

SWOT ANALYSIS OF POPS MANAGEMENT IN TURKEY

1 Introduction

Strength Weakness Opportunity Threats (SWOT) Analysis is a composite part of the activities of the Project Technical Assistance for Implementation of the Persistent Organic Pollutants Regulation, TR2010/0327.03-01/001 – EuropeAid/132428/D/SER/TR, whose main focus is to strengthen the capacity to adequately cope with managing Turkey's priority on POPs related issues in line with sustainable development.

The SWOT Analysis Report aimed at providing a form of technical support to initiate the process of POPs management in Turkey.

In SWOT Analysis Report mainly the below topics are used to determine the current situation:

- the assessment of the institutional structure
- the assessment of capacity building as the current capacities and their needs stated in the prepared National Implementation Plan for the Stockholm Convention
- the preliminary assessment of priority needs, definition of goals and activities necessary for the improvement of the abilities of institutions and procedures in order to sufficiently form and implement them efficiently in a sustainable manner as a draft by-law will be prepared and some modifications should be made on a number of current legislation for the management of persistent organic pollutants (POPs) in Turkey as follows

Briefly, the SWOT Analysis is based on country profiling and its needs for support in order to meet all requirements in the draft by-law.

During the Project Activities the below topics were discussed in the training programs and issues that came up during discussions are used in the SWOT Analysis Report;

- Ratification of the Stockholm Convention by means of Law,
- Completion of the NIP, strategies and the Action Plan,
- Develop the NIP ensure sustainability,
- Establishment of a structure for implementing the legislation,
- Ensure financial support at all levels due to the impact of the procedures on POPs,
- Fulfilment of obligations concerning relevant authorities as MoH, MoFAL,
- Coordination of competent authority and relevant authorities.

As a consequence of GAP Analysis and SWOT Analysis the Technical Assistance Team (TAT) identifies the state of and the need for capacities. While drafting the legislation the results of those studies will be taken into consideration in order to implement the requirements from the respective EU legislation.

1.1 SWOT Analysis Goals

The primary goals of the SWOT analysis are:

- To identify, through a country-driven consultative process, priorities and needs for capacity building to provide suitable management of the POPs in Turkey.

- To conduct the analyses of the existing capacities of the country, its advantages, limitations and needs to provide recommendations for the measures necessary for achieving the desired results
- To assess the establishment of the necessary capacities, which implies the implementation of activities to meet the requirements on POPs for the sustainable development and environmental protection in line with the obligations arising from Turkey's current legislation on POPs.
- To foster a higher level of synergy between the competent authorities and relevant institutions that implement activities necessary for meeting the environmental management and protection requirements arising from EU legislation.

SWOT Analysis was applied for indications alongside the prioritisation and GAP Analysis. Through the application of these analyses, TAT is able to define problems (weaknesses) and identify the existing or the potential capacities (strengths) to consider them in drafting the legislation. The facts reached after the SWOT Analysis will be good indicators for solving the problems and their causes. The identified factors which might support the capacity building or a more rational use of the current capacities will be taken into consideration in establishing the institutional framework in the draft legislation. As a consequence, the basis for the preparation of the draft by-law which recommends specific provisions for the implementation and promoting synergies between the competent authorities will be determined in the draft legislation.

The lack of capacities for the development and implementation of the EU legislation are identified to take the necessary measures in the NIP which is a must in line with the current legislation.

1.2 Methodology for SWOT Analysis

The main activities can be summarized as follows:

- Review of the relevant current Turkish and EU legislation on POPs. Participation in some of the training programs and workshops with the experts of MOEU and other stakeholders.
- Completion of GAP analysis on current Turkish and EU legislation.

In line with the above activities the following phases and topics were taken into account in SWOT Analysis Report:

- Review of administrative, management and consultative bodies relevant to POPs.
- Forming the inventory of the existing data and performed activities which give a basis for future activities.
- Determination of requirements of the current legislation based on Stockholm Convention as Stockholm Convention ratified by Law No.5871 on Ratification of Stockholm Convention on Persistent Organic Pollutants dated April 14, 2009
- Assessment of capacities and needs in order to meet the requirements of the draft by-law .

The capacity building concept represents all activities that improve the capability of individuals, institutions and the entire system to perform the duties in order to meet the requirements of the EU legislation in an efficient, effective and sustainable manner. Capacity building at the institutional level aims at improved organisational structure and increased cooperation between competent and/or relevant authorities, groups or sectors working on POPs.

The institutional capacity components are assessed as follows in the SWOT Analysis Report:

- *human resources* – the quantity experts with special education on POPs of the competent authorities or relevant authorities who are designated to perform activities and requirements designed in the current legislation,
- *administrative resources* – institutions and organisations structures and processes in line with the current legislation, operational proficiency,
- *financial resources* – the availability of the budget of these authorities and management of the financial resources,
- *informative resources* – availability and reliability of necessary information and information management between the competent authority and relevant authorities,
- *technical resources* – the location of the workplace and availability and distribution of technical equipment.

