



ENVIRONMENTAL INSPECTION REPORT 2012

GENERAL DIRECTORATE OF ENVIRONMENTAL IMPACT ASSESSMENT, PERMITTING AND INSPECTION
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ENVIRONMENTAL INSPECTION REPORT 2012

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PREFACE



Today's world has become a global village accommodating numerous dazzling developments and information technologies and communication sector as well as growing industrial activities have meantime reached a stage at which they effect all moments of our lives.

Growing industrial activities in our country, like all around the world, is the main cause of rapid urbanization and thereby, rapid population growth and environmental problems. The fact that environmental problems do not only concern where they exist but also all the world has been a major factor in globalization of perception of and approaches to environment.

We, as locals of our own territories, are all, in fact, parts of a whole. We have no option of living in the same way as old communities. Since, the world is not inherited by us. The Earth is, in fact, a trust which we shall bequeath to our children. It should be our foremost responsibility to protect and use consciously all our resources which we rapidly consume, such as water and air which are polluted by us and enrich these resources with new ones and thereby convey them to the future.

The Environmental Law which has been in force since 1983 in our homeland defines the framing rules and obligations to be observed by both the State and the citizens in line with this clause of our Constitution stating that *"Improving environment, protecting environmental health and preventing environmental pollution are obligations of the State and the citizens"*. Accordingly, it is of great significance to carry out inspections and apply sanctions as well as undertaking environmental impact assessment, permitting/licensing and monitoring activities performed in the interest of environmental protection under the relevant legislation.

Environmental inspections play a significant role in respect to ensuring the prevention, minimizing and controlling the environmental pollution caused by the individuals and other factors, in particular, industrial plants and checking to which extent the people concerned comply with the law and the permissions granted under the law.

Therefore, we aim at achieving environmental inspections that are not superior only in respect to quantity but also quality in order to ensure an effective environmental management and minimize the environmental pollution. In this respect, combined environmental inspections which we carry out across our all provincial organizations in numerous fields such as waste water, air, chemicals, solid waste, hazardous waste, noise and others bear great significance.

In the light of above considerations, the Ministry, together with its central and provincial organization, has performed over 23.000 inspections under the By-Law on Environmental Inspection and charged an amount of 58 million Turkish Liras as administrative fine against the identified violations of the law. Environmental inspection Report of 2012 presents information on environmental inspection activities and provides evaluations on the data regarding the sanctions applied in result of such inspections. Moreover, the report also includes the data and evaluations on EIA process, Provisional Operation Certificate and Environmental Permit/Environmental Permit and License Certificate practices.

I give my thanks to each and every one who has spent effort in preparation of this report and hope that it will constitute a guideline and planning scheme for our Ministry.

Erdoğan BAYRAKTAR
Minister of Environment and Urbanization

ABBREVIATIONS

BEA	By-Law on Environmental Inspection
BEIA	By-Law on Environmental Impact Assessment
BPLOUEL	By-Law on Permits and Licenses to be Obtained Under the Environmental Law
ECENA	Environmental Compliance and Enforcement Network for Accession
EIA	Environmental Impact Assessment
GDEIAP	General Directorate of Environmental Impact Assessment, Permitting and Inspection
GDEM	General Directorate of Environmental Management
IMPEL	The European Union Network for the Implementation and Enforcement of Environmental Law
INECE	International Network for Environmental Compliance and Enforcement
MSI	Market Surveillance and Inspection
PDEU	Provincial Directorate of Environment and Urbanization
POC	Provisional Operation Certificate
PRTR	Pollutant Release and Transfer Register
RENA	Regional Environmental Network for Accession

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1. INTRODUCTION

International community convened in 1972 at UN Human Environment Conference which was held for the first time in Stockholm, capital of Sweden, in order to discuss the topics of global environmental and developmental requirements. Major improvements have taken place by 2012 in the field of environment over the course of 40 years since then. For example, Ministry of Environment or equivalent bodies have been established in many countries, some related concepts such as “sustainable development”, “polluter pays principle” have emerged, environmental legislation has become diverse and more comprehensive, the extent of excessive environmental pollution has become more conceivable and clear and possible consequences of climatic change and ozone layer depletion has been perceived by communities.

Policy-makers of 1970s and 1980s usually focused on reasons of national pollution which was managed by directives and regulations. Likewise, over this period, spread and development of industry in many countries has been accompanied by environmental problems emerging all around the world and as a consequence of excessive consumption of natural resources environment has been put under intense pressure. Because the consumption by the human population has reached beyond the natural potentials of our planet and excessive consumption of natural resources has turned to be destructive for nature. Our industrial production, as a result of both the general life style of the human beings and the way of economic activities as performed by the human population, is no longer sustainable.

Shortage of resources and gradual increase in prices of resources compel us to develop processes to regain and reutilize the resources and seek alternative ways of using the resources in a more efficient manner.

As a result of release of more than one pollutant and chemicals to the receiving environments such as air, water and soil, the people have become more exposed to such substances and concerns have arisen with regard to long-term harms on human health.

For all the reasons mentioned above, it is required to constantly improve and diversify the environmental law and internalize concepts such as “sustainable development”, “green economy” and “green provinces”.

Improvement of environmental law depending on the requirements of a certain period alone is not sufficient for the protection of the environment and prevention of environmental pollution. The step to follow is inspecting the ability of businesses to observe the legal requirements and to what extent the activities and/or the plants comply with the law and taking measures necessary for the rectification of the problems by identifying the problems emerging in the application of the law.

Since identifying whether the Environmental Law is fully applied by the competent authorities has become a necessity, governments have adopted the policy of focusing on environmental inspections to be performed by public institutions. In this context, activities aimed at enhancing the capacity of environmental inspections and planning such inspections are increasingly being carried out by the Ministry.

In 2012, Ministry of Environment and Urbanization has, pursuant to the 12th Article of the Environmental Law, carried out approximately 38.600 environmental inspections and consequently assessed an amount

of approximately 58.500.000 TL as administrative fines against the violations identified in the activities and plants. In addition to such inspections, exhaust inspections and market surveillance and inspection have been performed and administrative sanctions have been applied.

According to the European Union Directive of 2001/331/EC on Recommendation on Minimum Criteria for Environmental Inspections, inspection activities shall be evaluated and reported by the inspection authorities as a whole and on a regular basis (for example, annual). In this scope, the Ministry has prepared its first annual environmental inspection report in 2009 and completes its fourth annual environmental inspection report with the present one.

The content of this report aims to present statistic data on environmental inspection activities carried out by the central and provincial organization of the Ministry in 2012 under the Environmental Law and an evaluation of the efficiency of the said activities. The report also contains data on market surveillance and inspection (MSI) and exhaust inspections.

The content of the book also includes a comprehensive summary of the “Planning of the Environmental Inspections” which is a part of the results of the “The Project of Planning of Environmental Inspections” performed under the inter-governmental cooperation with the Dutch Government.

Environmental Law emerged as an independent field in international platforms with the intense and systematic employment of the concepts such as sustainable development; polluter pays principle and prevention principle, in particular following Stockholm Conference of 1972. These principles are reflected in numerous national and international texts. It is therefore required to take such principles into account in the process of preparation of legislation on environmental protection. These principles, furthermore, constitute a guideline for all public authorities including judicial organizations.

Therefore, the report includes also a section containing the Environmental Law constituting the basis for the environmental inspection and sanctions to be applied to non-compliances to be identified during such inspections and the application of such Law in Turkey.

Data and evaluations relating to the EIA decisions made under the By-Law on EIA which constitutes the first link of the environmental compliance chain and data on environmental permit/license granted under the By-Law on Permits and Licenses to Be Obtained Under the Environmental Law constituting the second link and distributions by sectors are also included in this report.

The data on institutions/bodies which may prepare Environmental Impact Assessment Application File, Environmental Impact Assessment Report and Project Demonstration File and conduct environmental measurements and those which may apply for Environmental Permits/Licenses are also included within the scope of this report. Moreover, the report contains the relations and participation in meetings and activities held by the Ministry in 2012 with the international network of inspectors, project and training activities.

2. PLANNING OF INSPECTIONS*

Environmental inspection cycle consists of following seven stages:

1. Defining the content
2. Identifying the priorities
3. Defining the objectives and strategies
4. Planning and reviewing
5. Implementation framework
6. Implementation and reporting
7. Performance monitoring

The first four stages constitute the planning process which is a cyclic process. By reviewing the inspection plan, a new plan will be able to be developed or the existing plan will be able to be amended.

5th, 6th and 7th stages are realized after the completion of the inspection plan. These stages contribute to the review of the plan. These stages also create a new cycle with 4th stage. Figure 1 illustrates how these two cycles are connected to each other.

2.1. Defining the Content (Box 1a)

Defining the content is the first stage of the systematic approach aimed at the planning of the inspections. It is the input required for the specification and analysis of the risks. The list of the tasks to be undertaken by the administration bears great significance in respect to defining the activities to be carried out and determining the scope of the inspection plan. This scope is determined on the basis of general duties and objectives of the administration and also its legal obligations and powers. It should be noted that inspection units are subject to the policies determined by the administrations at national, regional and local level. Further, the inspection unit may take into account some views of the public, NGOs, industrialists and other co-sharers. Detailed information must be collected with regard to the environmental impact, permit status and compliance, etc. of the operations and plants falling within the scope of the function of the relevant administration. A part of this information is collected through carrying out of the inspection activities (box 3). These data are also evaluated at the performance monitoring stage. The data collected at this stage must be used at the subsequent stage which is risk assessment stage.

Input:	Relevant law and regulations, legal requirements for conducting inspections, environmental policies and other policies of the government, environmental assessments, management reports, inspection reports, complaints and data coming from performance monitoring.
Output:	Data of risk assessment

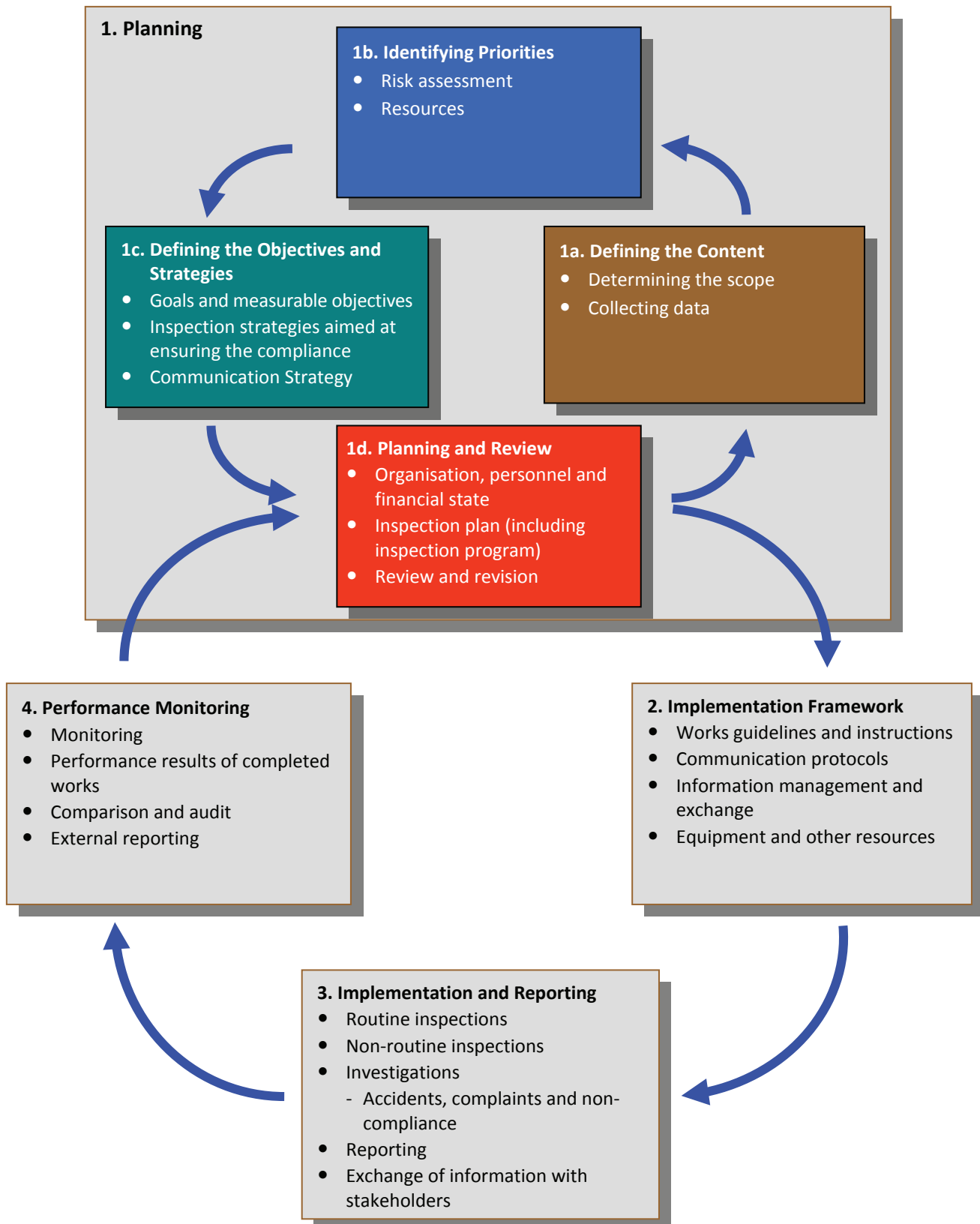


Figure 1 – Environmental Inspection Cycle

2.2. Identifying the Priorities (Box 1b)

Identifying the priorities begins with the risk assessment. The method used for risk assessment must be objective and easy-to-apply and should be able to vary across inspection units.

Main objective of the risk assessment is to prioritize the workload of inspection units. The result of the risk assessment can be the frequency of the inspection of the plant or classification of the risks related thereto and duties to be fulfilled by an inspection unit as well as the efforts spent in the conducting of the inspection. The objective of the prioritization of the workload is to ensure a reasonable distribution of limited resources among different plants that are subject to inspection since the inspection units have limited resources (inspectors and financial resources). According to the risk-based approach, maximum inspection effort must be given to the plants with the highest risk (highest risk comes first).

It is required to clearly determine priorities due to, on the one hand, limited resources and magnitude and variety of legal requirements, on the other. The priorities shall be determined on the basis of the risk assessment conducted in consideration of the general specifications of the activities and plants and the risks. These plants and activities may be classified, in accordance with the risk assessment, as “high risk”, “medium risk” or “low risk”. Further, the approach of the inspection unit may vary for each risk level: As the risk level rises, the inspection units shall focus more on inspection of such plants. While the inspection approach determines the demand relating to the required resources, they are directly related to the inspection plan and program.

An inspection unit may consult in third persons when conducting a risk assessment. The consultancy of other (inspection) administrations, in particular, can be beneficial in respect to data exchange, common risk assessments, etc.

Input:	Data for risk assessment.
Output:	Specified priorities.

2.3. Defining the Objectives and Strategies (Box 1c)

The inspection unit specifies its goals and objectives based on priorities. Outputs and results must be observed in order to determine whether these goals and objectives will be attained. This determination is usually made by using performance indicators. The following are some examples of performance indicators which can be beneficial in relation to the results:

- ✓ Quantity of the incidents occurred and complaints,
- ✓ Level of compliance to the legislation,
- ✓ Level of success of inspection units in achieving the goal of minimizing certain pollutants and risks,

- ✓ The progress achieved by inspection units in improving the quality of water, soil and water, in cooperation with other administrations.

Inspection units must associate its goals with inspection strategies in such a manner as to cause the least burden for the operations and administration. Thus, they will be able to accomplish their goals effectively and efficiently at the same time. Furthermore, the inspection unit may, by employing some communication strategies, exchange information within the units and with other administrations.

Issues that can be addressed when identifying the goals and strategies are as follows:

- ✓ Cooperation and information exchange among inspection units and other administrations,
- ✓ Type and method of the inspection,
- ✓ Effect of the attitude of the operation on the frequency of the inspections,
- ✓ Administrative and/or judicial means to be followed in the case of non-compliance shall be definitive, clear and just.

For the purpose of this book, “strategy” refers to the means followed in order to achieve the goals.

Input: Specified priorities.

Output: Goals and measurable objectives and inspection and communication strategies.

2.4. Planning and Review (Box 1d)

The inspection unit shall prepare its inspection plan and inspection program based on the previous stages (box 1a, 1b and 1c). The inspection plan can be considered as a strategic document and does not contain detailed information (for example, names of the plants or the planned inspections and type/date of the inspections) for implementation.

An inspection defines the following:

- ✓ The goals which the inspection unit aims to achieve under its tasks and responsibilities;
- ✓ Inspection activities which shall be carried out by an inspection unit under political, environmental, legal, structural, financial or other conditions,
- ✓ The strategies adopted by the inspection unit for the fulfillment of the inspection activities,
- ✓ How the priorities have been determined in respect to inspection activities in consideration of such goals, conditions and strategies;
- ✓ Priorities.

The public has the right to know what has been planned by the inspection unit in the course of the specified period (there must be transparency) and therefore the plan must be accessible by the public.

However, the inspection unit is entitled to keep a part of the plan (for example, the inspection program) confidential. Because there might be non-routine inspections and practices within the plan and it must be ensured that such activities are carried out in efficiency.

The inspection plan will be used for forming an inspection program. This program must contain information such as the names of the plants, dates and types of the inspections and the inspectors designated.

It is required, when preparing the inspection plan and the inspection program, to take into account the organization and financial conditions and the personnel. First and foremost, inspection plan and program must be in compliance with the existing resources and budgets and the organizational structure.

Review and revision of the inspection plan are the parts of this stage. Following the “performance monitoring (box 4)”, the process must be returned to this stage (box 1d). The inspection plan shall be reviewed and, if necessary, revised based on the monitoring and assessment of the inspection plan (including the inspection program).

Input:	Content, risk assessment, priorities, goals and measurable objectives, inspection and communication strategies and performance monitoring results.
Output:	Inspection plan and program

2.5. Implementation Framework (Box 2)

The implementation framework ensures the fulfillment of inspection activities (such as checking compliance through site visits, enforcement activities such as imposing administrative fines, supporting compliance with the law by informing activities, etc.) This stage is required for the effective, efficient, professional and consistent fulfillment of the inspection activities.

The implementation framework must contain at least the following:

- ✓ Guidelines for routine and non-routine inspections,
- ✓ Procedures for sanctions,
- ✓ Developing inspection and enforcement guidelines,
- ✓ Protocols for public (access to information) and establishing communication with industrialists,
- ✓ Conditions required for the performance
 - Explicit permit and powers (for example, legal rights as to the site and access to information)
 - Planning, programming and monitoring system
 - Facilities and materials needed (for example, computers, transportation, communication means)
 - Maintenance and calibration of the equipment

Input: Inspection plan including the inspection program (containing the information indicated in 1a, 1b and 1c)

Output: Conditions required for the implementation of the inspections.

2.6. Implementation and Reporting (Box 3)

At this stage, the inspections are performed actually: Various inspection activities (aimed at compliance support and compliance control) shall be prepared and realized. In general, inspection activities comprise of examinations such as regular inspections, non-routine inspections, accidents and complaints. Most of these activities shall be performed in line with the procedures specified at the implementation framework prepared at the previous stage. Cooperation and information exchange with relevant institutions and bodies is a part of this stage.

Information on the inspection activities completed, the results and monitoring thereof (sanctions imposed) shall be saved in an accessible database.

The implementation and the reporting shall, as minimum, contain the following:

- ✓ Routine site visits
 - Examining the environmental impact on the basis of the following :
 - Inspection program
 - Environmental law
 - Structural arrangements of the inspection units
 - Raising and strengthening the awareness of entrepreneurs
 - Evaluating permits and authorizations
- ✓ Non-routine site visits
 - Complaints
 - Accidents and Incidents
 - Cases of non-compliance
 - Permitting
 - Renewal of permits
- ✓ Reviewing accidents, incidents and cases of non-compliance
 - Revealing the reasons and effects thereof
 - Responsibilities, obligations and results thereof
 - Transmitting the results to the inspection units

- Monitoring activities
 - Activities aimed at minimizing/improving the effects
 - Preemptive measures
 - Measures taken by the entrepreneur
 - Activities and the sanctions
- ✓ Other compliance checks and compliance support activities such as evaluation of monitoring data of the operation and arrangement of informing activities
- ✓ Reporting
 - Following each site visit
 - Storing process and inspection data
 - Assessment for following activities
 - Completion as soon as possible
 - Keeping reporting records
 - Accessible database
 - Transmission to the operation
 - Publicity (for example, within two months)
- ✓ Information exchange with relevant bodies and institutions

Input:	Inspection program and implementation framework.
Output:	Inspection activities and results

2.7. Performance Monitoring (Box 4)

The inspection unit shall monitor regularly the outcome and effects of the inspection and the implementation process and act based on such monitoring data.

Performance monitoring shall be performed in order for the inspection unit to carry out reporting within the institution or at national or EU level and to check whether or not the goals and objectives are achieved. It is important to use performance indicators in order to evaluate the efficiency of the inspection plan. Predicting the efficacy of the indicators may facilitate determining which means and strategies are the best for the compliance with the law and may enable the public and stake-holders to check whether the inspection units fulfill their obligations. Monitoring may be performed at various levels.

At the inspection program level; regular monitoring of the progress may be performed through performance indicators (for example, number of the inspections planned and inspections fulfilled). Monitoring at this stage must provide information as to the implementation of the program (may be performed in six month or three month periods). Further, this monitoring shall encompass the administrative sanctions imposed as a result of the inspections or complaints and the measure taken accordingly.

Performance monitoring must also be performed at higher levels in relation to the success of the plan. Monitoring to be performed at this stage shall contain surveys and assessments carried out in relation to the outcome, goals and measurable objectives of the plan (for example, improvement in environmental conditions, progress in compliance with the law) and the reporting of the outputs/results of the plan at national or EU level.

Performance monitoring shall at least contain the following:

- ✓ Monitoring
 - Performance of the personnel
 - Monitoring the results
- ✓ Assessment of the works completed, performance results
 - Annual reports
 - Other inspection units and report as to the protocols concluded
 - Inputs in the regulatory cycle
 - Feedback on the results and recommendations
- ✓ Comparison and internal review
- ✓ External reporting
 - Accessible by public
 - From local, regional level to public and national level
 - From national authorities to the European Council
 - Data on personnel and resources
 - Performance on inspection plan
 - Summary for the inspections fulfilled
 - Level of compliance with the law
 - Measures taken following accidents, complaints and incidents
 - Measures taken in the case of non-compliance

Input: Information on inspection activities and results

Output: Review of the inspection plan and program and reports prepared for external use.*

* Quoted from Guidelines for Planning of Environmental Inspections

3. ENVIRONMENTAL LAW AND ITS IMPLEMENTATION IN TURKEY **

Environmental law is a field of law which encompasses all legal norms aimed at protection of the environment. Environmental law, in order to ensure the environmental protection, directs the acts of the people concerned, consisting of real and legal persons, by either mandates (prohibitions and other obligations) or using market methods (such as emission trade).

The principal objective of the environmental law is protection of environment. The term protection covers an extensive meaning including improvement and progress.

3.1. Basic Principles of Environmental Law

3.1.1. Polluter Pays Principle

This principle is the oldest and first principle of environmental law. It can be defined as assumption by the polluter of the environmental protection and control expenses determined by public authorities in order to ensure acceptable environmental conditions.

