008 and finally constituted as the present version.

### **3. Stages of EIA Process**

Pursuant to current regulations, certain kinds of projects are subject to certain requirements which the project owner shall apply for an “EIA Positive” decision whereas some other projects are subject to “Selection and Elimination Criteria”. Accordingly, the Ministry shall decide whether “EIA Not Required” or “EIA Positive” decision shall be obtained.

Annexes of the EIA Regulation sets forth a detailed distinction among the types of the projects.

#### **3.1. Application Procedure for EIA Report**

Application procedure in order to obtain “EIA Positive” decision may be simplified in six (6) steps pursuant to current regulations.

***Initiating EIA Process and Establishing the Commission:*** The project owner shall apply to the Ministry by submitting the relevant documents and the Ministry shall examine the information and documents in such application file in terms of convenience. In case that the application file was duly prepared and submitted, the Ministry shall, by taking into account the information provided in the application file, establish a Commission (“**Commission**”) consisting of representatives of relevant institutions and organizations, officials of the Ministry, and project owner and/or representatives. The members who represent the institutions and organizations in the Commission shall have sufficient professional knowledge and experience and are authorized to provide opinions on the subjects limited with the task field of the institutions and bodies which they represent.

***Public Participation Meeting:*** Public participation may be defined as the involvement of individuals and groups that are considered to be positively or negatively affected by a proposed intervention subject to decision-making process or are interested in it<sup>iii</sup>. Prior to the date of the Scope and Special Format Determination Meeting of the Commission, a Public Participation Meeting on a date which shall be determined in agreement with the Ministry

shall be organized by the owner of the project at the location of the project in order to inform the public and receive their opinions and recommendations concerning the project.

***Scope and Special Format Determination:*** The special format specified by the Commission shall be given by the Ministry to the project owner and/or its representative within a certain period. The project owner is obliged to submit the EIA Report to the Ministry within a determined period. In case the EIA Report has not been submitted or a justified additional time extension has not been requested within the determined period, the applications shall be considered void.

***Submission of the EIA Report:*** Pursuant to the EIA Regulation, the project owner shall submit the EIA Report to the Ministry. The EIA Report shall be inspected by the Ministry in terms of compliance with the general format and whether it has been prepared by the professional specialists who should have participated in the working group or not. Sufficient copies of the EIA Report which is concluded to comply with the special format shall be provided by the project owner and submitted to the Ministry. Initiation of examination and assessment process of project and submission of the EIA Report to public opinion shall be announced by the Ministry and relevant governorship by appropriate means of communication such as billboards, announcement, internet, etc.

***Examination of the EIA Report:*** During examination and assessment meetings, the Commission shall examine and assess whether; the EIA Report and its appendices are sufficient and appropriate, the examinations, calculations, and evaluations are based on a sufficient level of data, information, and documentation, the likely environmental impacts of the project have been sufficiently and comprehensively examined, the necessary measures to dissipate likely negative effects have been determined, the Public Participation Meeting has been duly concluded, and the issues highlighted in the Public Participation Meeting have been sufficiently resolved.

***Submission of Final EIA Report and the Decision of “EIA Positive” or “EIA Negative”:*** The project owner shall submit the EIA Report finalized by the Commission and other determined documents to the Ministry. The Ministry shall give an “EIA Positive” or “EIA Negative” decision within a certain period by taking into account the studies of the Commission on the EIA Report and submit such decision to the project owner and relevant institutions and organizations in writing. The Governorship shall, by appropriate communication means, announce 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 EIA Report. In case that the required investments are not initiated within seven (7) years as of the date of “EIA Positive” decision and such decision shall be deemed invalid.

### **3.2. Procedure for the Projects which are Subject to Selection and Elimination Criteria**

In case the type or scope of the project is subject to Selection and Elimination criteria, the project owner shall request for an examination to determine whether an EIA application is required for the project from the Ministry.

The Ministry shall examine and assess the projects those are subject to Selection and Elimination Criteria in line with the EIA Regulation. At this stage, the Ministry, if deemed necessary, may request the project owner to give comprehensive and detailed information regarding the project, to provide required instruments and tools, and to make or have analyses, experiments, and measurements made by institutions with acceptable adequacy.

The Ministry will complete its studies within a certain period and give the “EIA Required” or “EIA Not Required” decision for the project. Pursuant to EIA Regulation, such decision shall also be announced to public. In case the projects are not initiated within the indicated period as of the date of “EIA Not Required” decision, such decision shall be deemed invalid.

It should also be noted that, the projects for which “EIA Required” decision has been given pursuant to EIA Regulation will be subject to application procedures of EIA Regulation.

#### **4. Monitoring of the Projects in line with EIA Regulation**

The Ministry, as per the projects for which “EIA Positive” or “EIA required” decision has been made, shall monitor and control whether the issues which are envisaged in the EIA Report or the project presentation file prepared in accordance with the EIA Regulation and which have been committed to by the project owner are fulfilled or not. The Ministry, if deemed necessary, shall cooperate with relevant institutions and organizations in fulfilling such task. Also, project owners or their authorized representatives are obliged to submit to the relevant authorities the monitoring reports for initiation, construction, operation, and post-operation periods of the investment following “EIA Positive” or “EIA Not Required” decision.

If after the "EIA Positive" or " EIA Not Required" decision has been made, it is determined that the project owners do not fulfill the conditions envisaged and committed in the EIA reports, the Ministry, in certain cases the relevant governorship, may grant a time extension only for once in order to ensure the fulfillment of such conditions by the project owner. If the committed issues are not fulfilled within the determined period, the investment shall be ceased.

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<sup>i</sup> IAIA “What is Impact Assessment?”, International Association for Impact Assessment.

<sup>ii</sup> <http://www.gdrc.org/>

<sup>iii</sup> IAIA “Public Participation, International Best Practice Principles”, International Association for Impact Assessment.