In order to assess the level of the capacities of the institutions dealing with POPs, in the implementation of their activities the following topics are considered as follows:

- *political framework* - political support is the basis of legal framework, suitable political framework to foster implementation of the requirements of international conventions on POPs;
- *legal framework* – assessment of the appropriate laws and other legal instruments in force, are the responsibilities of the competent and relevant authorities shared in current legislation, do the appropriate institutions/organisations exist with their own specific legislation;
- *implementation of current legislation* – assessment of the competent and relevant authorities dealing with POPs. Checking the affirmative conflict of duty between the competent and relevant authorities, the responsibilities of the competent and relevant authorities in implementation;
- *economic framework* – assessment of the economic impact of the new procedure of POPs is the market;
- *resources* – the level of human, financial and information resources available to the national or local governments, economy sector, civil society;
- *support of the public* – the assessment of the public awareness and support exist regarding the POPs;
- *coordination* – the mutual relations and cooperation between the competent authorities and relevant authorities.

During the SWOT Analysis the complex political, legal and administrative structure of Turkey is considered and the special emphasis is put on linking the institutions and creating a functional framework aimed at identifying and implementing the current legislation.

1.3. Technical Context of the Current Legislation on Persistent Organic Pollutants

The primary goal of the Convention is to take measures to eliminate or reduce persistent organic pollutants in the nature to protect the humans and the nature. The goal is to limit, prohibit production, use, releases, export and import of highly toxic substances recognised as persistent organic pollutants for the protection of humans and environment.

Persistent organic pollutants are among the most dangerous pollutants that are released into the environment due to human activity. Persistent organic pollutants are organic compounds relatively resistant to the chemical, photolytic and biological degradation with high lipophilicity which allows them to bioaccumulate inside living organisms and also in organic phases of soils and sediments. Due to their high stability, they can be transported from the sites where were produced and applied to the remote sites where never been produced and never been used. They are ubiquitous and they can circulate globally through a process called “cold condensation”. They can be transported via air, waters, migratory species, materials, products and wastes. They are highly toxic and cause an entire range of adverse effects in humans and animals - cancer, allergies and hypersensitivity, damage to the central and peripheral nervous system, reproductive disorders and immune system disorders.

The goal of the Stockholm Convention is to eliminate or reduce the production and use of all intentionally produced POPs, pollutants (for example, industrial chemicals and pesticides). The Convention also seeks to accomplish the continuing minimisation of these pollutants and elimination of releases of unintentionally produced POPs, pollutants such as dioxins and furans (polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, PCDDs/Fs).

Article 7 of the Convention it is obliged to develop National Implementation Plan (NIP) by March 30th 2012. At the national level the Convention is implemented through the NIP prepared by under the responsibility of Ministry of Environment and Urbanization. NIP defines activities, strategies and action plans for POPs management in the country. NIP, established on the basis of the actual POPs inventory, shall provide the making of strategic decisions for the identification of priority activity and the drafting of new policy that shall help Turkey implement the Stockholm Convention on POPs.

In the implementation of the Convention at the first instance, the Convention regulated 12 chemicals, namely: aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex, toxaphene, polychlorinated biphenyls (PCBs), DDT, dioxins and furans (polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans).

After the Fourth COP, held from 4th to 8th May 2009 in Geneva, a Decision was adopted on the Amendment to the Annex A, B and C of the Convention and on this occasion 9 new chemicals were added to the original list: chlordecone, hexabromobiphenyl, alpha-hexachlorocyclohexane, beta-hexachlorocyclohexane, lindane (gamma-hexachlorocyclohexane), tetrabromodiphenyl and pentabromodiphenyl ethers, hexabromodiphenyl and heptabromodiphenyl ethers, perfluorooctanesulfonic acid and its salts (or perfluorooctanesulfonyl fluoride).

Furthermore, in August 2010, the Amendment which included 9 new chemicals came into force. After the Fifth COP, held in Geneva from 25th to 29th April 2011, the member states agreed on adding technical endosulfan and appropriate isomers to the list of chemicals in Annex A of the Convention, removal with specific exemptions. Endosulfan is a pesticide with wide application in the production of cotton, coffee and other food products. When the removal of endosulfan enters into force in 2012, endosulfan shall become the 22nd persistent organic pollutant added to the list of chemicals of the Stockholm Convention. HBCDD, also referred to as HBCD, is a bioaccumulative and toxic flame retardant, and it will be banned under the Stockholm convention as the 23rd substance to be added to the annex A of the Stockholm Convention. EU legislation will be modified accordingly and HBCDD will be highly regulated from August 2015, as part of the authorisation procedure of the REACH regulation. Furthermore, the exemption for HBCDD in insulation foam of polystyrene was set to five years considering there are numerous non-chemical alternatives available.

1.4. Requirements of the EU Legislation on Persistent Organic Pollutants

The basic requirements of the EU legislation include a continuous reduction of persistent organic pollutants as far as possible and wherever possible as well as a final elimination of the emission of unintentionally produced POPs such as dioxins and furans.

These obligations of the EU legislation can be summarized as follows:

- to control the use of POPs including production, import, export, disposal;
- to encourage the best available technologies, practices and substitute substances for replacing existing POPs;
- to take legal and institutional measures for the management of waste includes POPs
- to draft a compact legislation, to ensure the competent authority and relevant authorities are established and the share of duties and responsibilities are completed.
- to take necessary measures to prevent the development of new POPs