► a) Implementation methods

These methods can be listed as follows;

- ✓ **Mandate and control method** by which environmental protection rules are incorporated in the law against polluters (such as prohibitions, obligation of compliance with limit values, obligation of discharge) and public authorities inspection whether such rules are observed and impose sanctions in the case of non-compliance and take measures in order to ensure that the polluters comply with such rules and pay for the cost of their non-compliance,
- ✓ **Pollution charges method** that can be defined as “*all financial obligations which polluters are obliged to pay*” (Non-tax pollution charges : Fees charged for administrative services –for decisions taken within the process of environmental permits and Environmental Impact Assessment (EIA)- or wastes –such as waste water charge-, environmental taxes : Environmental taxes imposed against pollutant substances and products –fuel consumption tax, sanitation tax, carbon tax- and common compensation funds and pollution insurance introduced in order to incur polluters to pay for the pollution, in the cases where the liabilities cannot be effected.) which can be categorized as **interventionist** methods,
- ✓ **Market method** where the idea of minimizing the role of governments prevails in implementation of polluter pays principle (The objective of the market method is to resolve the pollution problem within the market system by pricing the environmental resources and activating competition. Financial instruments are employed in this method as well; however these instruments are aimed to activating the market system. Typical examples are ownership rights and emission trade [Kyoto Protocol],

- ✓ **Incentives** by which the financial burden of the polluter in taking measures against environmental pollution is mitigated by governments.

► **b) Polluter pays principle as provided for in the Environmental Law (Annex-10)**

- ✓ The Environmental Law Article 3/g- Polluter pays principle
- ✓ The Environmental Law Article 3/h- Implementation methods (both interventionist and market methods are stated)
- ✓ The Environmental Law Article 18- Support by way of loans and aids
- ✓ The Environmental Law Article 29- Incentive measures and discounted tariff for electricity supply.

3.1.2. The Prevention Principle

This principle is the most important and dominant principle of the environmental law. The first methods applied in relation to the solution of environmental problems are aimed at removing, namely, recovering the problems which have already existed. However, the principle of preemption has gained significance in view of the fact that negative environmental impacts can emerge after a long period of time and that recovery of some of the negative impacts can occasionally be costly and sometimes even impossible. The objective is to prevent a problem before its occurrence. The sub-principle of this principle is the principle of “prevention at source” and is usually applied to wastes.

► **a) Implementation Instruments**

All principles and instruments of environmental law which do not aim at removing the problems provide the fulfillment of the principle of preemption. Most of substantive or procedural norms of environmental law are aimed at direct or indirect prevention. However, instruments such EIA, Planning, Prohibition, Permitting, Obligation of Utilization of the Most Advanced Technology bear great significance.

► **b) The Prevention Principle in the Environmental Law**

Implementation instruments related to this principle are provided for throughout the Environmental Law N.2872.

3.1.3. The Precautionary Principle

This principle stipulates taking measures to prevent potential damages although no clear and apparent data indicating causality between such damages and activities (or pollutant) deemed as cause of the damages are available. According to this principle, instead of waiting for obtaining clear scientific results, prudence must be followed in order to prevent a potential damage.

The Precautionary Principle in the Environmental Law: This principle is reflected in the provision stating “to ensure cooperation with other institutions and bodies in order to determine policies and strategies

aimed at taking measures relating to global climatic change” included in the regulation regarding the control of non-ionizing radiation contained in the 8th Supplemental Clause of the Environmental Law and sub-paragraph (m) of the first paragraph of the 8th Article of the Decree Having Force of Law N.644 which regulates duties and powers of the General Directorate of Environmental Management.

Further, this principle is accommodated in the provision of Biosafety Law N. 5977 dated 18.03.2010, regarding genetically modified organisms.

3.1.4. Principle of Participation

This principle is related to the participation in environmental management and effecting by the individuals thereof and thereby enabling them to direct this process which affects their lives. The management process covers the making of plans, policies and legislation and decision and implementation thereof. In this process, participation takes place at two stages one of which is decision making (Regulatory acts of the administration such as by-law, communiqué, etc. and individual acts of the administration such as permits, licenses and decisions at the EIA process) and the other is implementation (administrative recourse, judicial recourse). The prerequisite of participation is the right to information.

In Turkey, this principle is reflected in the provision of the sub-paragraph of the first paragraph of the 3rd Article of the Environmental Law N.2872, stating that “The formation of environmental policies shall be based on the principle of participation. The ministries and local administrations are obliged to create facilities for participation by which trade associations, unions, non-governmental organizations and citizens will exercise their environmental rights.” and in the provision included in the sub-paragraph (a) of the 9th Article of the same law, regarding bio-diversity and the provision of the 30th Article of the Environmental Law and Municipalities Act N.5393, Right to Information Act N.4982 and Procedural Administrative Law N.2577.

3.1.5. Principle of Cooperation and Coordination

Cooperation and coordination implies exchange of opinions, information, documents and technologies, in brief, ensuring solidarity and common effort. It is required to ensure cooperation at local, regional, national and international level. Central organs, local administrations, private sector and NGOs and international institutions are the bodies which are to come together and share responsibility under this principle. This principle is reflected in the Article 3/b-j of the Environmental Law.

3.1.6. Principle of Integration

The basis of this principle is to take into account the goal of environmental protection and principles thereof in formation of all other policies of public management (external integration).

Further, protection principles relating to various environmental issues within the environmental law must be integrated (Internal integration).

Implementation instruments of the principle of integration concede, to a great extent, with the implementation instruments of protection principles.

This principles is referred to in the Environmental Law N.2872 and other regulations relating to Strategic Environmental Assessment, EIA and Planning.

3.2. Basic Concepts of Environmental Protection

3.2.1. Environmental Right

Environmental right has become one of the foremost human rights as a result of deterioration and termination of environmental values in parallel with industrial and technological developments and failure in preventing global environmental problems such as acid rains depletion of ozone layer and greenhouse effect and consequently the fact that the right to life which is the most fundamental human right is under threat. Accordingly, it has become significant to secure the environment as a “right” in constitutional/legal system.

In Turkey, environmental right is secured under the Constitution. The first paragraph of the 56th Article of the Constitution titled “Health services and protection of environment” states that “Everyone has the right to live in a healthy and balanced environment.” and the second paragraph thereof states that “Improving the environment, protecting the environmental health and preventing environmental pollution are duties of the State and citizens.”

Procedural rights relating to exercise of the environmental rights covers:

- a. Access to information,
- b. Participation, and
- c. Judicial Recourse.

3.2.2. Sustainable Development

The basis of the principle of sustainable development was first established at the Stockholm Conference of 1972 and gained a sound ground in the world’s agenda after the Rio Summit of 1992.

The document which popularized the concept of sustainable development worldwide and included the first definition of the concept is the report titled “Our Common Future”. In the report, sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

The implementation instruments of this concept can be listed as Strategic Environmental Assessment, EIA, Environmental Permits and Planning.

Sustainable Development is regulated in the 1st Article of the Environmental Law N.2972 titled “Objective”, in the 2nd Article titled “definitions”, sub-paragraphs (c) and (d) of the first Article of the 3rd Article, last paragraph of the 10th Article, 11th Article and in the articles regarding environmental planning, management plans relating to protection areas and waste management plans.

3.3. Environment in Turkish Law

3.3.1. The Constitution

The most fundamental regulation is included in the 56th Article of the Constitution. As mentioned in the section above in relation to the environmental right, it is stipulated in the first paragraph of the said article that everyone has the right to live in a healthy and balanced environment and in the second paragraph that improving the environment, protecting the environmental health and preventing environmental pollution are duties of the State and citizens. Thereby, the environmental right has been constitutionally secured while the State and citizens are obligated to improve the environment, protect the environmental health and prevent environmental pollution.

3.3.2. Environmental Law

The objective of the Environmental Law N. 2872 is to protect the environment which is common wealth of all creatures in line with the principles of sustainable environment and sustainable development. Following the establishment of this objective in the law, all rules to be followed and obligations to be fulfilled by all real and legal persons are regulated and provisions are stipulated in relation to monitoring/inspection whether such obligations are fulfilled, administrative sanctions(administrative fines, suspension of activities), stipulated in by-laws, to be imposed in the cases of non-compliance, public courts authorized to impose sanctions, objection to decisions, judicial sanctions and liabilities of polluters.

Secondary regulations such as by-laws and communiques based on the Environmental Law contain the details, technical aspects and implementation procedures of the matters outlined in the Environmental Law.

The Environmental Law and relevant by-laws and communiques include regulations relating to air pollution, noise and vibration, non-ionizing radiation, water pollution, prevention and control of soil pollution, wastes, discharge treatment obligations, hazardous chemicals, environmental impact assessment process, obligation of notification and informing and obligation of establishing environment management units and employment of environment officers and the 20th Article of the Law regulates the administrative fines to be imposed on real or legal person violating their obligations as stipulated in the relevant by-laws and communiques.

► a) Suspension of Activities

The 15th Article of the Environmental Law stipulates that in the case of violation of by-laws effected pursuant to the said law, the violating activity shall be, partially or completely, suspended, for a definite or indefinite period of time, upon expiry of a given period if the violation is not rectified by the end of such period in the cases where the period is given for once and for a period not exceeding one year, and shall be suspended immediately, if no period has been given. The point that should be highlighted is that the Ministry has the sole discretion as to granting an extension period. In other words, granting an extension period is not obligatory. In each case, it will be decided whether to grant an extension period depending on the violation identified during the inspection or the nature of the activity.

Another significant matter is that granting extension does not prevent assessment of an administrative fine. As a matter of fact, the last paragraph of the 15th Article of the Environmental Law N.2871 stipulates that granting an extension period and suspension of activities does not preclude imposing the sanctions set forth in this Law.

According to these provisions, in the cases where any violation of the Law N. 2872 and relevant law is identified during a planned or non-routine inspection or an inspection performed upon a complaint, it is required to:

- ✓ Impose the administrative fines stipulated in the 20th Article of the Law against the identified act, which correspond to the violating act,
- ✓ Grant an one-off extension period for a period not exceeding one year where it is deemed appropriate to grant an extension period, and in the case that the violation is not rectified by the expiry of the given period, to suspend the activity, partially or completely, for a definite or indefinite time, depending on the nature of the violation identified and the activity performed,
- ✓ To immediately suspend, where no extension period is granted, the activity, partially or completely, for a definite or indefinite period of time.

On the other hand, the last paragraph of the 15th Article of the Law N.2872 provides for a private provision with regard to the authority having the power to grant extension or suspend the activity in respect to the Environmental Impact Assessment process. Pursuant to this provision, it is stipulated that any activities started without environmental impact assessment shall be suspended by the Ministry and any activities started without preparing project demonstration file shall be suspended by the highest local administrative authority without granting any extension period.

► b) Power and Notification as to Administrative Monetary Fines

As regulated explicitly in the 24th Article of the Law N.2872, the Ministry is entitled to impose administrative fines. The power to impose administrative fines set forth in the Law is exercised by the general directors in the central organization of the Ministry and by the provincial directors for environment and urbanization in provincial organizations. Further, the institutions and organs that are delegated with the power of inspection under the 12th Article of the Law are also entitled to impose administrative fines.

Administrative fines shall, following the assessment thereof in compliance with the procedure set forth in the Misdemeanor Law N.5326, be notified to the persons concerned by the court imposing the administrative fines in accordance with the Notification Act N. 7201. The notification shall be delivered either through certified mail or envelopes bearing notice paper. Thereby, the date of the notification to concerned parties will be able to be identified and in the event that a case is filed, it will be possible to find whether the case is filed or the payment is made within due time.

► c) Repetition

Where it is found, during the inspections, that the acts violating the Law N.2871 are repeated, the 23rd Article of the Law titled “Repetition of the acts” shall be applied. The said article states that *“Administrative monetary fines stipulated in this Law shall be increased one fold at the first repetition of the act within three years from the occurrence of the acts requiring the assessment of these fines, and twofold at the second and subsequent repetitions.”*

In order for this article to be applied, the same act should have been repeated within three years. If it is found that the violations have been caused by different acts over three years, this article shall not apply. For example, if, following an assessment of an administrative fine in accordance with the Article 20/1/f of the Law N.2871 in an inspection performed in January, 2012, it is found, during an inspection performed in March, 2013, that the 11th Article of the Law N. 2872 has been violated and thereby it is required to impose an administrative fine pursuant to the Article 20/1/f of the same Law, the provisions of repetition shall apply. However, if, during an inspection performed in March, 2013, another violation is found which requires application of another subparagraph of the first paragraph of the 20th Article, then the provisions on repetition shall not apply.

Further, the fine to be taken as the basis of the increase of the administrative fine in accordance with the provisions of repetition is the fine amount which was in force at the time of the last act. For example, if, following an administrative sanction applied to a company during an inspection in accordance with the Article 20/1/j of the Law N.2872, it is found, during an inspection performed in March, 2013, that the same violation has been repeated, the provision of repetition shall be applied and the fine to be taken as the basis of the increase shall be the fine amount that is in force in 2013 in which the last act took place.

► d) Judicial Sanctions

In addition to administrative sanctions provided for in the Environmental Law N.2872, a number of judicial sanctions are also regulated. The 26th Article of the Law stipulates that: “

“Those that present inaccurate or misleading information in violation of the obligation of notification and informing set forth in the 12th Article of this Law shall be punished by imprisonment for a term between six months and one year.

The provisions of the Turkish Penal Code N.5237, dated 26/9/2004 regarding the offence of forgery of documents shall apply, for the purpose of this Law, to those who issues and make use of inaccurate or misleading documents”

Where disputes as to the environmental impact assessment brought to judicial courts pursuant to this article, environmental impact assessment shall cease until the end of the litigation.”

Pursuant to this regulation, in the case where violations referred in the first and second Articles of the article during an inspection or the application of the Law N.2872 are encountered, it is required to file a complaint at the Office of Public Prosecutor without delay.

3.3.3. Misdemeanor Law

During the assessment and application of administrative fines, along with the Environmental Law N.2872, the Misdemeanor Law N.5326 shall also be taken into consideration.

The first Article of the Misdemeanor Law N.5326 states the objective of the law as the protection of the public order, common ethics, public health, environment and economic order. The 2nd Article of the Law defines misdemeanor as an injustice against which the law requires an administration sanction. The third Article of the Law, titled “general applicability of the law” stipulates that the provisions of this law, regarding the legal remedy against the administrative sanctions, other general provisions of this law, in the case of absence of contradictory provisions in other laws, shall apply to all acts requiring administrative fine or the sanction of confiscation.

Since the Environmental Law N.2872 stipulates application of administrative sanctions in the case of violation of the Law and relevant legislation, the regulations included in the Misdemeanor Law N.5326, relating to the administrative sanctions shall be effected. For this reason, it is appropriate to take the following into consideration in relation to the said Law.

► a) Liability

The 11th Article of the Misdemeanor Law N.5326, titled “Liability” includes regulation on the persons who shall not be subject to administrative fines. According to this article, any child who has not completed the age of fifteen and any person who, due to a mental illness, is not able to perceive the legal implications and consequences of his/her acts or whose ability to direct his/her behaviors in relation to such act is significantly diminished shall not be subject to administrative monetary fines.

► b) Accession

The 14th Article of the same Law, titled “Accession” stipulates that in the case where more than one person participates in the misdemeanor, administrative fine shall be imposed on each of such persons as principals. In such case, if it is found that more than one person have participated in the act (misdemeanor) identified during the inspections to be in violation of the Law N.2872, each of these persons shall be separately imposed administrative fines.

► c) Aggregation

The first paragraph of the 15th Article of the Law, titled “aggregation” states that *“In the case of committing more than one misdemeanor through one act, if the definitions of such misdemeanors stipulate only one*

administrative fine, the heaviest administration fine shall be applied. If the law stipulates administrative sanctions other than administrative fines in relation to such misdemeanors, it shall be decided to apply each of such sanctions.”

It is possible to commit more than one misdemeanor through one act and thereby violate more than one provisions of the same law or provisions of more than one law. In such cases, if the sanction regulated against the act in question is confined to administrative fine, the heaviest administrative fine shall be applied. If administrative sanctions other than administrative fines are stipulated in the law, each of these sanctions shall be applied.

The significant point in implementation of this provision is that a single act is the ground of more than one violation. In the case that there are more than one violating acts, then, the administrative fine corresponding to each violating act in each case shall be applied.

The second paragraph of the 15th Article accommodates the provision stating *“If an act is defined as both misdemeanor and offence, it shall be subject to sanction only for the offence. However, in the cases where sanctions are not applied against the offence, the sanction shall be based on the misdemeanor.”*

The last paragraph of the 20th Article of the Environmental Law N.2872 regulates, in relation to this matter, that, for the purpose of application of this law, the provisions of Turkish Penal Code and other laws, relating to the cases where the act constitutes an offence are reserved. Under the second paragraph of the 15th Article of the Misdemeanor Law and last paragraph of the 20th Article of the Environmental Law N.2872, in the case of finding, during any inspections performed under the Environmental Law, of any acts which both require administrative fine pursuant to the Environmental Law and constitute an offence pursuant to the Turkish Penal Code, an administration fine corresponding to the acts shall be imposed on the persons concerned and a complaint shall be filed at the office of the public prosecutor pursuant to the Turkish Penal Code.

► d) Administrative Fine

The first paragraph of the 17th Article of the Misdemeanor Law regulates that the administrative fine could be fixed or proportional, and the second paragraph regulates that administrative fine may be determined by indication of the minimum and maximum limits in the law, and in such case, both the injustice content of the misdemeanor and the fault and financial state of the perpetrator shall be taken into consideration in determination of the administrative fine.

Minimum and maximum limits for the administrative fines are specified in the sub-paragraphs (v) and (y) of the first paragraph of the 20th Article of the Environmental Law N.2872 regulating the administrative fines. According to such sub-paragraphs, when imposing the administrative fine, the fine amount shall be determined in overall consideration of the following:

1. Injustice content of the misdemeanor (such as magnitude, type and severity of consequences of the pollution)
2. Fault of the perpetrator (Whether the acts is intentional or accidental or repeated as routine)
3. Financial position of the perpetrator.

The seventh paragraph of the 17th Article of the Misdemeanor Law regulates that *“The administrative fines shall be applied after being increased by the revaluation rate determined and announced, pursuant to the provisions of the repeated 298th Article of the Procedural Tax Law N.213, dated 4.1.1961, for that year as to be effective from the beginning of the calendar year. In the calculation of administrative fines in such manner, fraction of one Turkish Lira shall not be taken into account. This provision shall not apply to proportional administrative fines.”* and administrative fine amounts determined on the basis of revaluation rates specified each year pursuant to this provision are prepared in the form of a Communiqué and published in the Official Gazette. Administrative fine amounts effective for 2013 have been published in the Official Gazette N.28530, dated 16.01.2013.

► e) Period of Prescription for Prosecutions

The period of prescription for prosecutions is set forth in the 20th Article of the Misdemeanor Law, and the first paragraph of the article stipulates that administrative fines shall not be imposed to the person concerned in the case of the expiry of the period of prescription for prosecutions. The periods of the prescription for the prosecutions envisaged according to the administrative fine amounts are specified in the second paragraph of the article. According to this provision, the period of prescription for prosecution is:

- a) five years, in the case of a misdemeanor requiring an administrative fine of one hundred thousand Turkish Liras or over,
- b) four years, in the case of a misdemeanor requiring an administrative fine of fifty thousand Turkish Liras or over,
- c) three years, in the case of a misdemeanor requiring an administrative fine less than fifty thousand Turkish Liras.

Pursuant to this provision, it is required to decide on administrative sanction containing administrative fine within the periods above, depending on the amount of the administrative fines, from the perpetration of the act or the occurrence of the result specified in the Environmental Law.

► f) Prescription Period for the Execution

The 21st Article of the Misdemeanor Law accommodates a regulation relating to the prescription period for the execution of the decision. Execution implies the application of the established administrative sanction decision. The first paragraph of the article envisages that in the event that the prescription period for execution expires, the decision of imposing administrative fine or confiscation may no longer be executed.

The first paragraph of the article specifies the prescription period for the execution as follows:

- a) Seven years, where an administrative fine of fifty thousand Turkish Liras or over is assessed,
- b) Five years, where an administrative fine of twenty thousand Turkish Liras or over is assessed,
- c) Four years, where an administrative fine of ten thousand Turkish Liras or over is assessed,
- d) Three years, where an administrative fine less than ten thousand Turkish Liras is assessed,

The prescription period for the confiscation is specified as ten years.

The fourth paragraph of the article, amended by the 37th Article of the Law N.6009 dated 23.7.2010 provides that the prescription period starts from the beginning of the calendar year following the calendar year with which the date of the finalization of the decision coincides and the fifth paragraph of the same article provides that, in the case where the administrative fine cannot be started to be executed or cannot be executed pursuant to a provision of a law, the prescription period shall not start to run.

Pursuant to this provision of the Misdemeanor Law, the administrative fines imposed in accordance with the Environmental Law are required to be executed in consideration of the periods mentioned above after the finalization of the decisions.

3.3.4. Turkish Penal Code

The offences of intentional pollution of the environment, pollution of environment by negligence, causing noise and pollution caused by constructions are regulated in the Turkish Penal Code N.5237, under the title “Offences against Environment”.

- a) The Article 181 of the Law accommodates the provisions regarding the intentional pollution of the environment. The said article states that:

“(1) Any person who intentionally releases wastes or refuses to the ground, water or air contrary to the technical procedure defined in the relevant laws and in such a way to cause environmental pollution, is punished with imprisonment from six months to two years.

(2) Any person who engages in transfer of refuses or wastes into the country without permission is punished with imprisonment from one year to three years.

(3) The punishment to be imposed according to the above subsections is doubled if the wastes or refuses are observed to have remaining affect in the ground, water or atmosphere

(4) In the event that the acts defined in the first and second subsections are perpetrated with wastes or refuses which can, by their nature, cause refractory diseases to humans or animals or attenuate the ability of fertility or alter natural features of animals or plants, the offenders shall be punished with imprisonment not less than five years and imposed punitive fine up to thousand days.

(5) Security precautions specific to legal entities are imposed in case of commission of offences referred to in the second, third and fourth paragraphs of this article.”

- b) The Article 182 of the Turkish Penal Code states, under the title “Pollution of Environment by Negligence”;

“(1) Any person who drains refuses or wastes to the soil, water or air by negligence in such a way to cause environmental pollution, is imposed punitive fine. Where the refuses or wastes are observed to have remaining affect in the soil, water or air, punishment of imprisonment is imposed from two months to one year.

(2) Any person who involves in draining of refuses or wastes to the soil, water or air by negligence in such a way to cause incurable disease both in human and animals, deterioration of fertility and change of natural characteristics of animals and plants, is punished with imprisonment from one year to five years.

“Intentional release of wastes or refuses to the soil, water or air contrary to the technical procedures defined in the relevant laws and in such a way to cause environmental pollution” is defined as an offence in the Article 181/1 of the Law and the Article 182/2 regulates the sanction for the commission of the same act by negligence. (Negligence is failure to take proper care or precaution during performance of an act without being aware of legal consequences of the crime defined in the laws. Article 22 of TCC)

The elements of the offence, in both articles, are that the wastes or refuses are:

- ✓ Released to air, water or soil,
- ✓ Released to air, water or soil in such a way to harm environment and in violation of technical procedures defined in the relevant laws.

c) The Article 183 of the Turkish Penal Code defines the offence of “Causing Noise”;

“(1) Any person who causes noise contrary to the obligations set-forth in the relevant laws, in such a way to result with deterioration of one’s health, is sentenced to imprisonment from two months to two years, or imposed administrative fine.”

d) In the case where an offence of intentional or negligent pollution of environment or causing noise is found, it is required to impose administrative fine pursuant to the Law N.2872 and subsequently, to file a complaint at the office of public prosecutor to initiate a prosecution under the Turkish Penal Code pursuant to the last subparagraph of the first paragraph of the Article 20 of the Environmental Law N.2872, stating the previous imposition of the administrative fine. Since the judicial courts are entitled to make the final determination of whether the act is perpetrated intentionally or by negligence, the article or the paragraph referred by the administration shall not be binding.

Supplemental provisions to the Communiqué N.2006/18 dated 24.01.2007 and N.2006/18; dated 07.07.2006 shall also be importantly taken into consideration in relation to the applications regarding the Law N.2871, Misdemeanor Law N.5326 and the Turkish Penal Code.

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2. Judge Yüksel ERDOĞAN - Kabahatler Kanunu - Seçkin Publishing- Ankara 2005.
3. Mustafa EKİNCİ, Prosecutor of High Court of Appeals - Anlatımlı Gerekçeli Kabahatler Kanunu - Adalet Publishing - Ankara, 2005.

4. ENVIRONMENTAL QUALIFICATION SERVICES

4.1. Qualification of Firms to Prepare Environmental Impact Assessment

Acts and proceedings relating to the granting of qualification certificate, under the Communiqué on Qualification Certificate dated 18.12.2009 published pursuant to the 26th Article of the By-Law on Environmental Impact Assessment, to the institutions/bodies which will prepare Environmental Impact Assessment Application File, Environmental Impact Assessment Report and Project Demonstration File are carried out by our Ministry's General Directorate of EIA, Permitting and Inspection.

Total number of the documents with the inclusion of the certificates granted in 2012 is presented in the Table 1.

Table 1 – Number of companies which can provide Environmental Impact Assessment

	2012	Total number by 15/02/2013
Number of Institutions/Bodies Granted Qualification Certificate	20	233
Number of Inspections Performed With Institutions/Bodies Granted Qualification Certificate	45	248
Number of Institutions/Bodies Whose Qualification Certificates Are Revoked	1	29
Number of Institutions/Bodies Whose Qualification Certificates Are Suspended	3	6
Number of Institutions/Bodies Whose Certificate Term Is Expired	0	21

4.2. Qualification Conditions for Environment Officers and Environmental Consulting Firms

Principle of prevention at source has emerged as a solution as a result of increasing negative activities causing environmental pollution after industrialization.

Prevention of pollution which is an active environmental management approach aimed at minimizing the loss of materials and resources during the production is a multi-medium approach which minimizes or eliminates the pollutants released to soil, air and/or water without transferring the pollutants from a medium to another.

In this context, concepts such as "Environment Officer" and "Environmental Consulting Firms" have been formed in order to enable the plants and activities to carry out a more active process in respect to the prevention of the environmental pollution and increase the professionalism and efficiency with regard to compliance with the law, and it has been aimed to ensure that the environmental officers can manage the activities of the institutions, bodies and operations which, by nature of their activities, cause environmental pollution and thereby contribute to the protection of the environment.

The legal framework of the subject has been established by the amendment to the Environmental Law N.2871 made by the Law N.5491, in 2006 and thereby the 2nd Supplemental Article of the Law requires the institutions, bodies and operations which, as a consequence of their activities, can cause environmental pollution or harm the environment to establish environment management units, employ environment officers or procure service from the institutions or corporations authorized by the Ministry.

Supplemental Article 2 – (Supplemental: 26/4/2006 – 5491/23 Art.)

The institutions, bodies and operations which, as a consequence of their activities, can cause environmental pollution or harm the environment are obliged to establish environment management unit, employ environment officers or procure service, to this end, from the institutions or corporations authorized by the Ministry. Related procedures and principles shall be established by a By-Law to be regulated by the Ministry.

Related procedures and principles are regulated by our Ministry, for the first time, in the By-Law on Environmental inspection which entered into force on 1 January 2009 following its publication in the Official Gazette N.27061 dated 21.11.2008. Later on, related procedures and principles were regulated in a more comprehensive manner in the “By-Law on Environment Officers and Consulting Firms” published in the Official Gazette N.27757 dated 12.11.2010. The obligations of the environmental obligation under the By-Law are provided below:

OBLIGATIONS OF ENVIRONMENTAL OFFICERS

Article 10 – (1) An environment officer employed in an environment management unit or a plant or under an activity is obliged to :

- a) Under the plant or activities;
 - 1) Carry out and coordinate environmental management activities in accordance with the law,
 - 2) Periodically monitor the activities performed and determine whether the obligation required by the relevant law are fulfilled,
 - 3) To conduct, at least once a year, an internal examination and prepare a report following such examination and present the report to the owner and/or the responsible of the plant or activities and ensure that the report is maintained under the plant or activities,
 - 4) Make recommendations to the owner and/or the responsible of the plant or the activities if any non-compliance is found and monitor whether the non-compliance is corrected,
 - 5) Carry out training activities for the employees on environmental matters and arrange incentive activities,
- b) Obtain the permits, licenses and other documents required to be obtained by the plant or the activities in relation to environmental matters and carry out updating and/or renewing such documents,

- c) Submit, in a timely and complete manner, the required information and documents in pre-defined forms,
- ç) During the inspections to be performed by the Ministries or provincial directorates of environment and forestry;
 - 1) Be present at the plant or activities;
 - 2) Provide required information and documents.
- d) Keep confidential the information constituting a trade secret.

Authorization of the environment officers and environment consulting firms under the by-law in question is carried out by General Directorate of EIA, Permitting and Inspection. Application, evaluation and approval proceedings relating to such authorizations are carried out on the electronic medium through "Online Environmental Permits Portal". Total number of certificates including those granted in 2012 is given in the Table 2.

Table 2 – Number of Environmental Officers and Environmental Consulting Firms

	2012	By 15/02/2013
Number of Environmental Officer Certificates	2.419	10.122
Qualification Certificate For Environmental Consulting Firms	162	674
Environmental Management Unit	98	308
Number of Inspections Performed by Environmental Consulting Companies	94	94
Suspended Environmental Consulting Companies	52	52
Number of Environmental Consulting Companies Whose Qualification is Suspended	2	2

4.3. Environmental Labeling Activities

Infrastructure works for the establishment of a National Environmental Labeling System has been started and a project proposal has been prepared as to be implemented in 2013 and submitted to the Ministry of Development.

4.4. Qualification Activities for Environmental Measuring and Analysis Laboratories

Laboratories of private or public institutions and bodies which will conduct the measuring and analyses constituting a reference for all permits, surveillance and inspection activities under the environmental law shall obtain qualification from the Ministry under the "By-Law on Qualification of Environmental Measuring and Analysis Laboratories".

In this context, in 2012;

1. 150 laboratories have been authorized by Pre-Qualification/Qualification Certificate for Environmental Measuring and Analysis by 2013.
2. Pre-Qualification/Qualification Certificates for Environmental Measuring and Analysis of 5 laboratories have been suspended in 2012.
3. Environmental Measuring and Analysis Pre-Qualification/Qualification Certificate of 27 laboratories have been renewed in 2012.
4. A total of 90 laboratories have been inspected through planned, non-routine or capacity enhancing inspections in 2012.
5. Related scope or the parameters of Environmental measuring and Analysis Pre-Qualification/Qualification Certificate of 7 laboratories have been suspended in 2012.
6. Environmental Measuring and Analysis Pre-Qualification/Qualification Certificate of 8 laboratories have been cancelled, in 2012, due to expiry of the certificate term or other reasons.
7. Samples have been collected by mobile laboratories 9 times for monitoring activities in Tekirdağ, Uşak, İzmir, Manisa, Edirne, Kırklareli, Kütahya and Ankara and analysis of 3275 parameters of a total of 131 samples has been conducted.
8. Plants have been inspected by mobile laboratories 15 times in Tekirdağ, Gaziantep, Kırklareli, Kütahya, Uşak, Manisa, İzmir, Denizli and Kırşehir and analysis of 1180 parameters of a total of 169 samples has been conducted.
9. 5 fish farms in Muğla were inspected in March, 2012.

5. ENVIRONMENTAL IMPACT ASSESSMENT ACTIVITIES

EIA is a process by which the projects intended to be realized and technological alternatives are evaluated and which includes measures required for minimizing the impacts of the activities.

EIA positive or negative decisions for the projects under the Annex-1 under the By-Law on Environmental Impact Assessment (BEIA) are taken by the Ministry; EIA required or not required decision for the projects under the Annex-2 by Provincial Directorates of Environment and Urbanization. As seen in the Table 3, 3.759 projects have been granted EIA not required decision and 42 projects have been subject to EIA required decision.

Table 3 – EIA decisions taken by the Ministry

EIA DECISIONS	2011	2012
EIA POSITIVE	308	425
EIA NOT REQUIRED	4.592	3.739
EIA REQUIRED	21	42

Table 4 – Distribution by sector of EIA decisions made in 2012

DECISION	MINERAL	ENERGY	INDUSTRY	AGRICULTURE- FOOD	WASTE- CHEMICAL	TRANSPORTATION- COASTS	TOURISM- HOUSING	TOTAL
EIA POSITIVE	144	125	40	57	32	21	6	425
EIA NOT REQUIRED	1.745	296	569	562	326	38	223	3.759
TOTAL	1.889	376	609	619	358	59	229	4.184

Table 2 provides the distribution by sector of EIA positive decisions granted under BEIA in 2012. As seen in the Table 3, mining projects have a significant share of 33,88% percent among the projects granted EIA positive decision by the central organizations of the Ministry. In respect to the EIA positive decision granted in 2012, projects in the energy sector having a high share of 29,41% and the projects in the agriculture-food sector having a share of 13,41% follow the projects of industrial sector.

The distribution by sector of projects which are granted EIA Not Required Decision by BEIA in 2012 is seen in Table 3. The mining sector comes first among the sectors granted an EIA Not Required Decision with a percentage of 46, 98%. In this scope, 1.745 EIA Not Required decisions are established for the projects in the mining sector. Projects of the industry sector and agriculture-food sector granted EIA Not Required Decisions follow the mining sector with a share of respectively, 15,32% and 15,13%.

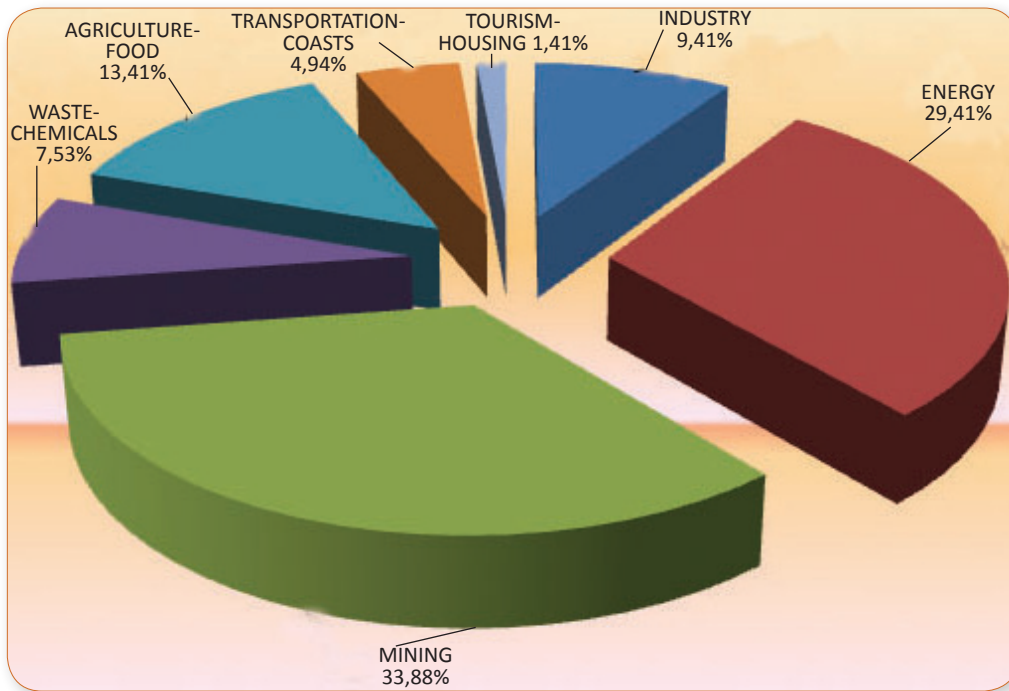


Figure 2 – Distribution by sector of EIA Positive Decisions

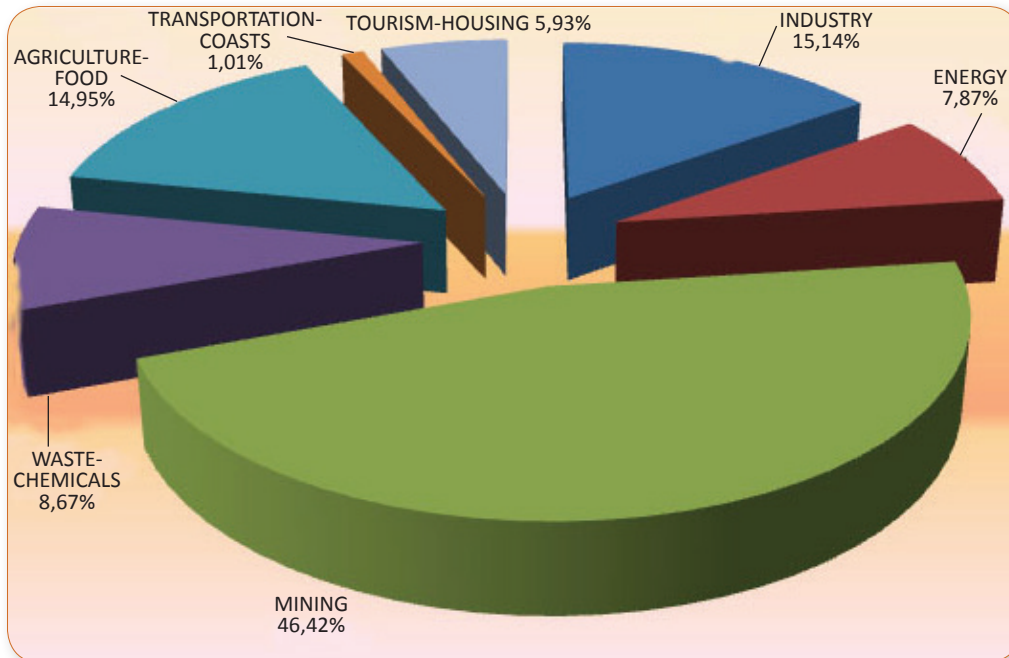


Figure 3 – Distribution by sector of EIA Not Required Decisions

An analysis of the Tables 2 and 3 reveals that the most frequent applications and assessment are made by and in relation to mining sector to and by the Ministry and Provincial Directorates under the BEIA in 2012. As will be seen in the Table 4, a total of 1.889 EIA Positive or EIA Not Required decisions have been made in relation to the mining sector. Agriculture-food sector and industry sector follow the mining sector, respectively, with 619 EIA Positive and EIA Not Required Decisions and 609 EIA Positive and EIA Not Required Decisions.

Table 5 – Distribution by sector of the EIA files returned in 2012

DECISION	MINING	ENERGY	INDUSTRY	AGRICULTURE- FOOD	WASTE- CHEMISTRY	TRANSPORTATION- COASTS	TOURISM- HOUSING	TOTAL
Files returned	13	43	4	11	3	2	1	77

Among the reasons of returning EIA files are negative corporate opinions, non-compliance to law, request of the owner of the activity, general deficiencies in report, coincidence of areas, untimely submission of the report.

5.1. Online EIA Process Management Project

A review of the recent industrialization process in our country reveals a growth of 8,5% in 2011 and 11,3% in 2012. The need for selecting a faster, more efficient and transparent method in fulfillment of environmental impact assessment of newly initiated industry plants, mines, power generation plants and plants planning new activities has led our Ministry to carry out these proceedings in the electronic medium.

Online EIA Process Management Project has been included in the Investment Program of 2012 published in the Repeated Official Gazette N.28173 dated 14.01.2012 and decided to be realized in the Informatics Coordination Council dated 17.02.2012. The acts and proceedings of the project in question are carried out by the General Directorate of EIA, Permitting and Inspection. A contract has been executed with a contractor for the realization of the project for a contract price of 329.500 TL and provisional acceptance of the project has been concluded.

Online EIA Process Management Application is the first application realized in this field in the world.

The objective of commissioning of Online EIA Process Management System is to ensure fast access to all decisions made under the By-Law on EIA and establish a comprehensive database. This database will be benefited in the process of making decisions in relation to the EIA process of new activities.

All assessments made under By-Law on EIA can be monitored by provincial organization. Thus, the coordination between the central and provincial organizations of our Ministry is ensured and discrepancies arising from the application are removed.

Through this project, the active and efficient participation of public in the EIA process is ensured and the public is informed by operating the processes in a transparent medium.

By execution of EIA process in the electronic medium, the investor is able, from the time of the application, to pursue and complete all processes, additional requirements, requests of renewal and monitor all steps of the process in a transparent manner.

The system is operated through electronic signature and effective operation of the processes bears great significance in respect to improvement of the efficiency.

As the documents will be exchanged through the electronic medium in the EIA process by including the system into the e-State, the delays that may occur in transmission or posting of documents will be avoided. The period envisaged for completion of EIA process in the previous BEIA was 180 business days, while in the new system it is reduced to 60 business days.

By the realization of the system, the Project Demonstration File, EIA Application File, EIA Report and Final EIA Reports which amount to an average of 400 pages are no longer printed. In other words, a saving of 61.500.000 page of paperwork is achieved and both the environment and economy is contributed since 5.100 trees are no longer cut down each year. In this scope:

- ✓ By Online EIA Process Management System, an annual emission release equivalent to approximately 1.000 tons of CO₂ is avoided. This value corresponds to an absorption area obtained from 350 hectares of forestation.
- ✓ A saving of 300 tons of paper will prevent wasting water of 132.000 tons and 2.280.000 kWh energy will not be used each year.

The system aimed at the transmission to the electronic medium of the BEIA process beginning from the application phase to the decision making phase and creation of a database is a web-based operation. Further, Online EIA Process Management System facilitates, by incorporation of IOS and Android applications, monitoring of the activities in relation to which EIA Positive or EIA Not Required decisions are made and viewing of such activities on the map through smartphones or tablets.

6. PERMITTING AND LICENSING ACTIVITIES

The “By-Law on Permits and Licenses to Be Obtained Under the Environmental Law (BPLOUEL)” prepared in relation to the granting of environmental permits and/or licenses to the activities or plants causing environmental pollution, was published in the Official Gazette N.27214 dated 29 April 2009 and entered into force on 1 April 2010. From this date onwards, the Environmental Permit or Environmental Permit and License Certificate is started to be provided to the activities and plants in the electronic medium through an integrated approach.

Provisional Operation Certificate (POC) and Environmental Permit or Environmental Permit and License to be granted to the activities and plants included in the Annex-1 list of BPLOUEL is provided by the Ministry, while the same certificates to be granted to those included in the Annex-2 are provided by the Provincial Directorate of Environment and Urbanization. In 2012, under the By-Law on Permits and Licenses to Be Obtained Under the Environmental Law, the Central Organization of the Ministry and Provincial Directorates of Environment and Urbanization have granted Provisional Operation Certificate (POC) to 3.755 operations in total and Environmental Permit or Environmental Permit and License Certificate to 2.394 operations; the number of the operations provided with POC and Environmental Permit or Environmental Permit or License and the number of the certificates granted to such operations, in 2012, are presented in the Table 7.

Table 6 – Number of plants Provided with Provisional Operation Certificates and Environmental Permits or Environmental Permits or Licenses granted in 2012

	ANNEX - 1	ANNEX - 2	TOTAL
Provisional Operation Certificate	602	3.153	3.755
Permit or License	392	2.002	2.394

Table 7 – Number of Provisional Operation Certificates and Environmental Permits or Environmental Permits or Licenses granted in 2012

	ANNEX-1	ANNEX-2	TOTAL
Provisional Operation Certificate	602	3.153	3.755
Environmental Permit Certificate	343	2.218	2.561
Environmental Permit and License	407	146	553
TOTAL	1.352	5.517	6.869

The central and provincial organizations of the Ministry have granted, in various fields, 553 licenses in total in 2012 under the Annex-1 and Annex-2 to the BPLOUEL. Distribution by subject of the environmental licenses granted under the BPLOUEL is presented in the Table 8.

Table 8 – Distribution by subject of the licenses granted in 2012

LICENSE - 2012	ANNEX-1	ANNEX-2	TOTAL
RECYCLING	246	63	309
DISPOSAL	26	0	26
PROCESSING	132	83	215
DECONTAMINATION	1	0	1
INTERIM STORAGE	2	0	2
TOTAL	407	146	553

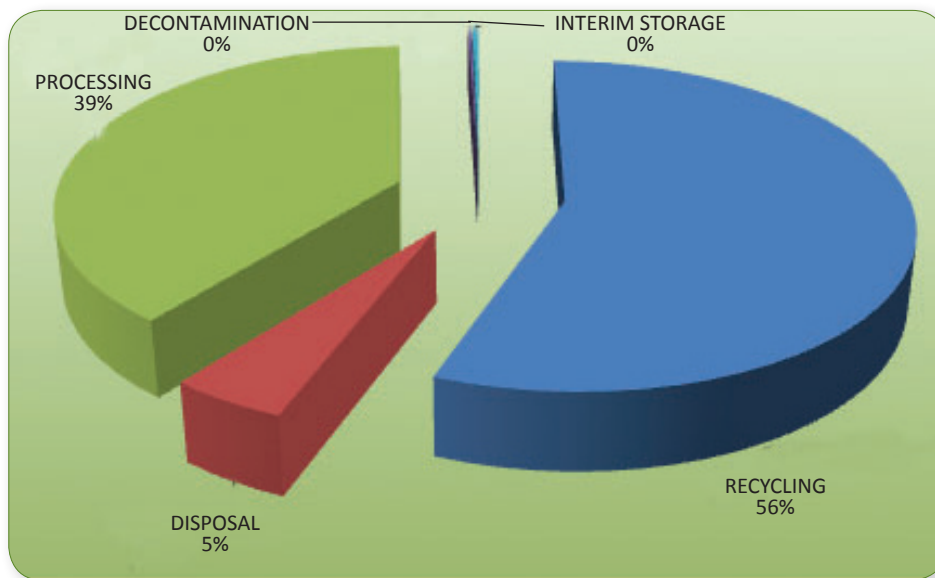


Figure 4 – Distribution by subject of the licenses granted in 2012

Activities or plants applying for the Environmental Permit Certificate under the by-law are subjected to examination in respect to waste water, noise, air, discharge of hazardous substances and deep sea discharge. The number of the sub-topics evaluated in respect to environmental permit in 2012 is given in the Table 9.

Table 9 – Distribution of permit sub-topics examined in 2012

SUBJECT OF ENVIRONMENTAL PERMIT - 2012	ANNEX - 1	ANNEX - 2	TOTAL
WASTE WATER	87	474	561
NOISE	6	65	71
AIR	246	1.676	1.922
DEEP SEA DISCHARGE	3	0	3
DISCHARGE OF HAZARDOUS MATERIALS	1	3	4
TOTAL	343	2.218	2.561

Since 2012 which is the commencement date of the application of the By-Law On Permits and License To Be Obtained Under the Environmental Law, a total of 6.351 activities and plants have been granted POC and 3.222 activities and plants have been granted Environmental Permit or Environmental Permit and License, by the central organization of the Ministry and Provincial Directorates of Environment and Urbanization ; the date relating to POC and Environmental Permit or Environmental Permit and License is presented in the Table 10.

Table 10 – Number of Provisional Operation Certificates and Environmental Permits or Environmental Permits and Licenses granted under BPLOUEL to date

	PROVISIONAL OPERATION CERTIFICATE			PERMIT/LICENSE CERTIFICATE		
	ANNEX -1	ANNEX -2	TOTAL	ANNEX -1	ANNEX-2	TOTAL
2010	68	250	318	1	14	15
2011	441	1.837	2.278	115	698	813
2012	602	3.153	3.755	392	2.002	2.394
TOTAL	1.111	5.240	6.351	508	2.714	3.222

A review of Table 10 reveals that 3.222 out of 6.351 activities and plants which have been granted Provisional Operation Certificate (50,73%) have been found appropriate to be granted Environmental Permit/Environmental Permit and License Certificate.