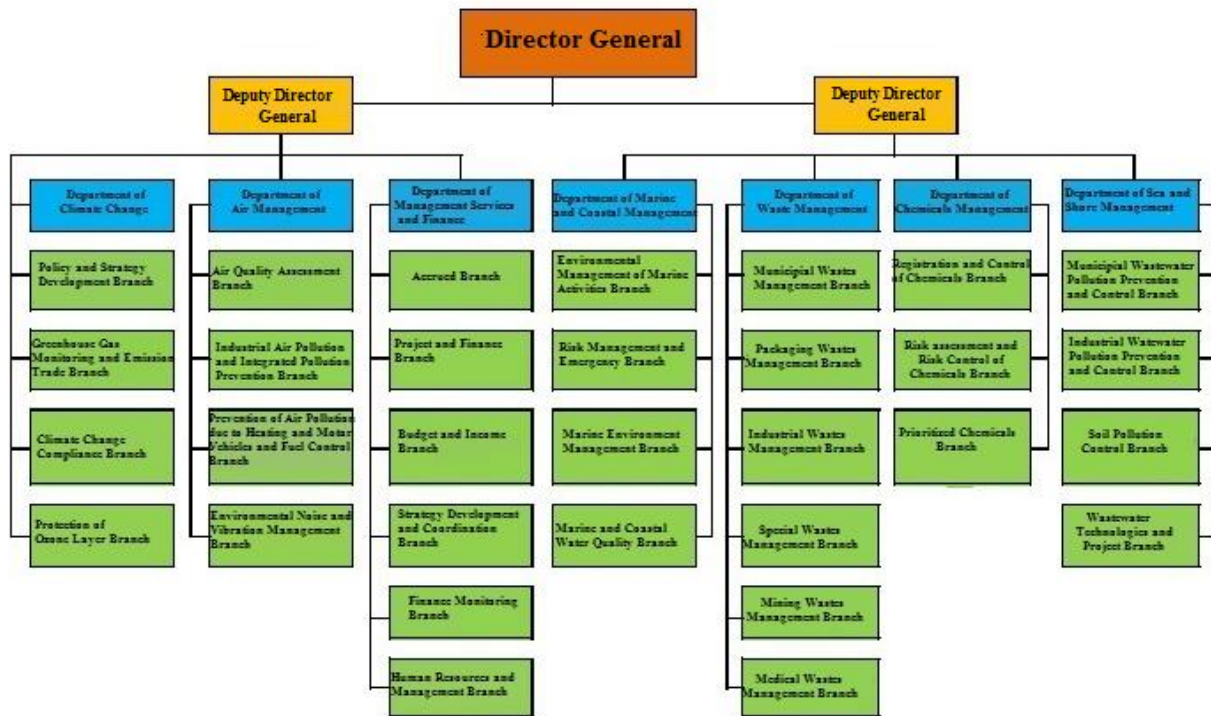
- to implement the new by-law drafted under the activities of this project and
- to form and implement National Implementation Plan (NIP).

1.5. General view of organizational structure of the competent authority, MOEU

The competent authority for the implementation of POPs legislation is the Ministry of Environment and Urbanization (MoEU) that has overall authority for the protection of the environment and the human health in Turkey. Besides, health, biodiversity impact, and overall adverse agricultural, commercial, and economic impacts of inappropriate or unlawful use of dangerous chemicals and hazardous wastes are considered under the duties and responsibilities of the MoEU.

The MoEU and the provincial directorates for MoEU are the governing authorities for the storage, transport and disposal of hazardous wastes. Other relevant ministries as Ministry of Forestry and Water Affairs, Ministry of Health and Ministry of Food, Agriculture and Livestock are assigned appropriate roles with respect to dangerous chemicals and hazardous wastes, so POPs. However although control of POPs are the principal function of the MoEU due to the lack of cooperation between the mentioned ministries the results of the studies on POPs are not shared with the other relevant ministries including MoEU (pls see the GAP Analysis Report for the other component authorities by-laws and their implementation).

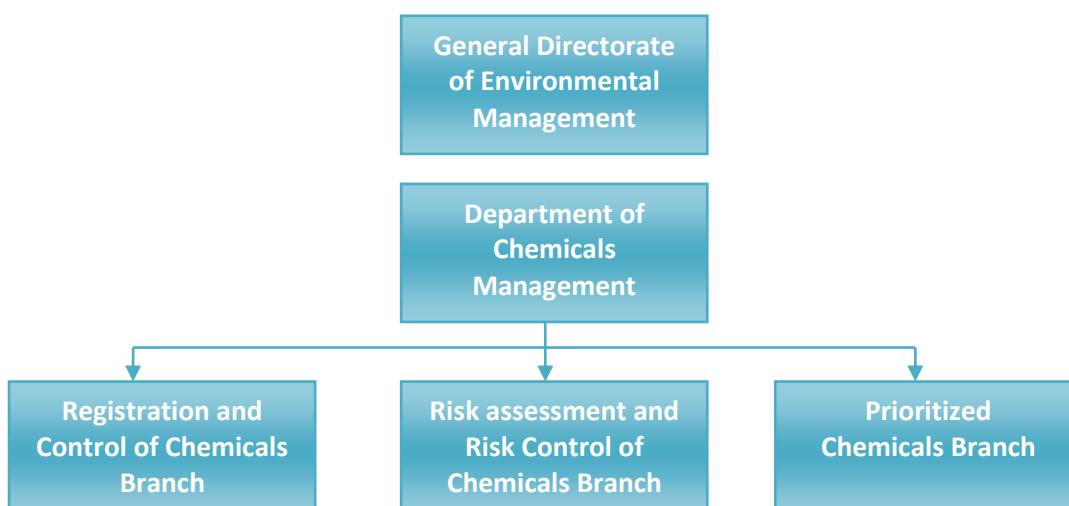
Department of Chemicals Management, positioned under General Directorate of Environmental Management, is responsible for the management of chemicals, whereas General Directorate of Environmental Impact Assessment, Permitting and Inspection is responsible for their inspection. Organizational chart of General Directorate of Environmental Management is as below.