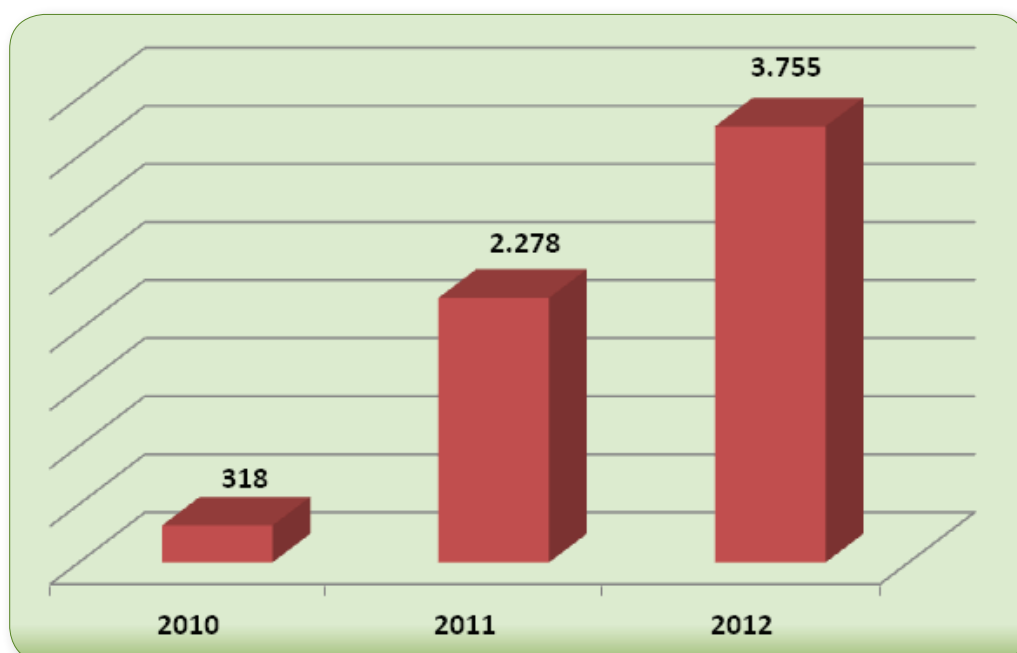


Figure 5 – Number of Provisional Operation Certificates granted to date under By-Law on Permits and License to Be Obtained Under the Environmental Law

Names, addresses and contact details of the operations obtaining POC and Environmental Permit/ Environmental Permit and License Certificates from the Ministry as well as the information relating to the city in which the operations are located, scope of the annex under which they are classified, environmental permits and licensing subjects, waste codes, date of issue and date of validity of the documents are published on <http://www.csb.gov.tr/gm/ced/> as soon as such information are approved by the Ministry.

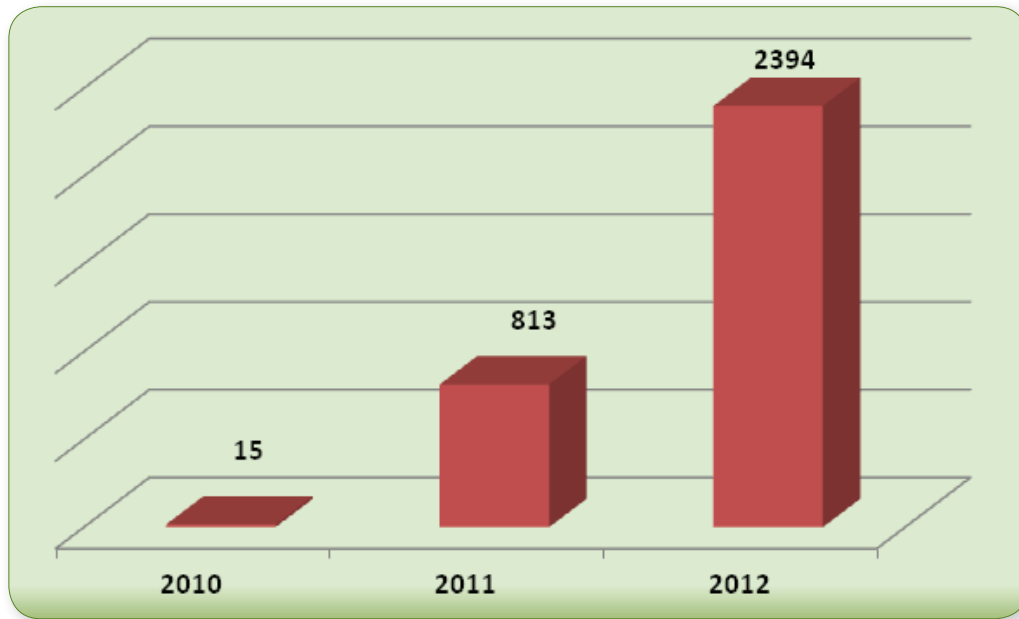


Figure 6 – Number of plants provided with environmental permit or environmental permit and license certificates to date under By-Law on Permits and License to Be Obtained Under the Environmental Law

7. INSPECTION ACTIVITIES

Inspection activities under this report are classified in two groups as routine (planned) or non-routine (unplanned) inspections performed by central organization of the Ministry or Provincial Directorates of Environment and Urbanization (PDEU).

Routine (planned) inspections are the inspections performed with or without a notice under an annual or multi-annual program. Non-routine (unplanned) inspections are the inspections performed by the central organization of the Ministry and/or PDEU;

- a) as a part of the permit renewal procedure,
- b) as a part of the procedure of obtaining a new permit,
- c) following an accident or events (such as fire and suddenly appeared pollutions),
- d) in the case where a non-compliance with the law is found,
- e) as may be deemed necessary by the Ministry or PDEU,
- f) Following a reporting or complaint,

7.1. Inspection Activities of the General Directorate of Environmental Impact Assessment, Permitting and Inspection

The By-Law on Environmental Inspection is, under the existing organization of the Ministry, implemented by General Directorate of Environmental Impact Assessment, Permitting and Inspection, Department of EIA Monitoring and Environmental Inspection. Further, monitoring and control activities performed under the By-Law on EIA (BEIA) are performed by the same General Directorate. The duties of the General Directorate of Environmental Impact Assessment, Permitting and Inspection in the new organization are as follows:

- a) to carry out environmental impact assessment activities and strategic environmental assessment studies and make necessary decisions in this field and monitor and inspection such decisions,
- b) to monitor any kind of activities and plants, take and have taken necessary measures conduct inspections in relation to the prevention of the environmental pollution and improvement of environmental conditions and grant environmental permits and licenses.
- c) to monitor and inspect the emission, discharge, waste and decontamination and release systems of the activities and plants causing environmental pollution,

- ç) to monitor the activities in respect to waste and chemicals, air pollution, noise, vibration and non-ionizing radiation which have negative impacts on environment across the country, including free zones, identify and inspect any activity which negatively effects the underground and ground waters, seas and soil, suspend such activities in hazardous cases or when necessary,
- d) to carry out acts and proceedings relating to establishment and management of clean air centers.
- e) to document, monitor and inspect the compliance with the defined standards of the exhaust emission of motorized land vehicles.
- f) to monitor receiving environments, create related infrastructure, specify, implement and ensure implementation of survey and analysis criteria relating to the environmental pollution; establish or have established and perform or have performed authorization proceedings of the laboratories which will conduct any kind of surveys, monitoring, analysis and controls; specify the institutions which conduct surveys on receiving environments.
- g) to grant license to, monitor and inspect any kind of waste disposal plants
- ğ) to conduct or have conducted inspections and ensure coordination between the competent institutions in order to identify the compliance with the relevant law and technical regulations of the products falling under the functions of the Ministry and the reliability of such products.
- h) to prepare environmental inventory and state of environment reports.
- ı) to monitor and inspect the activities falling under its functions and monitor international activities and ensure implementation thereof at national level.
- i) to fulfill similar functions to be assigned by the Minister.

Furthermore, in addition to the Ministry's central organization, 81 Provincial Directorates of Environment and Urbanization (PDEU) also carry out environmental inspections, EIA monitoring and control activities under the Environmental Law.

Following the establishment of Ministry of Environment and Urbanization on 4 July 2011, the organization chart of the GDEIAPI is illustrated in the Figure 7.

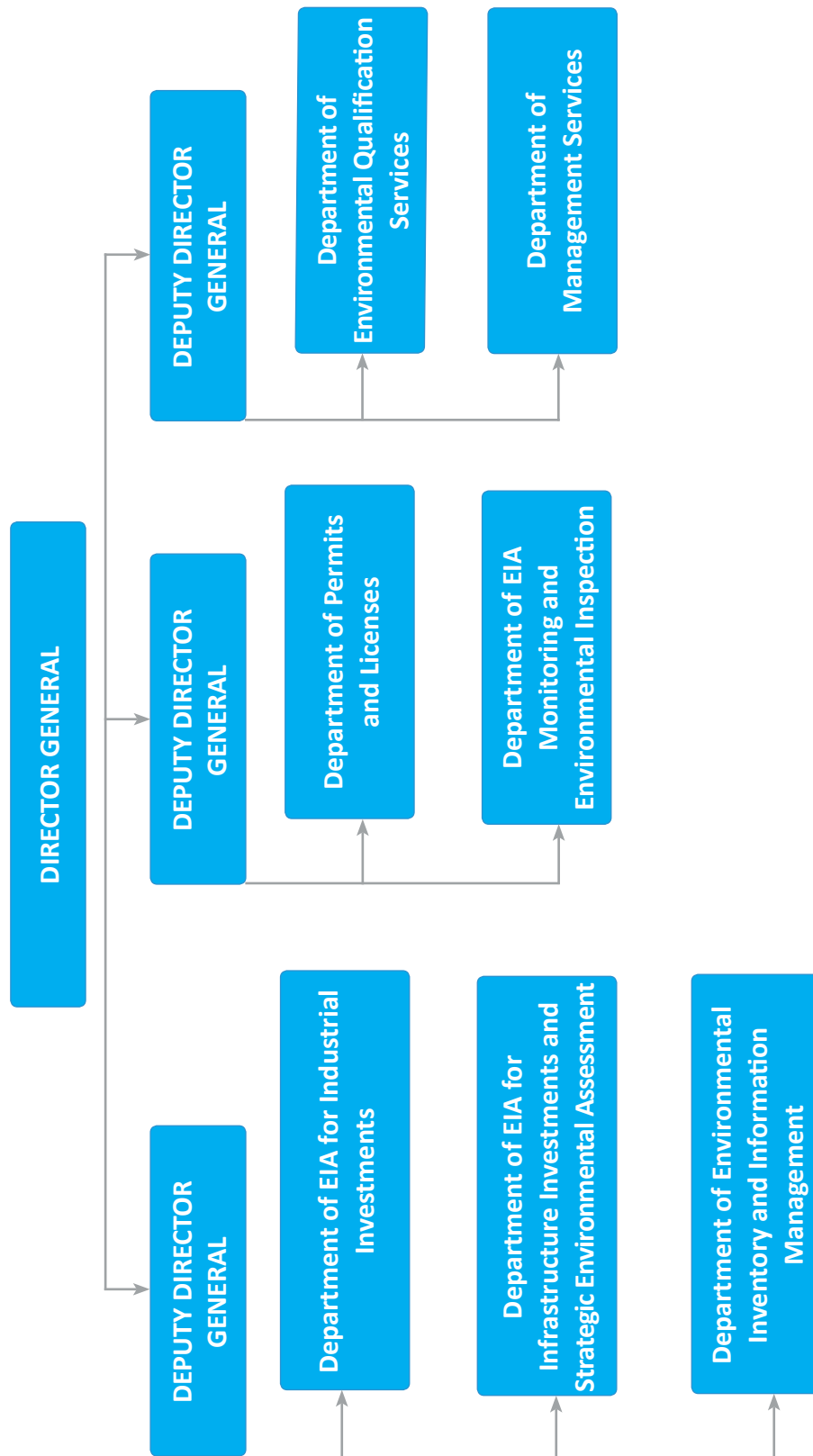


Figure 7 – Organization Chart of General Directorate of EIA, Permitting and Inspection

7.1.1. EIA Surveillance and Inspection Activities

In 2012, the Department of EIA Monitoring and Environmental Inspection under the General Directorate of EIA, Permitting and Inspection has performed environmental inspections, EIA Monitoring and control activities with its 25 technical personnel pursuant to the By-Law on Environmental Inspection.

Pursuant to the 22nd Article of the By-Law on Environmental Inspection which entered into force on 1 January 2009 upon its publication in the Official Gazette N.27061 dated 21 November 2008, the Minister's approval has been obtained for the Combined Inspection Program of 2012 and EIA surveillance and inspection activities and combined inspection of 30 plants and EIA monitoring control of 420 plants across various Provinces have been performed under the Combined Inspection Program of 2012. Further, non-routine inspections have been performed in 81 plants not included in the inspection program and EIA monitoring control has been performed in 12 plants. Moreover, it has been participated, as observer, in the inspections performed by the provincial directorates in 60 plants. The inspections carried out by the central organization are illustrated in Table 11.

Table 11 – Inspections carried out by the General Directorate of EIA, Permitting and Inspection, in 2012

INSTANT	COMBINED	EIA	TOTAL
81	30	432	543

Table 12 – The Provinces where the General Directorate of EIA, Permitting and Inspection performed inspections in 2012

PROVINCE	COMBINED	INSTANT
ADANA	3	5
ANKARA	0	7
ANTALYA	0	1
AYDIN	0	8
BALIKESİR	3	0
BURSA	3	2
DENİZLİ	3	0
ERZİNCAN	0	1
HATAY	0	5
İSTANBUL	3	1
İZMİR	2	18
KARABÜK	0	7
KAYSERİ	0	1
KIRKLARELİ	4	2
KOCAELİ	6	6
MUĞLA	0	7
OSMANİYE	0	1
SİVAS	0	1
TEKİRDAĞ	3	8
TOTAL	30	81

As seen in the Table 13, 432 plants in relation to which 64 Environmental Impact Assessment Positive and 368 Environmental Impact Assessment Not Required Decisions are established by GDEI-API in 2012 have been inspected under the BEIA monitoring control activities.

Table 13 – Distribution by sector of the plants which have been inspected in 2012 under BEIA

INSPECTIONS	MINING	ENERGY	INDUSTRY	AGRICULTURE- FOOD	WASTE- CHEMICALS	TRANSPORTATION -COASTS	TOURISM- HOUSING	TOTAL
Number of Inspections Performed at Plants with EIA PD	13	7	19	11	8	4	2	64
Number of Inspections Performed at Plant With EIA NRD	130	7	112	75	38	3	3	368

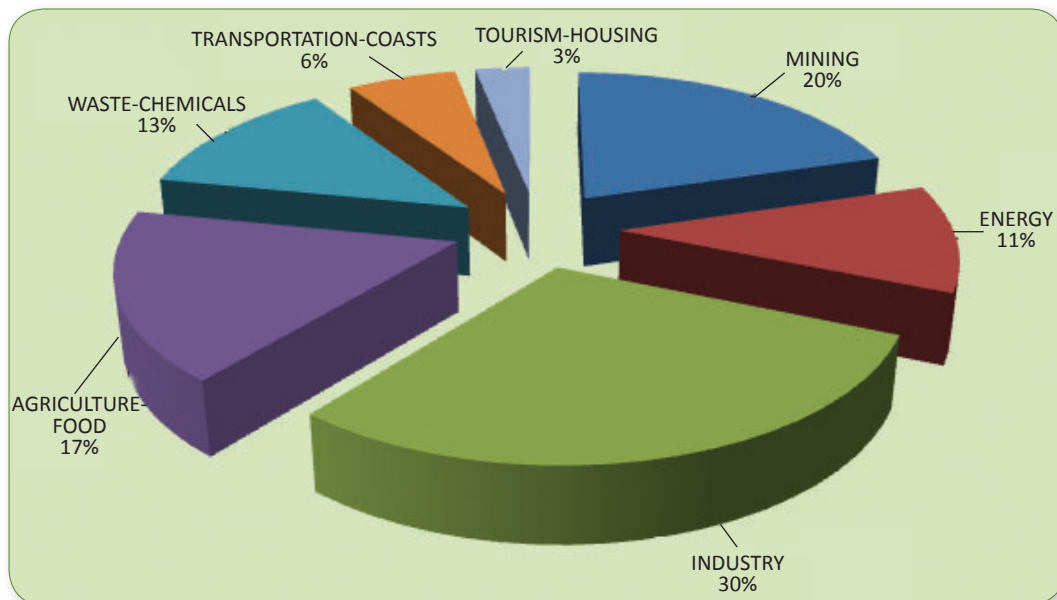


Figure 8 – Distribution by sector of the inspections performed at plants in relation to which EIA Positive Decision is established

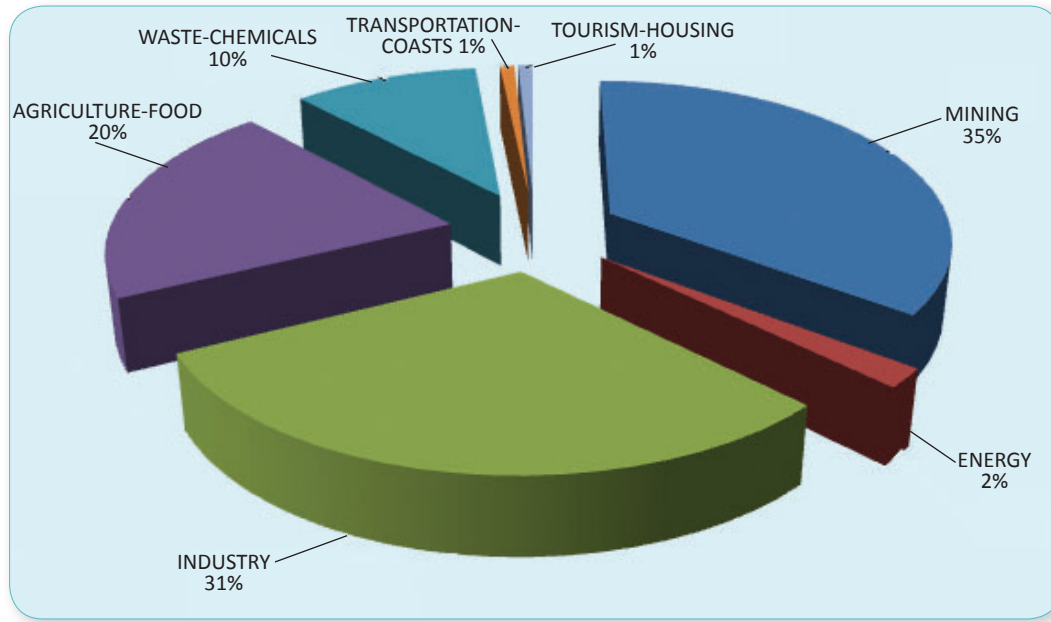


Figure 9 – Distribution by sector of the inspections performed at plants in relation to which EIA Not Required Decision is established

Fully-equipped 63 vehicles have been procured as to be assigned to Provincial Directorates for the purpose of conducting more effective inspection and 275 personnel of our Provincial Directorates have been trained in November about the sampling devices and on-spot survey devices present in these vehicles.



Inspection and Sampling Vehicles

7.1.3. Inspection Activities at Plants with High-Risk of Major Industrial Accidents

The effective date for the inspections to be performed at plants with high-risk of major industrial accidents (Seveso inspections), upon arising of a need for revision in the By-Law on Controlling Major Industrial Accidents, was extended to 1 January 2014, pursuant to the “By-Law on Amendment to the By-Law on Controlling Major Industrial Accidents” published in the Official Gazette N.28370 on 31 July 2012.

A number of activities regarding improvement of the institutional capacity has been initiated in respect to both the implementation of the by-law and the inspections of the corporations subject to the by-law, and “The Project of Strengthening Institutional Capacity for Seveso Inspections G2G Project)” which is the first of the said activities and carried out by the Ministry of Labor and Social Security, Ministry of Environment and Urbanization and General Directorate of Environmental Management in cooperation with the Dutch Government, was started in March, 2012.



Seveso Training Participants

The Presidency of Labor Inspection Council of the Ministry of Labor and Social Security, the central organizations of Ministry of Environment and Urbanization, General Directorate of Environmental Management and General Directorate of EIA, Permitting and Inspection and the personnel of provincial directorates of Adana, Ankara, Hatay, İstanbul, İzmir, Kırıkkale, Kocaeli, Mersin and Tekirdağ where Seveso institutions are intensely located participated in the program titled “Basic Training for Seveso Inspectors” which was held in Ankara between 25-29 June 2012 and 12-15 November 2012. The content of the said program consisted of Safety Management System, Safety Report Assessment, Risk Assessment and Major Accident Prevention Policy and the participants were granted certificates at the end of the training program.

In view of the Law on Occupational Health and Safety N.6331 of the Ministry of Labor and Social Security, published in the Official Gazette N.28339 on 30 June 2012 and since preparation of a new by-law to be regulated pursuant to the said Law, regarding major industrial accidents has been brought to agenda, it has been decided to make a new regulation by which a joint working group will conduct activities on the basis of existing by-law and the revision of the by-Law has been initiated by a committee consisting of the representatives of the Ministry.

7.1.4. Market Surveillance and Inspection Activities (MSI)

The “Law on Preparation and Implementation of the Technical Legislation Regarding the Products” N.4703 which constitutes the legal basis for the establishment of a system in parallel with the European Union’s Market Surveillance and Inspection system in our country and the “By-Law on Market Surveillance and Inspection of Products” prepared pursuant to the said Law have been in force since 11 January 2002. The Law N.4703 stipulates that the producers shall introduce only safe products to the markets and empowers the public institutions to prepare and implement specific regulations to be applied to such products.

Pursuant to the By-Law, public institutions responsible for the market surveillance and Inspection activities and the products for which they are responsible are specified. The By-Law, further, with a view to ensure effective operation of the system and close cooperation between the institutions which will conduct market surveillance and inspection activities, stipulates formation of Market Surveillance and Inspection Coordination Board (MSICB).

The “Market Surveillance and Inspection Coordination Board” regulated by the said By-Law and formed in 2002 as to ensure the coordination and make advisory decisions started its activities under the coordinatorship of the Ministry of Economy. The Ministry which is a member of mentioned Council has contributed to and participated in the Board Meetings held to date.

Market surveillance and Inspection (MSI) was prepared as a opening criterion of the chapter “Free Movement of Goods” in the EU membership negotiations. General Directorate of EIA, Permitting and Inspection is responsible, on behalf of Ministry for the Environment and Urbanization, for solid fuels and batteries and accumulators, under the Environmental Law and “The National Strategy Report of Market Surveillance and Inspection between years 2012-2014 ” which was prepared in view of the opinions of the MSI authorized institutions as well as unions of producers and consumers and adopted by the Market Surveillance and Inspection Coordination Board.

Solid fuels inspect which are under the responsibility of our Ministry and the institutions/bodies to which the related authority is delegated are carried out under the Environmental Law N.2876 and the secondary legislation published based on the said Law. All data relating to the Surveillance and Inspection activities performed are assessed quarterly and constitute the basis for the national MSI Report. National MSI Reports prepared under the coordinatorship of the Ministry of Economy are available at “www.ekonomi.gov.tr”.

“Market Surveillance, Inspection and Product Safety Evaluation Board (MSIPSEB)” has been established in order to evaluate the annual action plans prepared by the MSICB pursuant to the Communiqué of the Prime Ministry N.2011/12, specify measures, targets and strategies to be taken as the basis for an effective import and internal market surveillance and takes high-level decisions to this end and ensures cooperation and coordination between the relevant bodies. The Council, of which Minister of the Environment and Urbanization is also a member, held its first meeting in 2012 where a number of decisions were adopted and the activities necessary for the implementation of such decisions have been effectively carried out.