Within the scope of Ministerial Strategic Plan, strategic objectives related to Management of Chemicals are configured as one article in all ministerial goals. In SA2 H2.6 of Plan it is stated that in the process of accession to the European Union, studies about prohibition and restriction of 20 chemicals will be carried out for effective management of chemicals. These chemicals are subject to relevant EU legislation and international conventions related to chemicals management, including dangerous chemicals and affects adversely human health and the environment and produced, imported, used and placed on the market. Studies on transposition of REACH Regulation and CLP Regulation were completed and other related regulations and directives will be transposed to our national legislation.

The main activity of Head of Chemicals Management Department (CMD) is within the framework of sustainable development, to ensure chemical safety by determination of action plans adopted pursuant to policies and strategies, to carry out relevant research and projects, to take measures necessary for their implementation, to carry them out, to supervise and inspection their implementation, to observe international developments and projects in the area, to coordinate the activities ministerial departments, civil society organizations, and public organizations, to provide advice on the betterment of areas polluted by chemicals.

Organizational chart of the CMD is as below:



Roles and Responsibilities of the Chemicals Management Department:

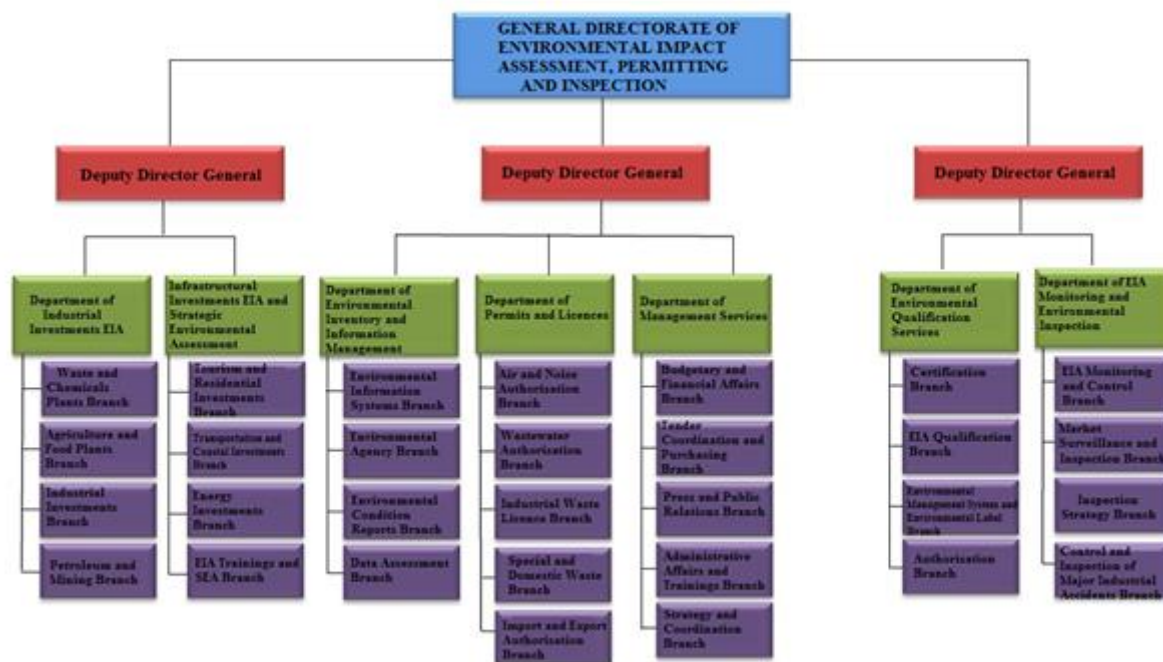
- To apply countrywide, to determine goals and criteria for chemicals which create risks to human health and the environment,
- To set the procedures and principles of implementation of chemicals management,
- To create and keep records of chemicals, to create a priority list for chemicals which create risks to human health and the environment, to conduct risk assessment for chemicals in the priority list, to take measures of risk reduction, and to ensure the continuity of the operations,
- Within the framework of international conventions and protocols, to observe and implement international endeavours,
- To implement and coordinate projects concerning compatibility to the European Union acquis and fulfilling the requirements of international conventions which comes within its scope of duties,
- To create the coordination necessary to ensure the fast, ordered, productive, and effective delivery of General Management services geared toward compatibility with the European Union and with international institutions,
- To serve as a National focal point of the Stockholm Convention
- To determine the goals and the principles regarding the management of chemicals which are high concern and the criteria, methods and the essentials regarding the restriction and prohibition of their use and their import and the export,
- To make the necessary studies for the harmonization of EU legal acquis in the issues of its assigned position, to carry on and coordinate the projects in this frame,
- To have corporation with the associations, organizations and the sectors in the issues of its assigned position, to organize trainings and the seminars in order to increase the technical and administrative capacity
- Setting up the Chemical Substances Inventory and Prioritized Chemical Substances List.
- Preparing and performing the projects within the framework of harmonization to EU Regulations and International Agreements, organizing training and seminar to increase technical and administrative capacity.
- To provide the corporation and the coordination with the local and international organizations in the issues of its assigned position, to perform required studies for the harmonization of EU legal acquis, to organize trainings and seminars in order to increase the technical and administrative capacity
- Determining the principles and procedures related with classification, packaging and labelling of dangerous substances and mixtures placed on market and compilation and distribution of safety data sheets.
- Follow up the international studies on the risk management, prohibition and restriction of the chemicals, to propose and to conduct required projects and to enable them carried out in the international level.
- Make risk assessment for prioritised substances, risk reduction measures to be taken.
- Determination of principles and procedures on restriction and prohibition of production, use and placing on market of dangerous substances.
- Perform socio-economic analysis for restriction and prohibition of chemicals.
- Performing related functions assigned by the General Directorate.
- Updating the National Implementation Plan related to the Persistent Organic Pollutants.

When the activities and processes of the department are examined; administrative and support processes directly related with department's performance are structured to serve all the general directorates at the ministerial level, and performance of the processes about positioning of department specific objectives, implementations, and measures should be monitored and improved. As all work performance regarding the creation of department specific objectives during planning process involving all the units throughout the ministry could not be taken into consideration enough, sub-planning should be provided to each department, and department budget should be structured in accordance with the strategic plan. There is not a unit neither at ministerial level nor department level that is responsible for identifying and reducing the risks which block evaluation of department activities and effective execution of the department activities. Related organization and processes should be structured.

In order to manage the department activities efficiently and effectively:

- Strategy regarding the chemical management should be clarified at country level, and a structuring model should be specified within this direction.
- Department of Chemical Management should be structured in accordance with these strategies (organization, job descriptions, process procedures), and an information system substructure enabling efficiency for all, should be established.
- The competence of present personnel should be developed in accordance with the strategy and objectives and policies for the retention of competent personnel should be defined.
- Both financial and human resources should be planned and supplied in accordance with department strategies and targets.
- Coordination and communication between units should be strengthened with an efficient process structuring and performance system.
- Being responsible with activities (EIA and the EEA meetings, etc.) for executive managers and personnel that are not directly related to presidential activities, adversely affects organizational efficiency. Activities that are not directly related to department processes should be determined and improved under structuring.
- On the other hand, Branch of Market Surveillance and Inspection, and Branch of Control and Inspection of Major Industrial Accidents which are under the Ministerial General Directorate of Environmental Impact Assessment, Permitting and Inspection, assume responsibility for the control of chemicals compliance with Environmental Law. For POPs related tasks excluded priority chemicals department staff, total number of staff in Chemicals Management Department should be about 12 however following the preparation of draft by-law the number can be determined in line with the duties and responsibilities designed in NIP.

The relevant organization chart for the General Directorate of Environmental Impact Assessment, Permitting and Inspection is as follows:



Although the General Directorate of Environmental Impact Assessment, Permitting and Inspection is responsible for monitoring, granting authorisation, evaluating, and inspection of activities which cause environmental pollution or otherwise have adverse effects to the environment, the job description of the General Directorate of Environmental Impact Assessment, Permitting and Inspection experts does not contain a reference to the monitoring and inspection activities on POPs.

Within the job description of General Directorate of Environmental Impact Assessment, Permitting and Inspection responsibilities about monitoring, permitting, evaluation, and control of environmental impacts and activities that have negative impacts on environment and that cause environmental pollution are mentioned; there is not any phrase about monitoring and control of chemicals in general, and about control and monitoring activities related to implementations of POPs specifically. As a detached unit is not authorized on this subject, and because the authority and responsibilities are not defined clearly, the performance of the monitoring activities on this subject is affected adversely. A self-contained unit should be configured to control chemicals and inspection processes should be strengthened. General Directorate of Environmental Impact Assessment, Permitting and Inspection should be supported by adequate and competent personnel for process management, coordination and performance measurement. Branch directorates should be configured also for control and reporting.

1.5.2 Relation between the MOEU and the Relevant Ministries Governmental Organizations

Responsibilities of the relevant ministries dealing with the management of dangerous chemicals and waste are mentioned below in a Table.

Since there are a number of relevant ministries and governmental authorities who are dealing with POPs in the current legislation the management and monitoring of the POPs should be explained in the legislation clearly.

REMARK

The obligations of the respective governmental organizations and the ways and means for cooperation should be defined by means of a protocol to be completed among them. In this protocol, the duties and responsibilities of the relevant authorities should be defined in line with the current legislation and the work load should be shared by the relevant ministries. The overlapping activities should be identified in order to prevent waste of resources and encourage rational use of human and financial resources.

Besides in order to ascertain the cooperation between the relevant ministries periodic meetings should be held to monitor the implementation.