Detailed data on Market Surveillance and Inspection activities performed by Provincial Directorates of Environment and Urbanization in 2012 are given in the Annex-8.

Table 14 – Market Surveillance and Inspections

	2011	2012
Number of MSI	1.662	28.220
Fine Amount Imposed (TL)	2.756.617	1.082.012

7.2. Inspection Activities of Provincial Directorates of Environment and Urbanization

Combined Inspection Program of 2012 has been approved for all provincial directorates and 914 plants have been included in the program, pursuant to the 22nd Article of the By-Law on Environmental Inspection which entered into force on 1 January 2009 following its publication in the Official Gazette N.27061 dated 21 November 2008.

The data relating to the planned and unplanned environmental inspections carried out by 81 provincial directorates are given respectively in the Table 15. The distribution by the provincial directorates of the number and types of the inspections performed in 2012 is given in the Annex-4.

Table 15 – Environmental inspections performed by provincial directorates in 2012

PERMITS	TOTAL NUMBER OF INSPECTIONS
16.258	38.058

A total of 38.058 Environmental inspections, including 16.258 inspections performed by the provincial directors under the By-Law on the Permits and Licenses to Be Obtained under the Environmental Law, have been performed in 2012.

The number of the inspections performed by the central organization of the Ministry and Provincial Directorates of Environment and Urbanization between 2009 and 2012 is illustrated in the Table 16.

Table 16 – Distribution of environmental inspections by years

	2009	2010	2011	2012
The Central Organization	969	1.021	729	543
Provincial Directorate	33.476	44.683	50.313	38.058
TOTAL	34.445	45.704	51.042	38.601

8. IMPLEMENTATION OF SANCTIONS UNDER THE ENVIRONMENTAL LAW

8.1. Implementation of Administrative Fines under the Environmental Law

In the case that any non-compliance is found under the environmental law during the Environmental inspections performed by the central organization of the Ministry or the provincial directorates, administrative monetary fine is imposed pursuant to the 20th Article of the Environmental Law. The administrative fines imposed due to violations of Environmental Law found in 2012 have been applied under the "Communique (2012/1) on Administrative Fines to Be Imposed Pursuant to the Environmental Law N.2872" published in the Official Gazette N.28171 dated 12 January 2012. The Communique regarding the administrative fines imposed in 2012 is included in the Annex-2.

The number and amount of administrative fines imposed, due to violations of Environmental Law, by the GDEIAPİ in 543 inspections performed in 2012 are illustrated in the Table 17.

Table 17 – The number and amount of administrative fines imposed by GDEIAPİ in 2012

	AIR	WATER	WASTE	EIA	OTHER	TOTAL
Fine Amount (TL)	37.696,00	205.134,00	113.088,00	1.001.276,01	26.508,00	1.383.702,01
Fine Imposed	1	6	1	34	3	45

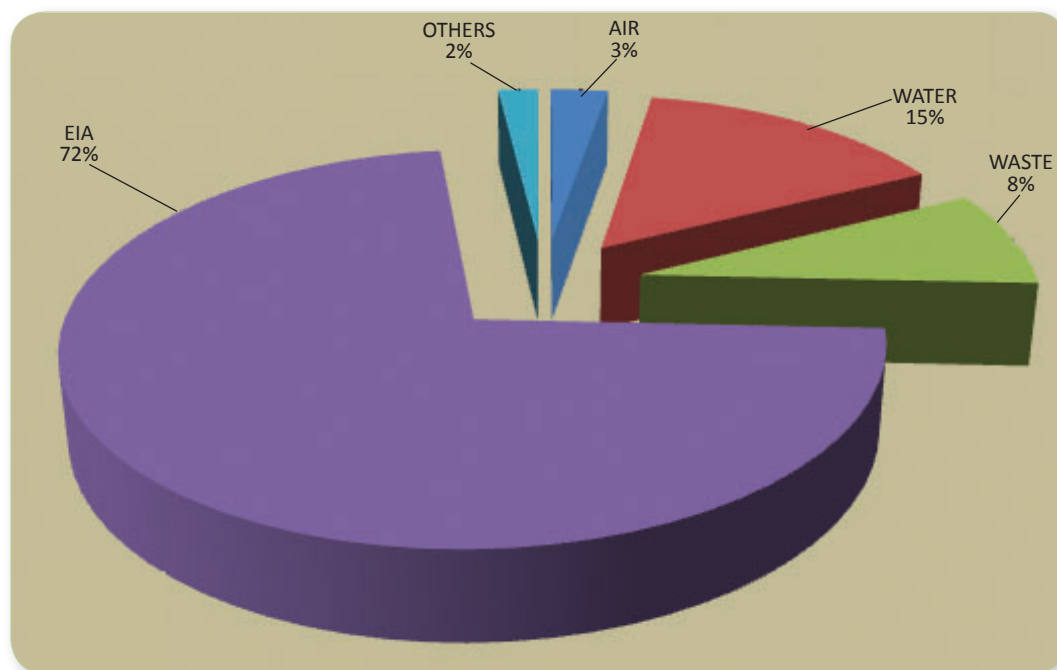


Figure 10 – Distribution of fines imposed by GDEIAPİ in 2012

Table 18 – Amount and number of fines imposed by provincial directors in 2012

	AMOUNT OF FINES (TL)	NUMBER OF FINES IMPOSED
Air	10.919.975,42	571
Water	18.100.497,50	338
Soil	2.241.396,00	146
Waste	10.176.178,00	105
Noise	2.083.278,00	104
EIA	10.566.492,70	421
Other	3.076.412,83	761
TOTAL	57.164.230,45	2.446

Table 19 – Distribution by years of total amount of fines imposed by the Ministry pursuant to the Environmental Law (TL)

THE UNITS IMPOSING FINES	THE CENTRAL ORGANIZATION	PROVINCIAL DIRECTORATES	TOTAL
2006	24.000	12.191.700	12.215.700
2007	1.690.182	32.794.910	34.485.092
2008	2.542.552	34.362.370	34.829.596
2009	6.567.935	36.142.451	42.710.386
2010	14.212.191	49.338.910	63.551.101
2011	4.295.737	52.136.032	56.431.769
2012	1.383.702	57.164.230,45	58.547.932,45

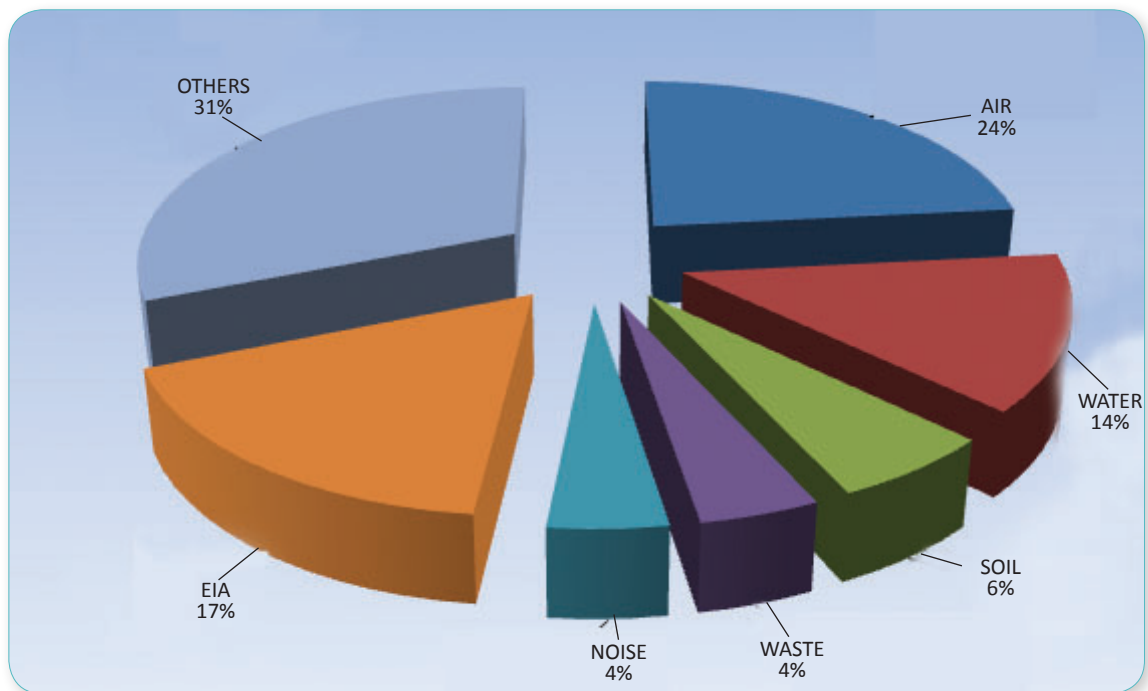


Figure 11 – The distribution of fines imposed by provincial directorates in 2012

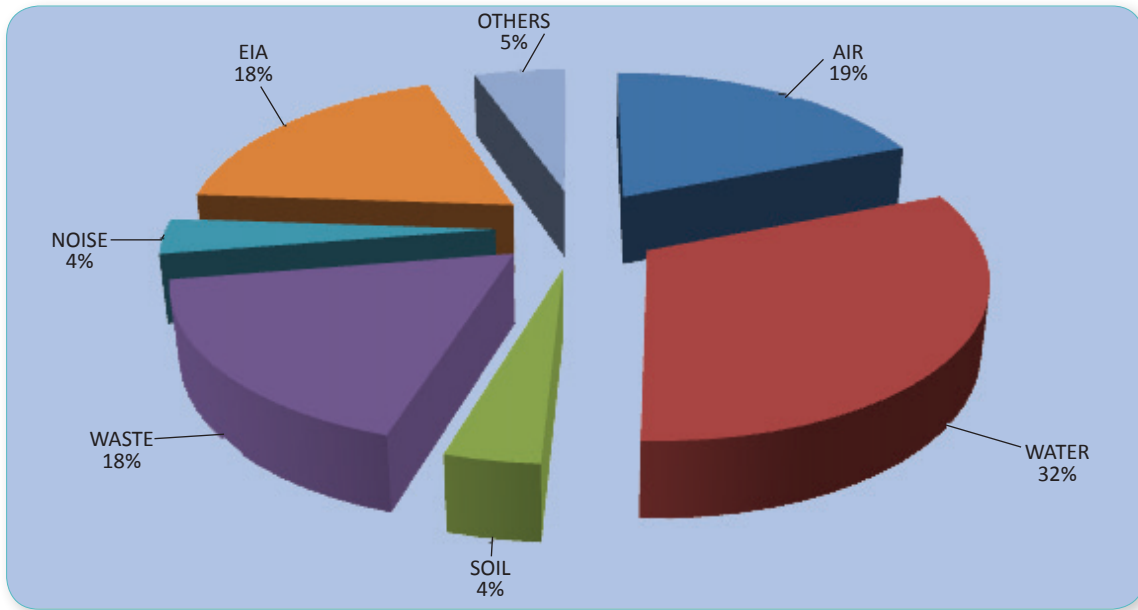


Figure 12 -Distribution of the amount of fines imposed by provincial directorates in 2012

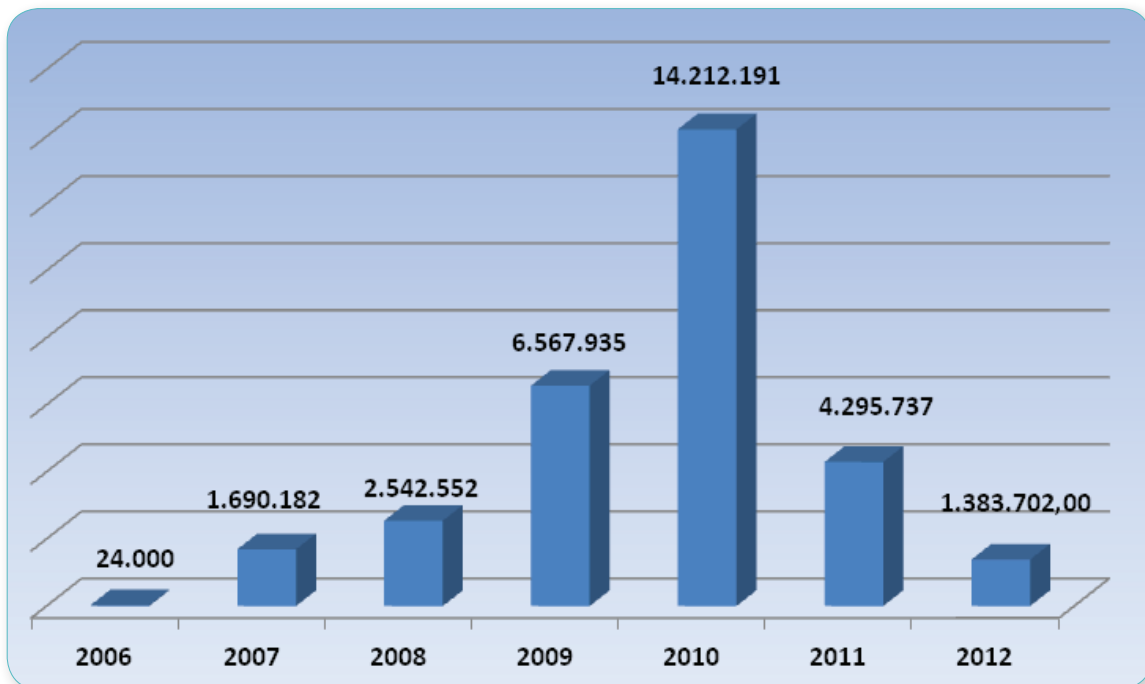


Figure 13 – Total amount of fines imposed by years by the central organization of the Ministry pursuant to the Environmental Law.

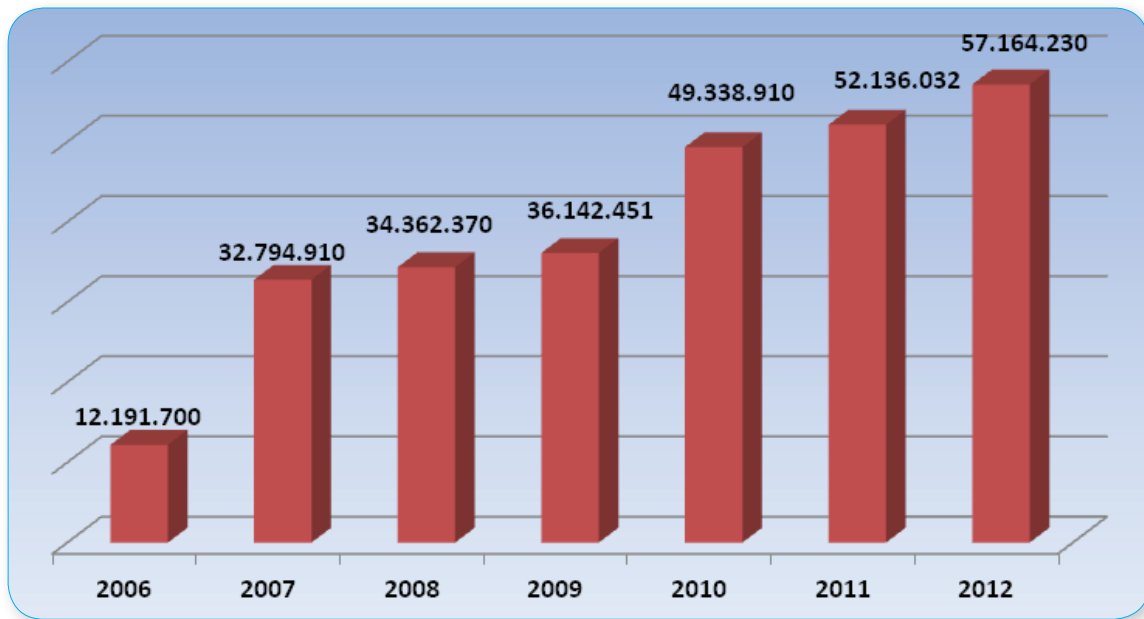


Figure 14 – Total amount of fines imposed by years by the provincial directorates pursuant to the Environmental Law

8.2. Suspensions Under the Environmental Law

Pursuant to the 15th Article of the Environmental Law N.2872, titled “Suspension of Activities”, the competent authorities are entitled to suspend the activities and/or plants partially or completely for a definite or indefinite period. The activities which constitute a danger against environmental and human health are suspended by the competent authority for an indefinite period of time. The decision of suspension shall be made by the General Directorate of Permitting and Inspection at the Central Organization and by Provincial Directors of Environment and Urbanization in provinces.

SUSPENSION OF THE ACTIVITIES

Article 15 – (Amended: 26/4/2006 – 5491/12 art.) Those violating this law and the by-laws published under this Law may be granted, by the Ministry or the institutions or authorities delegated with the power of inspection pursuant to the first paragraph of the 12nd Article, a one-off period not exceeding one year, conditions of which are determined by By-Law, as to rectify the violations in question.

If the activity is not rectified promptly in the case where no period is granted or at the end of the period where a period is granted, then such activity shall be suspended, partially or completely, by the Ministry or the institutions or authorities delegated with the power of inspection pursuant to the first paragraph of the 12nd Article, for a definite or indefinite period. The activities constituting a danger to environmental or human health shall be suspended for an indefinite period.

The activities which are started without preparing an environmental impact assessment shall be suspended by the Ministry and the activities which are started without preparing a project demonstration file shall be suspended by the highest administrative authority for an indefinite period.

Further, the last paragraph of the 15th Article of the Law N.2872, providing for a private provision regarding the court authorized to make decisions of granting period or suspension in respect to the Environmental Impact Assessment relating to the suspension of the activities, states that, pursuant to such private provision, the activities which are started without preparing an environmental impact assessment shall be suspended by the Ministry and the activities which are started without preparing a project demonstration file shall be suspended by the highest administrative authority for an indefinite period.

Table 20 – Number of the decisions of suspension taken by the central organization and provincial directorates under the Environmental Law in 2012

PROVINCE	CLOSURE
Adana	12
Aksaray	1
Amasya	6
Ardahan	2
Aydın	1
Bursa	2
Düzce	6
Edirne	6
Elazığ	2
Erzurum	2
Eskişehir	6
Gaziantep	9
Giresun	7
Hakkari	10
Hatay	1
İstanbul	5
İzmir	3
Kayseri	2
Kırıkkale	2
Malatya	1
Manisa	3
Mersin	2
Ordu	3
Osmaniye	2
Sakarya	1
Sivas	3
Tokat	7
Zonguldak	1
Total	108
The Central Organization	7
GENERAL TOTAL	115

9. DELEGATION OF POWER OF INSPECTION

The Environmental Law stipulates in the Article 12 that the Ministry shall, when necessary, delegate the power of inspection to the following:

- ✓ Provincial special administration,
- ✓ Municipalities having formed environmental inspection units,
- ✓ Undersecretariat of Maritime Affairs,
- ✓ Coast Guard Command, and
- ✓ The inspectors determined in accordance with the Highways Traffic Act N.2918 dated 13/10/1983

It is possible for the public body delegated with the power of inspection to be also delegated with the power of taking the decision of imposing administrative sanctions. According to the 24th Article of the Environmental Law, while the power of taking decisions of imposing administrative sanctions provided for in this law vests in the Ministry of Environment and Urbanization, the above mentioned public institutions and bodies delegated, pursuant to the 12nd Article, with the power of inspection may also exercise such power.

In this context, the Ministry has specified, in the Communique on Delegation of Power N.2006/16 published on 29 June 2006, the qualifications to be sought in municipalities to be delegated with the power in respect to Noise. Pursuant to this communique, 10 metropolitan municipalities, 15 city municipalities and 68 district municipalities totaling to 93 municipalities have been delegated with the power of inspection and imposing sanctions in respect to noise. Further, Coast Guard Command and traffic teams across Turkey have been delegated with the power of inspection and imposing sanctions in respect to noise.

The qualifications to be sought in the institutions and bodies to be delegated with the power of inspection pollution from ships and imposing sanctions are specified by the Communique on Delegation of Power N.2006/13 published on 21 June 2006. Thereafter, this communique was replaced with the Communique N.2011/09 dated 06.06.2011. Undersecretariat of Maritime Affairs, Coast Guard Command and İstanbul, Kocaeli, Antalya and Mersin municipalities have been delegated with the power of inspection and imposing sanctions. The power delegated to the Undersecretariat of Maritime Affairs has been passed to the Ministry of Transportation, Maritime Affairs and Communication established by the “Decree-law On Organization and Duties of the Ministry of Transportation, Maritime and Communication” N.655 which entered into force following its publication in the Repeated Official Gazette dated 1 November 2011.

The qualifications to be sought in the institutions and bodies to be delegated with the power of inspection solid fuels (coal, etc.) and imposing sanctions are specified by the Communique On Delegation of Power N.2006/19 published on 29 June 2006. Pursuant to this Communique, 163 municipalities are delegated with the power of inspection and imposing sanctions to date. Of these municipalities, 11 are metropolitan municipalities, 27 provincial municipalities and 125 district municipalities.

The qualifications to be sought in the municipalities to be delegated with authority in respect to excavation wastes are specified by the Communiqué on Delegation of Power N.2008/06 published on 20 May 2008. Pursuant to this communiqué, Adapazarı, Gaziantep, İstanbul and Kocaeli metropolitan municipalities have been delegated with power in respect to excavation wastes by the end of 2012.

Pursuant to the 12nd Article of the Environmental Law, 57 municipalities have been, since August, 2007 to the end of 2011, delegated with power in respect to vegetable waste oils. Pursuant to this Communiqué, by the end of 2011, 8 metropolitan, 20 provincial and 52 district municipalities totaling to 80 municipalities have been delegated with the power of conducting inspections and imposing sanctions in respect to vegetable waste oils. Further, Southern Antalya Union for Tourism Development and Infrastructure in Antalya has also been delegated with the power of conducting inspections and imposing sanctions in respect to vegetable oils.

Information on administrative fines imposed in 2012 by the institutions delegated with power by the Ministry in respect to inspections and Sanctions Relating to the Pollution from Ships is provided in the Table 21.

Table 21 – Amount of administrative fines imposed in 2012 by the institutions delegated with power by the ministry in respect to inspections and sanctions relating to the pollution from ships (TL)

IMPOSING BODY	NUMBER OF SHIPS IMPOSED FINE IN 2012	TOTAL AMOUNT OF FINES IMPOSED IN 2012
Coast Guard Command	83	477.681,60
Undersecretariat of Maritime Affairs	12	303.128,28
Metropolitan Municipality of İstanbul	208	3.200.568,00
Metropolitan Municipality of Kocaeli	14	868.554,00
Metropolitan Municipality of Antalya	5	187.904,85
Metropolitan Municipality of Mersin	15	450.944,00
TOTAL	337	5.488.780,73

Information on administrative fines imposed by the institutions delegated with power by the Ministry in respect to inspections between 2006 and 2012 and Sanctions Relating to the Pollution from Ships is provided in the Annex-10.

10. PARTICIPATION IN INTERNATIONAL INSPECTORS NETWORK, PROJECTS AND TRAINING ACTIVITIES

10.1. Participation in RENA Network Activities

The Regional Environment Network for Accession (RENA) established in 2010 includes, aside from Turkey, Albania, Bosnia-Herzegovina, Macedonia, Serbia, Croatia, Montenegro and Kosovo. 4 working group are defined under RENA network;

1. Strategic Planning and Investments
2. Climate Change
3. Cross-border cooperation and Multilateral Agreements
4. Environmental Compliance and Enforcement Network For Accession (ECENA)



Training on Cross-Border Transportation of Wastes - İstanbul

The objective of the ECENA working group is to internalize and implement the EU environmental legislation and increase the efficacy of the enforcement activities, improve the efficiency of the inspection units and exchange of information and experiences. The activities of the said Working Group has been planned to be carried out under three categories;

Category 1: Trainings

Category 2: Corporate and methodological developments

Category 3: Cross-border Practices

The activities performed under the said Working Group and in which we participate are given in the Table 22.

Table 22 – RENA Network Activities Performed in 2012

1st Training on Cross-Border Transportation of Wastes	İstanbul	18-19 April 2012
Training on Emission Trade System	Zagreb	15-16 May 2012
2nd Training on Cross-Border Transportation of Wastes	Skopje	13-14 June 2012

The environmental inspectors holding office in EU member and potential member states convened in the training held in Zagreb/Croatia in 15-16 May 2012 and information is provided on EU Emission Trade System.



Training on Statute on Cross-Border Transportation of Wastes – İstanbul

The 1st Training on Statute on Cross-Border Transportation of Wastes was held in Istanbul between 18-19 April 2012 and the site application was performed in Ambarlı Customs Directorate. The second training on the said statute was held in Skopje/Macedonia in 13-14 June 2012. In these trainings, the inspectors were provided with information in practice on the examination to be conducted during the cross-border land and sea transportation of wastes.



Training on Cross-Border Transportation of Wastes - İstanbul

10.2. Project of Planning Environmental Inspections (G2G10/TR/9/1)

The Project of Planning Environmental Inspections was initiated on 24 March 2011 under the inter-governmental cooperation carried out with the Dutch Government in order to realize the stages of the Environmental Inspection Cycle with regard to planning. The objective of the project is to develop a risk assessment method as to be used in our country in the inspection stage and, by selecting the developed method, prepare an inspection plan to be implemented in the lead city.

The EU legislation refers to risk assessment and inspection planning in the Directive of 2001/331/EC on Recommendation on Minimum Criteria for Environmental Inspections dated 4 April 2001 and Directive of 2010/75/EU on Emission dated 24 November 2010. Likewise, the By-Law on Environmental Inspection published in the Official Gazette N.27061 dated 21 November 2008 under our Ministry's legislation requires that environmental risks of the plants shall be taken into consideration when planning the environmental inspections.

Samsun has been selected as the pilot city and the inspection unit of the Provincial Directorate has greatly contributed to the activities since the commencement of the project. At the end of the meeting held under the project in 12-15 February 2012 with the Dutch experts, it was decided to work with the "Integrated Risk Assessment Method (IRAM)" for risk assessments. In consideration of the plants in Samsun, risk criteria to be used in the risk assessment are specified as a result of the activities. It has been decided that the criteria such as the type of the plant, the impact of the plant on air and water, waste amount, location of plant, etc. should be addressed when assessing the risk. The performance of the operator is also included in the risk assessment criteria.



Workshop on Planning of Environmental Inspections – Samsun

“Workshop on Planning of Environmental Inspections” was held in 15-16 October 2012 with the participation of Dutch experts. At this workshop, the experts shared their knowledge and experience with the Ministry’s personnel. Significant steps were taken in respect to the preparation of the inspection plan through the activities performed in the workshop.



Workshop on Planning of Environmental Inspections – Samsun

The project is planned to be concluded with the trainings and closure meetings to be held in April 2013 Nisan 2013.

10.3. Training Activities

Pursuant to the 35th Article of the Environmental Inspection By-Law, in order to qualify as an environmental inspector, environmental inspection training shall be received. In this context, the personnel working under the central and provincial organization of the Ministry have been receiving training since 2006.



Environmental Inspection Training – Antalya

The said training was organized for 450 personnel consisting 4 groups. The content of the 5-day training is as follows:

- ✓ Environment Law and By-Law on Environmental Inspection
- ✓ EIA Monitoring and Control
- ✓ Market Surveillance and Inspection
- ✓ Inspection of Corporations with Risk of Major Industrial Accidents
- ✓ Minimum criteria for environmental inspections
- ✓ Planning, inspection frequency, reporting
- ✓ Communication techniques for environmental inspectors
- ✓ Sampling (theoretical and practical)
- ✓ Administrative sanction in the environmental law

10.4. Activities Carried Out Under the Directives on Integrated Pollution Prevention and Control (IPPC-96/61/EC), (2008/1/EC) and Industrial Emissions (2010/75/EC)

The Directive on Integrated Pollution Prevention and Control which is one of the most significant directives under the Environment Chapter constituting an important stage through our country's EU full membership and aims at preventing and controlling industry-related pollution stipulates obtaining of an integrated environmental permit by introducing a different approach. Ensuring granting of coordinated environmental permits in the case of absence of integrated permits implies embodiment of the principles of minimizing the formal proceedings required through the permitting process and prevention at source.

The grounds on which the directive is based:

1. **Integrated Approach:** Integrated prevention of the pollution arising from the operations, namely, collective prevention, if not possible, then, minimizing of emissions to the air, water and soil, minimizes the creation of waste and use of resources, prevention of accidents, noise and vibration and effective utilization of energy.
2. **Best Available Techniques - BAT:** The techniques that may be locally obtained and also economically applied shall be taken into account in the permitting process in order to prevent the impacts of emissions on the environment and if not possible, then, minimize such impacts.
3. **Exchange of Information and Access by Public to Information:** The corporations subject to the directive in the member states and information related to their releases are reported to the Commission. Further, it is required to establish a corporate technical and legal infrastructure which will enable the citizens of the member states to access to the information relating to such corporations and permit conditions.
4. **Emission Limit Values:** The limit values set in relation to the pollutants sourcing from operations/plants (listed in the directive) shall be observed.

"Directive on Integrated Pollution Prevention and Control (IPPC-2008/1/EC)" was combined with 6 sectoral directives and recasted as Directive 2010/75/EC on "Industrial Emissions".

The said Directive shall be harmonized with national laws of the EU member states within 2 years from its effective date, 6 January 2011.

- ✓ Directive on Integrated Pollution Prevention and Control (2008/01/EC),
- ✓ Directive on Waste Incineration (2000/76/EC),
- ✓ Directive on Solvent Emissions (1999/13/EC),

which were incorporated in the Directive on Industrial Emissions (2010/75/EC) will be repealed in three years.

- ✓ Directive on Major Incineration Plants (2001/80/EC),
- will be repealed on 1/1/2016.

In addition to the above directives, three TiO₂ Directives will also be operated within the Directive on Industrial Emissions.

Final Application Date for the Existing Plants in EU Member States:

- ✓ Existing IPPC plants: Three months following the entry into force of the Directive on Industrial Emissions.
- ✓ New Annex-1 plants: 4,5 years following the entry into force of Industrial Emissions.
- ✓ Major Incineration Plants: dated as 1/1/2016.

BREF is a MET reference document adopted by the European Commission. The BREFs are based on the information exchange between the technical working groups consisting of industry experts, officers of member and applicant member states and research institutes. This information exchange is coordinated by the European Bureau of Integrated Pollution Prevention and Protection (IPPC) of the Commission located in Seville (<http://eippcb.jrc.ec.europa.eu/>).

In 2006, European IIPC Bureau presented the first finalized documents by concluding the first BREF series consisting of 33 BREFs. Each BREF is an outcome of two or three-year work with the participation of experts. In general, related industries may take part in the process as participant through industrial/sectoral union corresponding to BREF. For detailed information on the process, please see the EU Commission's Executive Decision N. 2012/119/EU.

BREF list is available at <http://eippcb.jrc.ec.europa.eu/reference/>. The BREF documents that are available on the said website are as follows:

1. Cement, Lime and Magnesium Oxide Manufacture Industry
2. Ceramics Manufacture Industry
3. Infiltration and Management of Wastewater and Gases in the Chemical Industry
4. Economy and Cross-Media Effect
5. Emissions Sourcing from Storage
6. Energy Efficiency
7. Ironed Metals Processing Industry
8. Food, Beverage and Milk Industry
9. General Principles of Monitoring (non-BREF, but a guidelines included in the said web site)
10. Industrial Cooling Systems
11. Intense Poultry Raising and Pig Farming
12. Iron and Steel Production
13. Major Incineration Plants
14. Large Volume Inorganic Chemicals- Ammoniac, Acid and Fertilizer Industry
15. Large Volume Inorganic Chemicals- Solids and Other
16. Large Volume Organic Chemical Industry
17. Management of Refuse and Waste Rocks in Mining Activities

18. Glass Production
19. Production of Organic Special Chemicals
20. Non-ironed Metal Industry
21. Chlorine-Alkaline Production
22. Production of Polymers
23. Production of Special Inorganic Chemicals
24. Pulp and Paper Industry
25. Mineral Oil and Gas Refinery
26. Slaughterhouses and Animal Side Products Industry
27. Smithery and Foundry Industry
28. Surface Treating of Metal and Plastic Materials
29. Surface Treating by Use of Organic Solvents
30. Tannery Industry
31. Textile Industry
32. Waste Incineration
33. Waste Infiltration Industry

BREFs translated into Turkish are available at our Ministry's web site and can be downloaded.

BREFs define what is accepted as MET at EU level in relation to each activity falling under the Directive on Industrial Emissions (corresponding to Annex-1 to the By-Law on Integrated Environmental Permits). Thus, BREFs provide information on technical and economic measures that may be taken in respect to improvement of environmental performance of an industry and thereby general betterment of the environment. BREFs may be reduced to certain industrial activities (vertical BREFs: "Cement, Lime and Magnesium Oxide Manufacture Industry" or "Ceramics Manufacture Industry") or related to inter-sector matters effecting various industrial activities ('horizontal' BREFs: "Economy and Cross-Media Effects or Emission Sourcing From Storage")

BREFs are used by the operators of the plants (during the preparation for Integrated Environmental Permit), Competent Authority (Officers granting permits and policy makers) and, in general, by public.

10.4.1. Activities of the Ministry

Activities of the Ministry in relation to the Directives on Integrated Pollution Prevention and Control (IPPC-96/61/EC), (2008/1/EC) and Industrial Emissions (2010/75/EC) are as follows:

1. Project: Human Resources Capacity Enhancement Project was carried out between 2003-2005 with Dutch Ministry of Environment and Urban Planning as a part of incorporation of the Directive on Integrated Pollution Prevention and Control (IPPC-96/61/EC) into the National Law. As a result of this project, a number of activities are performed in the aim of preparing a prospective road map by creating awareness among the parties concerned on the Directive and its implementation and effects.

2. Project: The project of implementation of the Directive on Integrated Pollution Prevention and Control (IPPC-96/61/EC) in Turkey was carried out with the Dutch Ministry of Environment and Urban Planning between 2006 and 2008.

Draft strategic preparation activities were performed, in participation of the parties concerned, in relation to the implementation of the Directive (IPPC) in Turkey. The draft implementation strategy recommends that;

- ✓ The permitting of the plants to be subject to the integrated environmental permit (IEP) should be integrated within the competent authority responsible for the protection of the environment and granted as one permit in coordination with other competent authorities;
- ✓ The permitting of the plants not subject to IEP should be granted by the competent authority responsible for protection of the environment as one environmental permit and be coordinated with other environmental permits granted by other authorities.
- ✓ Small corporations should be assessed under generally binding rules without applying the permitting procedure.

3. Project: In the strategy agreement presented by the Ministry in the EU membership process for the Chapter of Environment opening negotiations (2009); it has been undertaken that the legal harmonization for the Integrated Permit shall be completed in 2012, the first application shall take place in 2012 and the complete application shall be performed in 2018 as being subject to negotiation.

The project prepared in consideration of our undertakings consists of twinning and technical support components under the financial support provided from the IPA-I 2009 Programming. The Twinning Component was started on 5 January 2011 and will be completed on 4 July 2013. Its budget is 1.425.000 Euros. The Technical Support Component was started on 7 May 2012 and will be completed on 7 May 2014. Its budget is 950.000 Euros.

Following the activities to be performed under the project, recommendations will be prepared in respect to;

- ✓ Harmonization of the integrated environmental permit system applied in some EU member states for some activities,
- ✓ Formation of the procedure relating to the public participation,
- ✓ Consolidation of environment-related permits granted by various institutions,
- ✓ Establishment of an environmental permit system which will be granted before the construction of the operations and carried out simultaneously with the EIA process.

Further, it is aimed to:

- ✓ prepare relevant legislation regarding the integrated environmental system
- ✓ prepare guiding documents for implementation
- ✓ prepare activity inventory subject to the integrated environment system
- ✓ Carry out “regulatory impact analysis” activities by which the cost efficiency analysis to be applied in determination of the transition period to be demanded in the EU chapter of environment negotiations.

11. CONCLUSION AND RECOMMENDATIONS

GDEI API has performed environmental inspections at 543 plants/projects in 2012. 432 of these inspections are environmental inspections performed under the EIA By-Law's monitoring-control activities. PDEUs have also performed 38.058 environmental inspections in total in 2012.

Table 23 – Number of inspections and sanctions by the Ministry in 2012

UNIT	NUMBER OF INSPECTIONS	AMOUNT OF FINES IMPOSED (TL)	SUSPENSION OF ACTIVITIES
The Central Organization	543	1.383.702	7
Provincial Directorates	38.058	57.164.230	108
TOTAL	38.601	58.547.932	115

In 2012, Provincial Directorates of Environment and Urbanization, Gendarmerie Command and National Turkish Police have imposed a total administrative fine of 1.207.293 TL as a result of 1501 cases of non-compliance found during the exhaust inspections performed collectively or separately by the Provincial Directorates. (Annex-8)

In 2012, Provincial Directorates of Environment and Urbanization have imposed an amount of 1.082.012,25 TL of administrative fines as a result of 28.200 Market Surveillance and Inspections. (Annex-9)

Following are the recommendations derived from the evaluation of the data included in this report for a better inspection system and successful environmental management;

PLANNING OF ENVIRONMENTAL INSPECTIONS THROUGH RISK ASSESSMENT METHOD

The percent of the planned inspections performed by the provincial directorates must be increased. Because, for a successful environmental management, the Ministry should direct its inspections in line with its objectives and strategies. It is important to carry out environmental inspections through environmental risk assessment for a certain period of time (for example, 1 year) by making a plan thereof. Thus, the Ministry will have ensured the environmental improvement in the direction of its strategies and objectives. In this context, it is quite significant to disseminate the outputs obtained from the "Project of Planning Inspections" to provincial directorates.

- **Presentation of the Project of Planning Environmental Inspections to the IMPEL Network**

It will be appropriate to present to the IMPEL Network a project in which Turkey will be a "leader" by using outputs obtained from the "Project of Planning Inspection" and thereby share the experiences with the countries under the Network. Thus, by benefiting from the countries' experiences, the possibility of planning the inspections and improving the risk assessment matters can be increased.

- **Establishment of National Inspectors Network**

It is very important to perform similar inspection proceedings and enforcements across the country. Therefore, in order to ensure the collaboration in the environmental inspection and administrative sanction practices, it will be beneficial to establish a national network where the environment inspectors in the Central Organization, provincial directorates and institutions and bodies delegated with power can come together and work on solution of existing or potential problems.

- **Consistency In Participation In the International Inspectors Network**

It will be appropriate to continue to participate in IMPEL and ECENA activities and take active role in the projects carried out by these networks and further ensure the efficacy of Turkey by creating projects in these networks either separately or together with other countries. Moreover, participation in INECE which gathers the environmental inspections from all around the world will provide information on the applications performed worldwide.

- **Identification of Needs for Training**

The local inspectors working in the central organization of the Ministry under the Project of Capacity Enhancement In Implementation and Enforcement of the Environmental Law Through IMPEL and ECENA have been trained and have become capable to provide training on Minimum Criteria for Environmental Inspections. It is required, in the following period, to continue the practice of providing training through local trainers and to offer trainings on different subjects. The training topics recommended in this scope are presented below:

- ✓ Directive on Integrated Pollution Prevention and Control and Best Available Techniques
- ✓ Clean Production Technologies
- ✓ Compliance Incentive
- ✓ Communication and Negotiation Techniques

- **Improving Inspection Information Systems**

The improvement of the inspection information system started to be used by the central and provincial organization of the Ministry must be ensured. It will appropriate to enable, through changes to be made, the execution of all stages of inspection and sanction activities (preparing and submitting the administrative fine report) on the electronic medium

- **Providing Training for Provincial Directorates**

It is required to provide training in respect to filling up the data sheets sent to the Provincial Directorates for the purpose of procurement by the Ministry of the data. Thus, the information as to what kind of data can be derived from the sheets filled in by the provincial directorates and the problems encountered by the provincial directorates in processing the data can be revealed at first hand.

ANNEXES

Annex 1 – Amount of Administrative Fines Imposed in 2012 Pursuant to the “Communique on the Administrative Fines to Be Imposed Pursuant to the Environmental Law N.2872 (2012/1)”

FINE AMOUNTS IN THE SUB-PARAGRAPHS OF THE ARTICLE 20 OF THE ENVIRONMENTAL LAW N. 2872	FINE AMOUNT IN THE LAW	THE FINE IMPOSED BETWEEN 1/1/2012 – 31/12/2012
Fine amounts in sub-paragraph (a)	500 TL 1.000 TL	782 TL 1.567 TL
Fine amount in sub-paragraph (b)	24.000 TL 48.000 TL	37.696 TL 75.394 TL
Fine amounts in sub-paragraph (c)	6.000 TL 2.000 TL 300 TL	9.420 TL 3.139 TL 468 TL
	Two fold for the sub-paragraph (b): 48.000 TL 96.000 TL	75.394 TL 150.791 TL
Fine amounts in sub-paragraph (d)	Two fold for the sub-paragraph (c): 12.000 TL 4.000 TL 600 TL In respect to the second statement of the sub-paragraph (d): 600 TL	18.847 TL 6.280 TL 939 TL 939 TL
Fine amount in sub-paragraph (e)	10.000 TL	15.705 TL
Fine amount in sub-paragraph (f)	60.000 TL	94.244 TL
Fine amount in sub-paragraph (g)	6.000 TL	9.420 TL
	400 TL	626 TL
Fine amount in sub-paragraph (h)	1.200 TL 4.000 TL 12.000 TL	1.883 TL 6.280 TL 18.847 TL
Fine amount in the 1. indent of the sub-paragraph (i)	Per Ton*: 40 TL 10 TL 100 KR	62,80 TL 15,67 TL 152 KR
Fine amount in the 2. indent of the sub-paragraph (i)	Per Ton*: 30 TL 6 TL 100 KR	47,09 TL 9,39 TL 152 KR
Fine amounts in the 3. indent of the sub-paragraph (i)	Per Ton*: 20 TL 4 TL 100 KR	31,39 TL 6,26 TL 152 KR
Fine amounts in the 4. indent of the sub-paragraph (i)	Per Ton*: 10 TL 2 TL 40 KR	15,67 TL 3,10 TL 61 KR
Fine amount in the 6. passage of the sub-paragraph (i)	24.000 TL 600 TL	37.696 TL 939 TL

Annex-1 – Amount of Administrative Fines Imposed in 2012 Pursuant to the “Communique on the Administrative Fines to Be Imposed Pursuant to the Environmental Law N.2872 (2012/1)” (continued)

FINE AMOUNTS IN THE SUB-PARAGRAPHS OF THE ARTICLE 20 OF THE ENVIRONMENTAL LAW N. 2872	FINE AMOUNT IN THE LAW	THE FINE IMPOSED BETWEEN 1/1/2012 – 31/12/2012
Fine amount in the sub-paragraph (i)	1.000 TL	1.567 TL
Fine amount in the sub-paragraph (j)	24.000 TL 600 TL	37.696 TL 939 TL
Fine amount in the sub-paragraph (k)	20.000 TL 100.000 TL	31.413 TL 157.076 TL
Fine amount in the sub-paragraph (l)	Per decare*: 20 TL Per cubic meter*: 120 TL	31,39 TL 188,47 TL
Fine amounts in the sub-paragraph (m)	6.000 TL 4.000 TL	9.420 TL 6.280 TL
Fine amounts in the sub-paragraph (n)	48.000 TL 1.200 TL	75.394 TL 1.883 TL
Fine amount in the sub-paragraph (o)	12.000 TL	18.847 TL
Fine amount in the sub-paragraph (p)	24.000 TL	37.696 TL
Fine amount in the sub-paragraph (r)	24.000 TL 60.000 TL	37.696 TL 94.244 TL
Fine amount in the sub-paragraph (s)	100 TL	152 TL
Fine amount in the sub-paragraph (t)	2.000.000 TL.	3.141.563 TL
Fine amount in the sub-paragraph (u)	2.000.000 TL	3.141.563 TL
Fine amount in the sub-paragraph (v)	From 100.000 TL Up to 1.000.000 TL	From 157.076 TL Up to 1.570.780 TL
Fine amount in the sub-paragraph (y)	From 100.000 TL Up to 1.000.000 TL	From 157.076 Up to 1.570.780 TL
Fine Amounts in the 5th paragraph of the Provisional 4th Article	For municipalities; - Where the population is over 100.000: 50.000 TL - Where the population is between 100.000 – 50.000: 30.000 TL - Where the population is between 50.000 – 10.000 : 20.000 TL - Where the population is between 10.000 – 2.000: 10.000 TL - For organized Industry Zones: 100.000 TL - For industries other than those mentioned above and any kind of plant producing waste water : 60.000 TL	For municipalities; - Where the population is over 100.000: 78.535 TL - Where the population is between 100.000 – 50.000: 47.121 TL - Where the population is between 50.000 – 10.000 : 31.413 TL - Where the population is between 10.000 – 2.000: 15.705 TL - For organized Industry Zones: 157.076 TL - For industries other than those mentioned above and any kind of plant producing waste water: 94.244 TL

* When applying the fines in these sub-paragraphs, the fractions of the calculations of the final fine amount shall not be taken into account.