Competent Authorities	Duties and Responsibilities
Ministry of Environment and Urbanization	To draft legislation on POPs. To perform, monitor and coordinate activities of POPs as competent authority.
Ministry of Forestry and Water Affairs	To coordinate and control the national water resources management and to create policies for protecting water resources for sustainable use of water. Deriving the quality standards for POPs in water and monitoring and control of pollution caused by POPs in water resources
Ministry of Science Industry and Technology	Determination of industrial strategies and aims by constituting industrial committees and monitor the studies on these subjects. Control of the production of chemicals.
Ministry of Economy	Ensuring top legislative harmonization between the product safety, technical regulations, technical obstacles, technical suitability assessment and monitoring of the applications and adapting the technical legislations related to the products working in coordination with relevant institutions to the foreign trade. Determining the regulatory principles of product safety, import and export of chemicals
Ministry of Energy and Natural Resources	Supervision of the chemical waste and the equipments used in distribution and production of electricity and taking relevant precautions on the subject.
Ministry of Food Agriculture and Livestock	Control, regulate and monitor the licensing, production, import, export, sales, use and storage of agricultural chemicals.
Ministry of Customs and Trade	Taking consumer precautions on consumer goods that pose or may pose a hazard to the environment, preparing quality control and quality checking systems to raise the quality of food, making suggestions to the related foundations pursuant to the standards. Control of the chemicals that are coming in and going out of the country and making sure the relevant legislations are followed while import and export of the chemicals.
Ministry of Development	Development and Public investment policies' determination regarding chemicals and environment and its coordination of during implementation.
Ministry of Health	Development of sectoral health policies, implementation of national health strategies, investigation of the effects of chemicals on human health after short and long term exposure
Ministry of Labour and Social Security	Monitoring of occupational health and safety issues, auditing, policy development and planning, developing health and safety units and certifying the practices. Determining the rules and principles of working with chemicals and the measures necessary for the prevention of industrial accidents.

1.6. Facts, Problems and Solutions

1 – Involvement of competent authority and relevant authorities in fulfilling the duties for implementing the current legislation

Facts

POPs are multidisciplinary and complex and next to the primary environmental aspect, they include a trade aspect as well as many other aspects such as the economic, health, agricultural aspects etc., therefore the involvement of the relevant authorities are essential.

In the existing legislation the legal framework for its implementation has defined in different legislations as there are mainly 10 ministries dealing with POPs in Turkey as elaborated above.

Problems

For Turkey to full its obligations under the Stockholm Convention for POPs depend on the provision of adequate financial and technical assistance. There are some implementation problems at all levels because of the complex administration system and inadequate administrative capacities due to financial restrictions and human resources. One of the important implementation principle of the NIP is the inclusion of public and stakeholder participation and contribution. To ensure the regular annual budget for inventories, disposal, monitoring, research and awareness raising based on the NIP conclusions and measures for technical and financial assistance.

Solution

A draft by-law is necessary for the full implementation of POPs legislation in Turkey so transposition of EU Legislation is essential. The existence of an institutional and organizational framework for supporting the implementation of the POPs legislation should be supported with legislation. The identification of competent authorities, relevant authorities and stakeholders and their participation/involvement in management process on the implementation of the legal requirements should be defined in the draft by-law in order to ascertain their active participation in the management of POPs especially in decision making process.

2 -The existence of a joint management committee for implementation mechanism

Facts

The experts of the Department of Chemicals Management in MoEU have good communication with the other relevant departments of MoEU, the relevant authorities and the stakeholders so they are all open to work together and share information with the other stakeholders. Also the competent and relevant authorities implement certain activities on the basis of other legislation such as the legislation on waste, biocidal products and pesticides. However the institutions are in need of support for possible solutions of the matters on POPs.

Problems

Since there are several ministries/organizations dealing with POPs a Joint Management Committee for the management of POPs is essential. Some joint management mechanisms have been formally established pursuant to the provisions of laws and regulations as Chemicals Advisory Committee. In line with the Article 8 of By-law on the Classification, Packaging and Labelling of Dangerous Substances and Preparations in order to harmonize the national policy and ensure information exchange between relevant institutions, the Chemicals Advisory Committee established under the coordination of Ministry of Environment and Urbanization. This committee is not working at the moment.

Solutions

The establishment and nature of the Joint Management Committee should be defined and established formally in the draft legislation to work efficiently. It may be the same committee as previously described in Article 8 of By-law on the Classification, Packaging and Labelling of Dangerous

Substances and Preparations. This committee should be mentioned in the draft by-law and it should be an active committee.

3 –Public Awareness, Access to Information and Training programs for Public Awareness on POPs

Facts

One of the important implementation principle of the NIP is the inclusion of public and stakeholder participation and contribution. In addition the POPs issue impacts on many sectors of society and economy including policy-making, the public and various interest groups. The competent authority and the other stakeholders are aware of Turkish and EU legislation on POPs and they try to develop awareness by means of project activities and dissemination seminars. Relevant national stakeholder institutions and groups were identified, sensitized and assigned with responsibilities from the on set of the NIP development process.

Problems

The access to information is mentioned in the current legislation in other words Convention ratified by Law No.5871 on Ratification of Stockholm Convention on Persistent Organic Pollutants dated April 14, 2009 however the current legislation is based on Stockholm Convention so access to information is not defined with details in the legislation so the information management system should be sufficiently defined in the draft by-law including the information management infrastructure.

Solutions

Raising awareness of public for the convention and obligations will help increasing the efficiency of activities within the scope of implementation plan. The training programs should be developed to raise awareness of the relevant organizations and general public. Especially training of trainers programs should be performed for the experts of competent and relevant authorities should be referred in the draft by-law. Strengthening and continuous training of the experts about POPs and all relevant fields should be performed regularly. However, the experts of the competent authority have knowledge on the concept and goals of the current POPs legislation and also EU legislation. The experts of the competent authority and relevant authorities have participated in training programs and all have good scientific knowledge on POPs and implementation of activities on POPs.

4 – Environmental planning and the strategy development

Facts

As stated by the Article 7 of the Stockholm Convention, Turkey prepared the first NIP in 2004 to 2006 funded by GEF and revised it in 2010 submitted to the Stockholm Secretariat in 2011 which included initial 12 POPs issues of concern like uses, import, export, production, distribution in country and source related inventory, current stockpiles and its disposal options assessment, contaminated sites, POPs chemicals related infrastructure, legal instruments, monitoring, research and development capacity, monitoring system establishment and use.