Annex 2 – Distribution by Provinces of the Number of Provisional Operation Certificate (POC) and Environmental Permits/Licenses Granted in 2012

	PROVINCES	POC ANNEX-1	POC ANNEX-2	POC (ANNEX-1 +ANNEX-2)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-1)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-2)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-1 + ANNEX-2)
1	Adana	16	96	112	15	46	61
2	Adıyaman	0	11	11	1	0	1
3	Afyonkarahisar	4	22	26	1	15	16
4	Ağrı	0	3	3	1	0	1
5	Amasya	2	17	19	0	12	12
6	Ankara	32	118	150	46	97	143
7	Antalya	8	115	123	5	91	96
8	Artvin	0	4	4	1	3	4
9	Aydın	5	99	104	6	110	116
10	Balıkesir	19	167	186	3	120	123
11	Bilecik	9	40	49	4	18	22
12	Bingöl	0	2	2	1	4	5
13	Bitlis	0	0	0	0	0	0
14	Bolu	1	36	37	0	25	25
15	Burdur	0	9	9	2	4	6
16	Bursa	38	223	261	24	171	195
17	Çanakkale	4	53	57	5	18	23
18	Çankırı	0	11	11	0	5	5
19	Çorum	3	11	14	1	5	6
20	Denizli	7	30	37	3	22	25
21	Diyarbakır	2	62	64	0	49	49
22	Edirne	0	18	18	2	7	9
23	Elazığ	4	18	22	0	18	18
24	Erzincan	0	7	7	0	7	7
25	Erzurum	2	6	8	3	4	7
26	Eskişehir	18	88	106	8	38	46
27	Gaziantep	23	68	91	14	39	53
28	Giresun	1	11	12	1	7	8
29	Gümüşhane	2	2	4	0	1	1
30	Hakkari	0	0	0	0	0	0
31	Hatay	7	57	64	7	23	30
32	Isparta	2	16	18	0	9	9
33	Mersin	17	98	115	15	42	57
34	İstanbul	64	269	333	44	169	213
35	İzmir	68	145	213	37	62	99
36	Kars	0	8	8	0	9	9
37	Kastamonu	2	19	21	0	5	5
38	Kayseri	14	20	34	11	20	31
39	Kırklareli	6	23	29	6	13	19
40	Kırşehir	0	5	5	1	4	5

Annex 2 – Distribution by Provinces of the Number of Provisional Operation Certificate (POC) and Environmental Permits/Licenses Granted in 2012 (continued)

	PROVINCES	POC ANNEX-1	POC ANNEX-2	POC (ANNEX-1 +ANNEX-2)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-1)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-2)	ENVIRONMENTAL PERMIT/LICENSE (ANNEX-1 + ANNEX-2)
41	Kocaeli	68	152	220	27	111	138
42	Konya	10	87	97	3	65	68
43	Kütahya	6	32	38	2	12	14
44	Malatya	1	32	33	5	24	29
45	Manisa	18	85	103	11	24	35
46	Kahramanmaraş	0	8	8	1	1	2
47	Mardin	0	14	14	3	4	7
48	Muğla	1	85	86	1	24	25
49	Muş	0	0	0	1	0	1
50	Nevşehir	3	7	10	1	5	6
51	Niğde	2	37	39	3	19	22
52	Ordu	4	31	35	1	20	21
53	Rize	1	12	13	0	18	18
54	Sakarya	17	43	60	2	19	21
55	Samsun	9	78	87	10	37	47
56	Siirt	1	2	3	0	0	0
57	Sinop	0	20	20	0	7	7
58	Sivas	1	15	16	2	4	6
59	Tekirdağ	27	163	190	19	158	177
60	Tokat	5	14	19	0	2	2
61	Trabzon	5	34	39	1	39	40
62	Tunceli	0	0	0	0	0	0
63	Şanlıurfa	6	42	48	0	30	30
64	Uşak	9	11	20	7	3	10
65	Van	2	0	2	3	0	3
66	Yozgat	3	21	24	1	6	7
67	Zonguldak	2	17	19	1	17	18
68	Aksaray	1	9	10	2	8	10
69	Bayburt	0	1	1	0	0	0
70	Karaman	0	14	14	2	9	11
71	Kırıkkale	2	8	10	3	7	10
72	Batman	2	7	9	1	3	4
73	Şırnak	0	2	2	0	2	2
74	Bartın	3	13	16	0	1	1
75	Ardahan	0	1	1	0	2	2
76	Iğdır	0	0	0	0	0	0
77	Yalova	8	8	16	2	5	7
78	Karabük	0	4	4	1	9	10
79	Kilis	0	2	2	0	1	1
80	Osmaniye	3	15	18	7	4	11
81	Düzce	2	20	22	1	10	11
	TOTAL	602	3153	3755	392	2002	2394

Annex 3 – Sectoral Distribution by Years of EIA Decisions Taken Under By-Law on EIA

YEAR	INDUSTRY		ENERGY		MINING		WASTE- CHEMICALS		AGRICULTURE- FOOD		TRANSPORTATION- COAST		TOURISM HOUSING		TOTAL	
	EIA ²	EIA NR ³	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA NR	EIA R ⁴
1993-1998	69	312	14	25	159	1.903	37	188	23	292	26	98	54	171	382	2.989
1999	15	32	13	4	7	336	4	26	4	87	7	13	7	26	57	524
2000	13	42	23	4	32	516	6	38	5	101	6	18	22	45	107	764
2001	22	58	23	9	22	513	24	77	6	112	4	21	18	69	119	859
2002	24	66	17	20	24	600	23	136	5	146	6	21	18	79	117	1.068
2003	5	215	14	28	18	877	24	196	6	223	12	37	1	139	80	1.715
2004	3	248	18	68	17	1.155	23	230	8	238	12	49	5	134	86	2.122
2005	9	204	17	117	14	1.305	27	338	8	237	15	57	12	200	102	2.458
2006	13	210	17	180	21	1.806	42	526	4	400	16	72	10	247	123	3.441
2007	34	426	41	233	38	2.068	34	436	14	573	29	75	19	403	209	4.214
2008	22	454	59	248	46	1.734	33	347	15	562	25	74	17	238	217	3.657
2009	17	413	58	648	48	1.717	35	200	24	345	17	29	2	197	201	3.549
2010	39	655	87	285	56	1.754	25	241	22	662	25	45	0	290	254	3.932
2011	31	770	80	300	74	2.136	33	305	60	737	24	87	6	257	308	4.592
2012	40	569	125	296	144	1.745	32	326	57	562	21	38	6	223	425	3.759
TOPLAM	356	4.674	606	2.465	720	20.165	402	3.610	261	5.277	245	734	197	2.718	2.787	39.643
																515

2 EIA Positive Decision

3 EIA Not Required Decision

4 EIA Required Decision

Annex 4 – Number of Inspections and Fine Amounts Imposed in 2012 in Provinces

PROVINCIAL DIRECTORATES	BPLOUEL INSPECTIONS ⁵	TOTAL NUMBER OF INSPECTIONS	NUMBER OF ADMINISTRATIVE FINES	AMOUNT OF ADMINISTRATIVE FINES (TL)	CLOSURE
Adana	156	819	221	1.607.905,76	12
Adıyaman	30	89	11	65.288,00	0
Afyonkarahisar	259	317	9	151.501,00	0
Ağrı	8	13	5	90.557,00	0
Aksaray	88	156	5	78.525,00	1
Amasya	56	187	8	229.430,00	6
Ankara	1.510	2.051	354	4.453.145,10	0
Antalya	83	634	24	569.411,00	0
Ardahan	19	41	9	128.701,88	2
Artvin	27	58	8	465.705,00	0
Aydın	200	1.042	23	651.344,75	1
Balıkesir	458	1.059	46	1.270.279,82	0
Bartın	0	95	13	227.379,00	0
Batman	30	143	1	37.696,00	0
Bayburt	12	143	4	63.759,00	0
Bilecik	130	191	5	22.982,00	0
Bingöl	24	46	2	23.905,00	0
Bitlis	8	19	0	0,00	0
Bolu	257	674	13	92.449,00	0
Burdur	44	186	0	0,00	0
Bursa	32	517	54	1.941.290,00	2
Çanakkale	86	345	20	591.183,00	0
Çankırı	11	185	15	267.220,00	0
Çorum	140	865	71	180.660,84	0
Denizli	110	319	8	179.044,00	0
Diyarbakır	341	678	1	15.705,00	0
Düzce	107	446	28	468.446,26	6
Edirne	86	625	9	117.397,00	6
Elazığ	75	222	8	226.347,00	2
Erzincan	42	94	5	85.297,00	0
Erzurum	98	374	18	372.041,00	2
Eskişehir	216	877	23	305.871,00	6
Gaziantep	500	1.076	26	854.980,00	9
Giresun	30	452	26	422.897,00	7
Gümüşhane	25	43	6	187.194,00	0
Hakkâri	0	35	11	37.064,00	10

5 Inspections performed under the By-Law on Permits and Licenses to Be Obtained Under the Environmental Law.

Annex 4 – Number of Inspections and Fine Amounts Imposed in 2012 in Provinces (continued)

PROVINCIAL DIRECTORATES	BPLOUEL INSPECTIONS	TOTAL NUMBER OF INSPECTIONS	NUMBER OF ADMINISTRATIVE FINES	AMOUNT OF ADMINISTRATIVE FINES (TL)	CLOSURE
Hatay	0	232	85	375.818,21	1
Iğdır	4	15	2	109.949,00	0
Isparta	0	33	9	300.679,00	0
İstanbul	1.427	2.198	44	1.058.511,00	5
İzmir	1.681	2.335	144	7.027.677,88	3
Kahramanmaraş	200	397	10	405.186,00	0
Karabük	55	359	54	1.007.829,00	0
Karaman	42	90	2	18.840,00	0
Kars	48	77	5	188.480,00	0
Kastamonu	52	150	10	386.374,00	0
Kayseri	250	729	10	92.772,64	2
Kırıkkale	56	243	5	53.965,91	2
Kırklareli	205	646	17	1.080.084,00	0
Kırşehir	28	93	14	91.111,20	0
Kilis	35	391	1	47.121,00	0
Kocaeli	1.983	3.655	195	5.474.714,22	0
Konya	658	756	67	355.218,57	0
Kütahya	125	189	8	235.315,00	0
Malatya	112	176	16	414.326,00	1
Manisa	482	1.073	20	929.867,00	3
Mardin	66	314	30	23.460,00	0
Mersin	112	239	53	511.969,18	2
Muğla	350	468	43	837.914,00	0
Muş	9	72	0	0,00	0
Nevşehir	85	109	15	316.384,00	0
Niğde	148	315	0	0,00	0
Ordu	95	119	13	411.842,00	3
Osmaniye	10	142	4	114.766,00	2
Rize	300	599	28	1.018.387,00	0
Sakarya	424	1.244	6	213.605,00	1
Samsun	179	381	33	2.551.067,00	0
Siirt	5	10	1	9.420,00	0
Sinop	45	55	3	56.856,90	0
Sivas	57	279	16	338.346,00	3
Şanlıurfa	169	372	126	935.201,17	0
Şırnak	30	160	10	124.296,66	0
Tekirdağ	684	2.467	172	11.845.780,05	0
Tokat	0	82	22	296.285,26	7

Annex 4 – Number of Inspections and Fine Amounts Imposed in 2012 in Provinces (continued)

PROVINCIAL DIRECTORATES	BPLOUEL INSPECTIONS	TOTAL NUMBER OF INSPECTIONS	NUMBER OF ADMINISTRATIVE FINES	AMOUNT OF ADMINISTRATIVE FINES (TL)	CLOSURE
Trabzon	214	429	14	491.559,19	0
Tunceli	3	14	2	13.855,00	0
Uşak	10	90	42	778.432,00	0
Van	167	224	0	0,00	0
Yalova	121	556	3	122.506,00	0
Yozgat	150	236	1	152,00	0
Zonguldak	84	129	1	15.705,00	1
Total	16.258	38.058	2446	57.164.230,45	108
The Central Organization		543	45	1.383.702,01	7
GENERAL TOTAL		38.601	2.491	58.547.932,46	115

Annex 5 – Distribution by Sector and Provinces of EIA Monitoring and Inspection Activities Carried Out by the Ministry's Department of EIA Monitoring and Environmental Inspection in 2012

NO	PROVINCES	INDUSTRY		ENERGY		MINING		WASTE- CHEMICALS		AGRICULTURE- FOOD		TRANSPORTATION- COAST		TOURISM HOUSING		TOTAL		GRAND TOTAL
		EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	
1	Adana	1	4	0	0	0	0	0	0	0	2	1	0	0	0	2	6	8
2	Adıyaman	0	2	0	0	0	4	0	1	0	0	0	0	0	0	0	7	7
3	Afyon	0	0	0	0	0	2	0	3	1	2	0	0	1	0	2	7	9
4	Ağrı	0	4	0	0	0	3	0	1	0	0	0	0	0	0	0	8	8
5	Amasya	0	0	0	0	2	6	0	0	2	1	0	0	0	0	4	7	11
6	Ankara	1	2	0	0	0	0	1	3	0	1	0	0	0	0	2	6	8
7	Antalya	0	0	3	0	0	0	0	1	0	2	0	0	1	2	4	5	9
8	Artvin	0	1	0	1	0	5	1	0	0	0	0	0	0	0	1	7	8
9	Aydın	1	1	0	0	0	0	0	0	0	2	0	1	0	1	1	5	6
10	Balıkesir	0	2	0	0	0	0	0	1	0	4	0	0	0	0	0	7	7
11	Bilecik	0	0	0	0	1	10	0	0	0	0	0	0	0	0	1	10	11
12	Bingöl	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13	Bitlis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14	Bolu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15	Burdur	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	6	6
16	Bursa	0	6	0	0	0	5	0	3	0	2	0	0	0	0	0	16	16
17	Çanakkale	0	3	0	1	1	3	0	2	1	1	0	0	0	0	2	10	12
18	Çankırı	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19	Çorum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	Denizli	2	2	0	0	0	2	1	1	0	3	0	0	0	0	3	8	11
21	Diyarbakır	0	3	0	0	0	1	0	1	0	2	0	0	0	0	0	7	7
22	Edirne	0	0	0	0	0	2	1	1	0	4	0	0	0	0	1	7	8
23	Elazığ	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24	Erzincan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25	Erzurum	0	0	0	0	1	7	0	0	0	0	0	0	0	0	1	7	8
26	Eskişehir	1	5	0	0	0	0	0	0	0	0	0	0	0	0	1	5	6
27	Gaziantep	0	4	0	0	0	2	0	1	0	4	0	0	0	0	0	11	11
28	Giresun	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
29	Gümüşhane	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	Hakkari	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31	Hatay	2	1	0	0	0	2	0	0	1	1	0	0	0	0	3	4	7
32	Isparta	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
33	İçel	1	4	0	0	0	0	0	0	0	3	0	0	0	0	1	7	8
34	İstanbul	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10	10
35	İzmir	2	0	1	0	0	2	0	0	0	6	0	0	0	0	3	8	11
36	Kars	0	1	1	0	0	6	0	0	0	0	0	0	0	0	1	7	8
37	Kastamonu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
38	Kayseri	0	2	0	0	1	0	0	0	1	4	0	0	0	0	2	6	8
39	Kırklareli	2	5	0	0	0	7	0	0	1	0	0	0	0	0	3	12	15
40	Kırşehir	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
41	Kocaeli	0	2	0	0	0	0	0	3	0	0	1	0	0	0	1	5	6

Annex 5 – Distribution by Sector and Provinces of EIA Monitoring and Inspection Activities Carried Out by the Ministry's Department of EIA Monitoring and Environmental Inspection in 2012 (continued)

NO	PROVINCES	INDUSTRY		ENERGY		MINING		WASTE- CHEMICALS		AGRICULTURE- FOOD		TRANSPORTATION- COAST		TOURISM HOUSING		TOTAL		GRAND TOTAL
		EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	EIA	EIA NR	
42	Konya	0	5	0	0	0	3	0	0	1	5	0	0	0	0	1	13	14
43	Kütahya	0	4	0	0	0	2	1	0	0	0	0	0	0	0	1	6	7
44	Malatya	1	3	0	0	0	4	0	0	0	5	0	0	0	0	1	12	13
45	Manisa	0	0	0	0	0	0	1	2	1	4	0	0	0	0	2	6	8
46	K.maraş	2	0	0	0	4	4	0	0	0	0	0	0	0	0	6	4	10
47	Mardin	0	4	0	0	0	0	1	3	0	0	0	0	0	0	1	7	8
48	Muğla	0	1	0	0	0	3	0	1	0	0	0	0	0	0	0	5	5
49	Muş	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
50	Nevşehir	0	1	0	0	0	1	0	0	1	3	0	0	0	0	1	5	6
51	Niğde	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
52	Ordu	0	3	0	0	0	0	0	2	0	1	1	0	0	0	1	6	7
53	Rize	0	1	0	0	0	2	0	0	0	3	0	0	0	0	0	6	6
54	Sakarya	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
55	Samsun	0	2	0	0	1	0	0	4	0	0	0	0	0	0	1	6	7
56	Siirt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
57	Sinop	0	1	0	1	1	3	0	0	0	0	0	1	0	0	1	6	7
58	Sivas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
59	Tekirdağ	1	7	0	0	0	3	0	2	0	0	0	1	0	0	1	13	14
60	Tokat	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
61	Trabzon	0	2	0	2	1	2	0	0	0	2	0	0	0	0	1	8	9
62	Tunceli	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
63	Şanlıurfa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
64	Uşak	0	9	0	0	0	0	0	0	1	3	0	0	0	0	1	12	13
65	Van	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
66	Yozgat	1	1	0	0	0	10	0	0	0	0	0	0	0	0	1	11	12
67	Zonguldak	0	0	0	0	0	0	1	2	0	2	1	0	0	0	2	4	6
68	Aksaray	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
69	Bayburt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
70	Karaman	0	0	2	2	0	8	0	0	0	0	0	0	0	0	2	10	12
71	Kırıkkale	0	2	0	0	0	7	0	0	0	2	0	0	0	0	0	11	11
72	Batman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
73	Şırnak	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
74	Bartın	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
75	Ardahan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
76	Iğdır	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
77	Yalova	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
78	Karabük	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
79	Kilis	0	2	0	0	0	3	0	0	0	1	0	0	0	0	0	6	6
80	Osmaniye	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81	Düzce	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	19	112	7	7	13	130	8	38	11	75	4	3	2	3	64	368	432

**Annex 6 – Number of Inspections Carried Out and Amount of Fines Imposed by the Provincial Directorates
Between 2009 and 2012**

PROVINCIAL DIRECTORATES YEARS	NUMBER OF INSPECTIONS				AMOUNT OF FINES (TL)			
	2009	2010	2011	2012	2009	2010	2011	2012
Adana	1.800	2.152	2.371	819	1.417.159	1.175.590	934.081	1.607.905,76
Adıyaman	107	102	163	89	97.158	7.934	45.985	65.288,00
Afyonkarahisar	110	218	631	317	176.667	3.926	298.822	151.501,00
Ağrı	183	254	182	13	31.062	2.792	64.349	90.557,00
Aksaray	188	107	153	156	99.149	91.076	242.149	78.525,00
Amasya	82	175	146	187	75.752	97.384	244.767	229.430,00
Ankara	1.051	1.609	1.348	2.051	1.870.175	3.257.365	1.847.025	4.453.145,10
Antalya	1.068	1.369	1.552	634	572.108	1.198.190	1.306.240	569.411,00
Ardahan	79	68	158	41	52.490	157.267	295.616	128.701,88
Artvin	99	138	233	58	290.209	193.854	114.601	465.705,00
Aydın	747	648	802	1042	967.913	34.598	1.129.744	651.344,75
Balıkesir	792	495	776	1059	465.931	1.667.790	873.903	1.270.279,82
Bartın	92	211	208	95	98.612	157.705	860.798	227.379,00
Batman	805	1.035	930	143	7.764	214.799	96.842	37.696,00
Bayburt	45	48	169	143	0	35.372	85.464	63.759,00
Bilecik	311	138	84	191	120.865	222.878	177.088	22.982,00
Bingöl	39	74	43	46	15.526	22.867	42.844	23.905,00
Bitlis	69	193	74	19	51.768	148.656	102.921	0,00
Bolu	102	408	522	674	131.776	283.464	280.394	92.449,00
Burdur	157	419	452	186	54.501	98.812	59.505	0,00
Bursa	503	1.554	640	517	2.314.090	1.619.493	2.384.814	1.941.290,00
Çanakkale	454	453	570	345	543.695	1.031.543	406.341	591.183,00
Çankırı	98	149	192	185	57.971	172.003	197.975	267.220,00
Çorum	436	517	987	865	543.861	517.866	180.268	180.660,84
Denizli	229	266	623	319	31.062	31.745	59.827	179.044,00
Diyarbakır	87	563	186	678	165.626	2.516.813	190.876	15.705,00
Düzce	343	492	409	446	458.078	319.105	507.178	468.446,26
Edirne	401	763	769	625	123.545	331.053	12.070	117.397,00
Elazığ	587	544	984	222	177.729	264.943	265.080	226.347,00
Erzincan	33	297	329	94	43.755	26.452	64.099	85.297,00
Erzurum	773	334	917	374	293.306	361.606	167.469	372.041,00
Eskişehir	917	827	731	877	337.633	319.858	463.908	305.871,00
Gaziantep	998	954	1.125	1.076	284.905	336.367	367.523	854.980,00
Giresun	769	405	531	452	116.401	419.538	402.104	422.897,00
Gümüşhane	0	179	63	43	0	33.094	14.244	187.194,00
Hakkâri	136	75	770	35	0	26.452	0	37.064,00
Hatay	274	317	727	232	2.561.833	443.177	469.410	375.818,21
Iğdır	30	117	206	15	2.000	1.973	6.350	109.949,00
Isparta	312	236	261	33	132.677	175.390	42.387	300.679,00
İstanbul	5.154	6.072	4.957	771	1.392.267	5.894.647	10.676.658	1.058.511,00
İzmir	1.801	2.619	1.638	2.335	2.183.008	1.764.220	2.089.786	7.027.677,88
Kahramanmaraş	318	579	1.259	397	137.589	720.267	343.843	405.186,00

Annex 6 – Number of Inspections Carried Out and Amount of Fines Imposed by the Provincial Directorates Between 2009 and 2012 (continued)

PROVINCIAL DIRECTORATES YEARS	NUMBER OF INSPECTIONS				AMOUNT OF FINES (TL)			
	2009	2010	2011	2012	2009	2010	2011	2012
Karabük	52	179	181	55	55.906	13.226	285.095	1.007.829,00
Karaman	65	61	0	90	0	0	0	18.840,00
Kars	27	100	111	77	0	119.570	29.746	188.480,00
Kastamonu	77	144	120	150	141.414	292.017	126.350	386.374,00
Kayseri	526	401	723	729	249.721	887.412	650.063	92.772,64
Kırıkkale	33	248	446	243	62.124	233.463	54.844	53.965,91
Kırklareli	235	320	1.203	646	186.360	457.599	299.153	1.080.084,00
Kırşehir	25	135	69	93	124.620	0	51.277	91.111,20
Kilis	373	385	492	391	193.292	11.150	9.675	47.121,00
Kocaeli	925	1.463	1.744	3.655	1.558.722	1.391.115	3.136.841	5.474.714,22
Konya	69	312	296	756	366.797	326.506	808.495	355.218,57
Kütahya	152	249	213	189	82.829	1.001.743	5.010.579	235.315,00
Malatya	40	350	193	176	197.250	242.484	175.188	414.326,00
Manisa	629	1.673	1.781	1.073	227.913	642.712	189.844	929.867,00
Mardin	249	226	249	314	349.768	85.917	84.309	23.460,00
Mersin	68	997	930	239	1.201.074	1.940.330	1.004.310	511.969,18
Muğla	152	676	798	468	2.532.802	816.913	695.798	837.914,00
Muş	77	87	157	72	14.351	215.107	2.640	0,00
Nevşehir	48	84	379	109	54.330	27.742	36.254	316.384,00
Niğde	172	271	235	315	47.224	126.517	65.521	0,00
Ordu	344	289	498	119	359.599	434.188	1.096.099	411.842,00
Osmaniye	397	402	727	142	337.131	219.713	398.102	114.766,00
Rize	110	281	468	599	264.670	692.968	292.826	1.018.387,00
Sakarya	350	480	735	1244	1.337.523	904.304	1.135.575	213.605,00
Samsun	667	971	1.804	381	248.438	1.183.548	450.769	2.551.067,00
Siirt	25	483	584	10	0	0	79.772	9.420,00
Sinop	306	109	80	55	13.206	442.511	95.422	56.856,90
Sivas	86	260	268	279	275.082	448.168	376.177	338.346,00
Şanlıurfa	348	863	478	372	449.398	1.598.339	296.709	935.201,17
Şırnak	0	1	78	160	214.923	7.934	28.490	124.296,66
Tekirdağ	966	1.754	2.288	2.634	3.384.130	5.002.499	5.294.534	11.845.780,05
Tokat	152	139	140	82	259.560	651.859	179.646	296.285,26
Trabzon	1.750	659	1.036	33	1.664.102	519.550	399.890	491.559,19
Tunceli	35	58	57	2.198	0	13.226	62.587	13.855,00
Uşak	506	320	286	2.335	7.891	146.120	68.493	778.432,00
Van	267	324	0	397	21.857	284.495	0	0,00
Yalova	180	239	287	359	532.749	242.275	158.267	122.506,00
Yozgat	23	174	35	90	13.262	35.430	0	152,00
Zonguldak	391	343	273	77	614.820	1.270.336	591.394	15.705,00
TOTAL	33.476	44.683	50.313	38.058	36.142.454	49.328.910	52.136.082	57.164.230,45
The Central Organization	969	1.021	729	543	6.567.935	14.212.191	4.295.737	1.383.702,00
GRAND TOTAL	34.445	45.704	51.042	38.601	42.710.389	63.541.101	56.431.819	58.547.932,45

Annex 7 – Number of Exhaust Inspections Carried Out and Amount of Fines Imposed in Provinces in 2012