Problems

The process is not well coordinated and adequate plans and strategies are not produced due to the lack of special provisions in the current legislation. NIP has been prepared by the competent authority however in order to ensure the full implementation of NIP, it should be approved by the Joint

Management Committee and should be considered as National Development Plans. The draft legislation should include such provisions on implementation of NIP.

Besides, the strategy and action plan for implementing the Stockholm Convention on POPs should be taken into consideration with Basel Convention and Rotterdam Convention requirements.

Solutions

The NIP has been developed, but it is partly implemented due to financing restrictions. Organisations/institutions relevant to POPs do not have adequate financial and human resources for their programmes. In order to have the adequate human and financial resources at the first instance the requirements should be designed in the NIP.

5 – Existence of a complete policy on POPs and legal framework

Facts

In Turkey, the issues of chemicals including POPs are of great concern. There are comprehensive legislations for Convention on POPs mandates Parties to take certain measures to achieve the objective of the Convention. A successful implementation of the Convention in Turkey would therefore involve the integration of some of these provisions into the current institutional and regulatory framework for managing chemicals in the country.

Problems

The legal framework is not sufficient as draft by-law is necessary to provide an adequate implementation of the main legislation by taking actions. EU Regulation will be transposed by means of a by-law. Today, in addition to the NIP, some relevant protection policies and legislation are used for controlling POPs. There are some provisions in a number of legislation on POPs and for the implementation of the draft by-law the implementation of that supplementary legislation should be implemented. Currently there is no subordinate legislation in line with EU legislation to implement the legislation based on Stockholm Convention. While discussing POPs also Basel and Rotterdam Conventions should be considered together while structuring the organization for POPs management. The structure for the implementation of conventions pertaining to chemicals has not been established however the synergy of the 3 conventions will be a good opportunity for POPs management.

Solutions

New by-law is necessary in line with the project activities and the ratification of Rotterdam Convention is highly recommended. On July 22, 2010 the Prime Ministry Office General Directorate for Laws and Resolutions has sent the Rotterdam Convention to the Turkish National Grand Assembly to be ratified by means of law.

6 – Availability of necessary technical skills and technology transfer

Facts

For successful management of POPs and implementation of Convention, establishment of local and sub-local centers in the need of capacity building and technology transfer is necessary.

Problems

The necessary skills and technology are partly available as the competent authority and relevant authority experts have the necessary skills but the provincial directorates' experts of the authorities partly have the skills and trainings.

Solutions

The training programs should be developed and the quantity of the experts should be increased to meet the requirements of draft by-law.

7 – Sufficiency of the implementation of monitoring process and inventory

Facts

There is no systematic monitoring program on POPs emissions, releases and occurrence in the abiotic and biotic matrices and in technical matrices. However some POPs (hexachlorobenzene, pentachlorobenzene, endosulphan) will be monitored as a part of Regulation on Surface and Underground Waters and Regulation on Surface Water Quality. Studies on monitoring POPs periodically will be included in the National Monitoring Network and monitoring programmes as a part of the Regulation on Surface and Ground Waters and specific parameters. In addition, a systemic monitoring background will be developed as a part of EU POPs Rules Harmonization process and related e-PRTR Rules. Moreover, there are several academic survey and research studies conducted in different media where possibly POPs concentrated regions and results of these studies are present.

Problems

Monitoring is conducted without an adequate monitoring legal framework. Monitoring should be placed in the draft by-law with emphasis on how it is to be conducted. The new system should include monitoring at all levels and the results of the implementation process should be regularly monitored and shared with the relevant authorities and institutions.

Solutions

It is aimed at in the draft by-law the monitoring is timely and correctly conducted and the results are applied as a basis for forming knowledge and should be used as a basis for changing the existing technical process.

8 –Assessment of the implementation of the legal framework

Facts

The primary current legislation on POPs is based on Stockholm Convention ratified by Law No.5871 on Ratification of Stockholm Convention on Persistent Organic Pollutants dated April 14, 2009. There are some provisions in different legislation of different ministries.

Problems

Evaluation and monitoring of the activities are made partly due to the lack of legal and institutional framework for evaluation plan. Evaluation should be carried out in line with the evaluation plan, and the evaluation plan should be updated regularly by using the evaluation results. In the draft by-law the measures for effective evaluations should be placed and the evaluations should be made timely and correctly and the results and experience should be used as the basis for changing activities and as insight for further implementation of activities.

Solutions

As a priority, it is necessary to adopt subordinate legislation, to ensure that implementing authorities are established and functioning. Also necessary provisions should be mentioned in the draft by-law to establish a system for inventory and to monitor work results. Inventory will be the first step of determination of financial burden on industry. Other priorities will be defined in the NIP as stated in Fact 7.

1.7. Recommended future steps for POPs management in Turkey:

It is recommended to MOEU:

- To follow the same way as EU and establish the institutional and legal system pursuant to the current EU Regulation.
- To use the SWOT Analysis Report and the draft by-law on POPs which will be prepared in the context of the Project to establish the institutional and legal framework as the identification of various government departments and institutions that should be involved in subsequent stages of the POPs management process.
- To consider the outcomes of sectoral and regulatory impact analysis on POPs while finalizing the institutional and legal framework on POPs.
- To ensure cooperation between the stakeholders especially direct coordination is essential among the governmental institutions in other words competent and relevant authorities.
- To draft the new by-law with official participation of Ministry of Environment and Urbanization, Ministry of Health, Ministry of Food, Agriculture and Livestock in order to ensure the implementation of POPs and to ensure institutional corporation.
- To establish an integral POPs monitoring and implementing system as a separate General Directorate in MoEU i.e. to restructure the Chemicals Management Department as a General Directorate with direct correlation to permitting and inspection unit.
- To encourage the institutional strengthening of the other relevant authorities and to prepare the a joint by-law especially for the development of NIP for POPs management with high priority to ensure the implementation
- To have staff educated in multidisciplinary area including chemistry, biology, environment.
- To activate the Chemicals Council, whose purpose is to promote information and collaboration between industry, government and other stakeholders on matters concerning the national implementation of the chemicals legislation in Turkey. The Council will be linked to the MoEU and the General Director of Environmental Management of MoEU will be the Chairman of the Council, which has the following composition: The Council will be designed as an expert body, providing scientific advice and consultation on chemical issues to government agencies within the environmental sector. The different expertise of the Council members will contribute to improve contacts between the stakeholders.
- To allocate funds to carry out capacity development and training activities in the expert level of competent and relevant authorities.
- To encourage BAT and new processes that facilitates the elimination of POPs.
- To organise trainings for raising the level of awareness of the industry and public on POPs.
- To accept EU guidelines as a communiqué of MoEU.
- To define and implement the coordination process between individual departments of the Ministry of Environment and Urbanization and other responsible ministries and institutions will be improved as key strategic process for successful and effective implementation of the NIP measures on the technical aspects connected with the new and candidate POPs.
- Since EU legislation on POPs is based on Stockholm Convention like Turkey, member states have drafted the legislation in order to establish the system for the management of POPs in line with the principles of Stockholm Convention.

- As a consequence of this fact, the Regulation on POPs determines the implementation of Stockholm Convention.

1.8. SWOT Analysis Table for POPs Management

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Ratification of Stockholm Convention and its amendments by means of law • Existence of chemicals management system with institutional and legal framework. • Experience in developing chemical strategies with regards to EU legislation. • Experience in developing current subordinating chemical legislation with regards to EU legislation. • Trained experts of the competent authority on the concept and goals of the POPs legislation • Trained experts of the competent authority and relevant authorities with scientific knowledge on POPs. • Existence of ongoing projects on POPs that will support the establishment of the system on management of POPs. • Existence of some provisions on POPs in the legislation of competent and relevant authorities. • Development and update of NIP in line with Stockholm Convention. and CRLTAP/POPs Protocol 	<ul style="list-style-type: none"> • Non-existence of harmonisation between existing law and EU legislation • Non-existence of a legal framework in the field of POPs with current subordinate legislation. • Non-existence of harmonisation between existing law and subordinate legislation of different authorities. • Existence of complex institutional framework for POPs management. • Non-existence of mechanism and process for POPs management. • Non-existence of sufficient infrastructural and institutional support for POPs management. • Low level of public awareness as POPs is a new concept for the public. • Inadequate financial and human resources for POPs management. • Non-existence of regulatory impact assessment on POPs especially cost and benefits analysis studies. • Non-existence of inter-institutional Joint Management Committee. • Non-existence of a general directorate for chemicals. • Lack of information, inventory is not realized as permanent, ongoing process. • Non-existence of coordination between the authorities and institutions. • Non-existence of harmonisation and connection between strategic and related development documents. • Non-existence of a specific inspection and permitting department dealing with POPs management. • General low level of awareness on actions specified in the previous SC NIP, resulting in very low level of implementation of SC NIP measures.
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • Existence of competent and relevant authorities/institutions at state level • Partly existence of the structure for the implementation of legislation on POPs which needs capacity development. • Development of international cooperation and correlation on POPs with Convention Secretariats and through links made in numerous international technical assistance and other projects. • Development of BAT and processes that eliminates intentional and unintentional involvement of POPs. • Establishment of an integral POPs monitoring and implementing system as a separate General Directorate in MoEU further institutional strengthening of the other relevant authorities. High level of international cooperation shall be resorted to, in order to support BAT to be used in industry. • Organisation of trainings for raising the level of awareness of the industry and the public. • Increased share of Turkish trade organizations via adoption of BAT/BEP regarding POPs in the production sector. • Synergy of three conventions (the Basel, Stockholm and Rotterdam Conventions). 	<ul style="list-style-type: none"> • Affirmative conflict of duty on POPs management • Instability of people in positions of importance for POPs management, including those receiving specific training. • Sustainability of the current ministerial organization. • High costs of BAT and new processes to be used for POPs management. • Non-allocation of funds for supporting the implementation of the Convention, trainings and other activities. • Incomplete and non-functional institutional restructuring for efficient management of POPs. Inability of institutions to follow through on responsibilities specified in NIP, e.g. role in interministerial committees, etc. • Horizontal and vertical disconnection between the Competent and Relevant authorities • Non-existence of cooperation and information flow between the Competent and Relevant authorities and all other stakeholders • Failure in harmonisation and connection between strategic and related development documents in the forestry, agriculture and health and the field of POPs management. • Disconnection and poor coordination between the government and non-government sectors and between the academic institutions • Insufficient data that can mislead the stakeholders in the POPs management.