PROVINCES	NUMBER OF EXHAUST INSPECTIONS (DAY) ⁶	NUMBER OF FINES IMPOSED	AMOUNT OF FINES IMPOSED(TL)
Adana	2	3	2.346,00
Adıyaman	0	0	0
Afyonkarahisar	50	54	42.228,00
Ağrı	3	0	0
Amasya	4	21	16.422,00
Ankara	1	105	72.654,00
Antalya	0	0	0
Artvin	0	0	0
Aydın	0	0	0
Balıkesir	8	7	2.380,00
Bilecik	18	57	44.574,00
Bingöl	0	0	0
Bitlis	0	0	0
Bolu	4	0	0
Burdur	0	0	0
Bursa	58	243	244.164,00
Çanakkale	0	0	0
Çankırı	12	1	782
Çorum	24	22	17.204,00
Denizli	0	0	0
Diyarbakır	2	6	4.692,00
Edirne	8	8	6.256,00
Elazığ	3	1	782
Erzincan	0	0	0
Erzurum	4	2	1.564,00
Eskişehir	2	10	7.820,00
Gaziantep	5	33	25.806,00
Giresun	9	0	0
Gümüşhane	0	0	0
Hakkari	0	0	0
Hatay	9	0	0
Isparta	16	0	0
Mersin	8	19	14.858,00
İstanbul	37	35	27.370,00
İzmir	4	0	0
Kars	3	3	2.346,00
Kastamonu	101	146	115.742,00
Kayseri	20	53	68.906,00
Kırklareli	1	7	5.474,00
Kırşehir	3	0	0
Kocaeli	32	25	19.550,00
Konya	67	238	174.386,00

Annex 7 – Number of Exhaust Inspections Carried Out and Amount of Fines Imposed in Provinces in 2012
(continued)

PROVINCES	NUMBER OF EXHAUST INSPECTIONS (DAY) ⁶	NUMBER OF FINES IMPOSED	AMOUNT OF FINES IMPOSED(TL)
Kütahya	3	1	1.567,00
Malatya	3	17	13.294,00
Manisa	0	0	0
Kahramanmaraş	24	6	4.632,00
Mardin	12	21	16.422,00
Muğla	5	14	10.948,00
Muş	6	3	2.346,00
Nevşehir	6	17	13.294,00
Niğde	3	1	1.567,00
Ordu	13	0	0
Rize	2	3	2.346,00
Sakarya	3	27	21.114,00
Samsun	11	3	2.397,00
Siirt	0	0	0
Sinop	5	2	1.564,00
Sivas	2	0	0
Tekirdağ	0	0	0
Tokat	20	7	5.474,00
Trabzon	2	3	2.346,00
Tunceli	0	0	0
Şanlıurfa	0	0	0
Uşak	2	20	15.640,00
Van	169	169	132.158,00
Yozgat	4	6	4.692,00
Zonguldak	0	0	0
Aksaray	1	2	1.492,00
Bayburt	0	0	0
Karaman	0	0	0
Kırıkkale	0	0	0
Batman	9	0	0
Şırnak	0	0	0
Bartın	3	2	1.564,00
Ardahan	0	0	0
Iğdır	17	41	33.626,00
Yalova	12	1	1.567,00
Karabük	18	36	28.937,00
Kilis	12	0	0
Osmaniye	2	0	0
Düzce	0	0	0
TOTAL	894	1.501	1.237.293,00

⁶ The inspections have been performed separately by Provincial Directorates of Environment and Urbanization, Gendarmerie Command and National Turkish Police

Annex 8 – Number of Market Surveillance and Inspection Activities Performed and the Fine Amount Imposed by the Provincial Directorates of Environment and Urbanization in 2012

	NUMBER OF MSI	MSI FINE AMOUNT (TL)
Adana	255	0,00
Adıyaman	20	9.420,00
Afyonkarahisar	50	0,00
Ağrı	13	0,00
Aksaray	1	0,00
Amasya	38	0,00
Ankara	40	0,00
Antalya	636	56.541,00
Ardahan	25	0,00
Artvin	5	0,00
Aydın	176	0,00
Balıkesir	28	0,00
Bartın	2	0,00
Batman	16	0,00
Bayburt	17	0,00
Bilecik	2	0,00
Bingöl	28	0,00
Bitlis	24	0,00
Bolu	30	0,00
Burdur	15	0,00
Bursa	48	0,00
Çanakkale	78	0,00
Çankırı	80	0,00
Çorum	282	0,00
Denizli	159	0,00
Diyarbakır	1	0,00
Düzce	122	0,00
Edirne	1	0,00
Elazığ	2	0,00
Erzincan	17	0,00
Erzurum	8	0,00
Eskişehir	9	0,00
Gaziantep	118	47.900,00
Giresun	46	0,00
Gümüşhane	0	0,00
Hakkâri	101	8.050,00
Hatay	92	0,00
İğdır	48	0,00
Isparta	10.633	2.197,00
İstanbul	443	184.964,00
İzmir	2.179	500.745,00

Annex 8 – Number of Market Surveillance and Inspection Activities Carried Out and the Fine Amount Imposed by the Provincial Directorates of Environment and Urbanization in 2012 (continued)

	NUMBER OF MSI	MSI FINE AMOUNT (TL)
Kahramanmaraş	38	0,00
Karabük	10	0,00
Karaman	3	0,00
Kars	15	0,00
Kastamonu	0	0,00
Kayseri	182	0,00
Kırıkkale	2	0,00
Kırklareli	3	0,00
Kırşehir	42	0,00
Kilis	41	0,00
Kocaeli	88	0,00
Konya	6.076	193.010,25
Kütahya	5	0,00
Malatya	983	0,00
Manisa	19	0,00
Mardin	6	0,00
Mersin	20	0,00
Muğla	2	0,00
Muş	66	0,00
Nevşehir	214	0,00
Niğde	4	0,00
Ordu	135	0,00
Osmaniye	47	9.420,00
Rize	26	0,00
Sakarya	3.410	0,00
Samsun	104	465,00
Siirt	329	0,00
Sinop	10	0,00
Sivas	0	0,00
Şanlıurfa	66	9.420,00
Şırnak	3	0,00
Tekirdağ	88	59.880,00
Tokat	4	0,00
Trabzon	1	0,00
Tunceli	29	0,00
Uşak	43	0,00
Van	25	0,00
Yalova	55	0,00
Yozgat	47	0,00
Zonguldak	91	0,00
TOTAL	28.220	1.082.012

Annex 9 – Number of Non-compliances Found and Amount of Fines Imposed in 2012

PROVINCIAL DIRECTORATES	AIR		WATER		SOIL		WASTE		NOISE		EIA		OTHER		TOTAL		CLOSURE		
	NN ⁷	FA ⁸	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA			
Adana	1	37.696	3	376.976	0		0	1	472.228	0		0	34	523.265	182	197.741	221	1.607.906	12
Adıyaman	0		0	0	0		0	0		0	0	0	3	45.654	8	19.634	11	65.288	0
Afyonkarahisar	0	0	0	0	1	37.696	0	0	0	0	0	0	8	113.805	0	0	9	151.501	0
Ağrı	0	0	0	0	0	0	0	0	0	0	0	0	1	47.115	4	43.442	5	90.557	0
Aksaray	0	0	0	0	0	0	0	0	0	0	0	0	5	78.525	0	0	5	78.525	1
Amasya	0	0	0	0	1	37.969	0	0	0	0	0	0	7	191.461	0	0	8	229.430	6
Ankara	149	1.024.166	46	1.576.533	97	93.539	9	813.240	0	0	0	34	923.577	19	22.090	354	4.453.145	0	0
Antalya	0	0	1	37.696	2	75.392	1	113.088	16	301.545	3	35.410	3	35.410	1	6.280	24	569.411	0
Ardahan	0	0	0	0	0	0	0	0	0	0	0	7	116.142	2	12.560	9	128.702	2	2
Artvin	1	9.420	1	38.496	0		0	3	339.264	0	0	3	78.525	0	0	8	465.705	0	0
Aydın	0	0	2	75.392	14	527.744	0	0	0	4	20.725	3	27.484	0	0	23	651.345	1	1
Balıkesir	2	76.992	3	226.184	4	150.784	0	0	0	6	113.082	20	599.618	11	103.620	46	1.270.280	0	0
Bartın	4	676	5	165.028	0	0	0	0	0	0	0	3	61.359	1	316	13	227.379	0	0
Batman	0	0	1	37.696	0	0	0	0	0	0	0	0	0	0	0	1	37.696	0	0
Bayburt	0	0	0	0	0	0	1	939	0	0	0	3	62.820	0	0	4	63.759	0	0
Bilecik	0	0	0	0	2	1.878	0	0	0	2	12.560	0	0	1	8.544	5	22.982	0	0
Bingöl	0	0	0	0	0	0	0	0	0	0	0	2	23.905	0	0	2	23.905	0	0
Bitlis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolu	0	0	1	37.696	0	0	0	0	0	0	0	1	15.705	11	39.048	13	92.449	0	0
Burdur	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bursa	25	867.008	11	552.882	0	0	0	4	376.960	1	6.280	0	0	13	138.160	54	1.941.290	2	2
Çanakkale	9	339.264	4	150.780	0	0	0	7	0	0	101.139	0	0	0	0	20	591.183	0	0
Çankırı	0	0	1	37.696	0	0	0	0	0	0	0	12	219.165	2	10.359	15	267.220	0	0
Çorum	58	37.847	2	113.088	0	0	0	8	3.150	2	6.906	1	2.000	0	17.669	71	180.661	0	0
Denizli	0	0	1	37.696	3	113.088	0	0	0	1	6.280	0	0	3	21.980	8	179.044	0	0
Diyarbakır	0	0	0	0	0	0	0	0	0	0	0	1	15.705	0	0	1	15.705	0	0
Düzce	0	0	5	395.820	1	37.696	0	0	0	0	0	6	31.586	16	3.344	28	468.446	6	6

7 Number of Non-compliances 8 Fine Amount (TL)

Annex 9 – Number of Non-compliances Found and Amount of Fines Imposed in 2012 (continued)

PROVINCIAL DIRECTORATES	AIR		WATER		SOIL		WASTE		NOISE		EIA		OTHER		TOTAL		CLOSURE
	NN ⁷	FA ⁸	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	
Edirne	2	75.392	0	0	0	0	0	0	0	0	6	32.585	1	9.420	9	117.397	6
Elazığ	0	0	3	188.480	0	0	0	0	0	0	4	37.411	1	456	8	226.347	2
Erzincan	0	0	1	37.696	0	0	0	0	0	0	3	47.145	1	456	5	85.297	0
Erzurum	0	0	0	0	0	0	2	226.176	0	0	9	128.640	7	17.225	18	372.041	2
Eskişehir	2	75.392	0	0	2	75.392	1	37.696	3	56.541	13	41.810	2	19.040	23	305.871	6
Gaziantep	0	0	1	37.696	0	0	8	678.528	0	0	13	128.880	4	9.876	26	854.980	9
Giresun	0	0	5	222.669	0	0	0	0	0	0	16	199.468	5	760	26	422.897	7
Gümüşhane	2	75.392	0	0	2	75.392	0	0	0	0	2	36.410	0	0	6	187.194	0
Hakkari	0	0	0	0	0	0	0	0	0	0	5	37.064	6	0	11	37.064	10
Hatay	6	188.480	3	113.088	1	37.696	0	0	0	0	0	0	75	36.554	85	375.818	1
Iğdır	0	0	0	0	0	0	1	94.244	0	0	1	15.705	0	0	2	109.949	0
Isparta	0	0	0	0	0	0	0	0	4	94.235	0	0	5	206.444	9	300.679	0
İstanbul	11	113.072	4	283.671	0	0	3	320.420	13	216.732	1	5.020	12	119.596	44	1.058.511	5
İzmir	41	1.520.057	42	2.369.517	8	637.866	10	1.620.965	16	506.836	13	252.450	14	119.986	144	7.027.678	3
Kahramanmaraş	2	113.088	1	188.448	0	0	0	0	0	0	6	94.230	1	9.420	10	405.186	0
Karabük	47	321.898	2	123.171	0	0	2	150.784	0	0	1	400.000	2	11.976	54	1.007.829	0
Karaman	0	0	0	0	0	0	0	0	0	0	0	0	2	18.840	2	18.840	0
Kars	0	0	1	47.121	0	0	1	94.244	0	0	3	47.115	0	0	5	188.480	0
Kastamonu	8	354.964	0	0	0	0	0	0	0	0	2	31.410		0	10	386.374	0
Kayseri	0	0	1	37.696	0	0	1	152	0	0	6	45.049	2	9.876	10	92.773	2
Kırkkale	0	0	2	41.686	0	0	0	0	1	6.280	2	6.000	0	0	5	53.966	2
Kırklareli	0	0	8	508.911	0	0	2	508.984	0	0	3	27.649	4	34.540	17	1.080.084	0
Kırşehir	0	0	0	0	0	0	2	75.392	0	0	0	0	12	15.719	14	91.111	0
Kilis	0	0	0	0	0	0	0	0	0	0	1	47.121	0	0	1	47.121	0
Kocaeli	100	3.401.242	13	565.440	0	0	3	735.100	0	0	23	245.412	56	527.520	195	5.474.714	0
Konya	0	0	0	0	0	0	0	0	6	113.082	10	152.878	51	89.259	67	355.219	0
Kütahya	0	0	0	0	2	75.392	0	0	0	0	6	159.923	0	0	8	235.315	0
Malatya	1	37.696	0	0	0	0	2	226.176	0	0	6	124.179	7	26.275	16	414.326	1

Annex 9 – Number of Non-compliances Found and Amount of Fines Imposed in 2012 (continued)

PROVINCIAL DIRECTORATES	AIR		WATER		SOIL		WASTE		NOISE		EIA		OTHER		TOTAL		CLOSURE	
	FA ⁸	NN ⁷	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN	FA	NN		
Manisa	0	0	6	353.881	0	0	0	0	0	3	31.047	7	510.399	4	34.540	20	929.867	3
Mardin	30	23.460	0	0	0	0	0	0	0	0	0	0	0	0	0	30	23.460	0
Mersin	2	113.088	8	301.568	0	0	0	0	0	0	0	7	70.255	36	27.058	53	511.969	2
Muğla	20	15.640	11	521.463	0	0	1	115.488	10	175.903	0	0	0	1	9.420	43	837.914	0
Muş	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nevşehir	0	0	1	34.189	0	0	0	0	0	0	0	11	281.781	3	414	15	316.384	0
Niğde	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordu	0	0	1	37.696	0	0	2	188.488	2	37.694	7	110.268	1	37.696	13	411.842	3	0
Osmaniye	1	37.696	1	47.121	0	0	0	0	0	0	0	2	29.949	0	0	4	114.766	2
Rize	2	75.392	13	565.440	0	0	2	226.176	2	37.694	5	78.525	4	35.160	28	1.018.387	0	0
Sakarya	0	0	4	188.480	0	0	0	0	0	0	0	1	15.705	1	9.420	6	213.605	1
Samsun	9	376.962	6	301.568	0	0	9	1.740.352	0	0	4	78.525	5	53.660	33	2.551.067	0	0
Siirt	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9.420	1	9.420	0
Sinop	0	0	0	0	0	0	1	37.696	1	18.847	0	0	0	1	314	3	56.857	0
Sivas	0	0	0	0	1	37.696	0	0	0	0	0	15	300.650	0	0	16	338.346	3
Şanlıurfa	1	37.696	4	301.578	1	37.696	0	0	0	0	0	8	73.410	112	484.821	126	935.201	0
Şırnak	0	0	0	113.088	0	0	1	0	0	0	0	9	11.209	0	0	10	124.297	0
Tekirdağ	30	1.334.701	91	5.951.271	4	188.480	15	942.400	9	194.743	11	3.111.255	12	122.930	172	11.845.780	0	0
Tokat	0	0	1	47.121	0	0	0	0	0	2	25.127	17	223.429	2	608	22	296.285	7
Trabzon	4	226.178	5	149.157	0	0	1	37.696	0	0	0	3	47.115	1	31.413	14	491.559	0
Tunceli	1	9.420	0	0	0	0	0	0	0	0	0	1	4.435	0	0	2	13.855	0
Uşak	0	0	10	448.841	0	0	0	0	0	0	0	0	47.498	32	282.093	42	778.432	0
Van	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yalova	0	0	2	113.086	0	0	0	0	0	0	0	0	0	1	9.420	3	122.506	0
Yozgat	0	0	0	0	0	0	1	152	0	0	0	0	0	0	0	1	152	0
Zonguldak	0	0	0	0	0	0	0	0	0	0	0	1	15.705	0	0	1	15.705	1
Total	571	10.919.975	338	18.100.498	146	2.241.396	105	10.176.178	104	2.083.278	421	10.566.493	761	3.076.413	2.446	57.164.230	108	0
The Central Organization	1	37.696	6	205.134	0	0	1	113.088	0	0	34	1.001.276	3	26.508	45	1.383.702	7	0
GRAND TOTAL	572	10.957.671	344	18.305.632	146	2.241.396	106	10.289.266	104	2.083.278	455	11.567.769	764	3.102.921	2.491	58.547.932	115	0

Annex 10 – Amount of Fines Imposed by the Institutions Delegated with Power of Inspection and Imposing Sanctions in Respect to Pollution Coming from Ships (TL)

THE BODY IMPOSING FINES	2006	2007	2008	2009	2010	2011	2012
Coast Guard Command	71.143	261.007	144.822	456.882	727.364,00	448.660,00	477.681,60
Undersecretariat of Maritime Affairs	166.539	650.028	663.749	647.000	78.967,11	217.671,01	303.128,28
Istanbul Metropolitan Municipality	2.472.437	9.763.834	14.258.350	5.276.051	4.963.780,00	3.124.818,00	3.200.568,00
Kocaeli Metropolitan Municipality	1.479.651	2.067.043	1.983.635	940.037	822.581,00	1.156.983,00	868.554,00
Antalya Metropolitan Municipality	18.490	25.468	242.295	560.187	191.443,05	309.012,79	187.904,85
Mersin Metropolitan Municipality	0	31.055	48.478	0	0,00	413.745,00	450.944,00
TOTAL	4.208.260	12.798.435	17.341.329	7.880.157	6.784.135,16	5.670.889,80	5.488.780,73

Annex 11 – The Environmental Law

ENVIRONMENTAL LAW ^{(1) (2)}

Law Reference	: 2872
Date of Adoption	: 9/8/1983
The Official Gazette in Which It Is Published	: Date: 11/8/1983 Number: 18132
The Volumes and Order of Publication	: 5 Volume: 22 pages: 499

FIRST SECTION

Objective, Definitions and Principles

Objective

Article 1 – (Amended: 26/4/2006 – 5491/1 art.)

The objective of this Law is to protect the environment as the common wealth of all living creatures in line with the principles of sustainable environment and sustainable development.

Definitions

Article 2 – (Amended: 26/4/2006 – 5491/2 art.)

For the purpose of this Law, following terms shall have corresponding meanings;

Environment: The biological, physical, social, economic and cultural habitat, in which the living creatures maintain their relationships and interact with each other throughout their lives,

Environmental Protection: Any activities aimed at preventing deterioration, destruction and extinction of environmental values and ecological balance, rectify existing deteriorations, rehabilitate and improve the environment and preventing environmental pollution,

Environmental Pollution: Any kind of negative impact occurred in the environment that may deteriorate the health of living things and environmental values and ecological balance,

Sustainable environment : (Social, economic and physical, etc.) rehabilitation, protection and improvement of all environmental values constituting the habitat of present and future generations without endangering the existence and quality of the resources that will be needed by the future generations,

Sustainable Development : Growth and development based on the principle of setting balance between the environmental, economic and social objectives securing the ability of present and future generation to live in a healthy environment,

Receiving environment: Air, water and soil and eco-systems related to such environments,

¹ The article 25 of the Decree-law N.383 dated 19/10/1989 provides for that the powers assigned to the Undersecretariat of Environment by this Law shall be passed to the Presidency of Special Environmental Protection.

² The terms “Undersecretariat of Environment”, “State Ministry Responsible For Environment” mentioned in various legislations were replaced with “Ministry of Environment” and the terms “Minister Responsible For Environment” and “Undersecretary of Environment” were replaced with “Minister of Environment”, by the 1st Article of the Decree-law N.443 dated 9/8/1991.

Natural asset: All plants, animals, microorganisms and their habitat,

Natural resource: Air, water, soil and non-living things present in the nature,

Pollutant: Real or legal persons causing, directly or indirectly, environmental pollution and deterioration of ecological balance and environment during or after the activities,

Ecosystem: The biological, physical and chemical system, in which the living things maintain their relations among themselves and with non-living environment in regularity,

Waste water: The water which is polluted or qualities of which are partially or completely altered as a result of domestic, agricultural and other kinds of utilization,

Waste water infrastructure plants : The entirety of systems and plants by which it is ensured that waste waters are treated through the sewerage collecting domestic and/or industrial waste waters and transmitted to the receiving environment,

Treatment Plants : The plants where wastes in solid, liquid and gas state sourcing from any kind of activities are treated in accordance with the standards stipulated in the regulations,

Ecological balance: The entirety of conditions necessary for the human beings and other living things to maintain their existence and improvement in conformity with their nature,

Wetland: Whether natural or artificial, temporary or permanent, still or flowing, soft, hard or salty, all waters, marshlands, reed fields and turbaries and the parts of these areas edging towards the land from the coast line which ecologically remain as wetland, which bear significance as habitat of living things, in particular, waterfowls, and cover the depths not exceeding six meters at ebb tides,

Biological Diversity: The entirety of ecosystems, species, genes and their relationships,

Waste: Any substance arising from any activity and discarded or left to the environment,

Solid waste : Solid waste substances intended to be discarded by producers thereof and required to be discharged in an orderly manner, for the sake of public well-being and, in particular, for the protection of environment.

Domestic solid waste: Solid wastes coming from houses, industries, workplaces or picnic sites, which does not fall under hazardous or harmful wastes,

Hazardous waste: Wastes and substances polluted by such wastes which cause deterioration of the ecological balance and nature of other living things by producing physical, chemical and/or biologically negative environmental impacts,

Hazardous chemicals: Any kind of chemical substance and their products which cause deterioration of the ecological balance and nature of other living things by producing physical, chemical and/or biologically negative environmental impacts,

Dirty ballast: The ballast water which causes appearance of oil, oil derivatives or oil traces on water or at the adjacent coast line when released to water from anchored or under way tankers, ships, or other sea vessels or color change on and under the water or accumulation of substances as solid substances/emulsion,

Environmental Impact Assessment: The activities to be maintained in assessment of the potential positive or negative impacts of any project planned to be realized, the measures to be taken for preventing negative impacts or minimizing to an extent that will cause no harm to the environment, by identifying the location and the technological alternatives,

Project demonstration file: The file containing the information and documents presenting the location, features, potential negative impacts of the project planned to be realized and the measures envisaged in relation thereto, which introduces the project in general terms,

Strategic environmental assessment: Environmental assessment activities containing a written report, which are carried out, in a participatory manner, before the approval of the plans or programs subject to approval or from the commencement of the programming period, for the purpose of ensuring the incorporation of the environmental values into the plan and program and minimizing potential environmental effects of the plan or program,

Environmental management: Implementation of policies and strategies identified at local, regional, national or international level aiming at ensuring the sustainable utilization and development of natural or artificial environmental elements by employing administrative, technical, legal, political, economic, social or cultural instruments,

Environmental Management Unit/Officer: The unit or officer that evaluates, pursuant to this Law and regulations entered into force under this Law, the compliance with the law of the activities of the plants subject to inspect, whether the measures taken are effectively implemented and issues in-plant annual programs,

Environmental Volunteer: A person selected by the Ministry from among eligible persons and designated and authorized in order to notify the Ministry of the activities violating this Law or regulations entered into force pursuant to this law,

Sensitive Area: Coastal and inland water areas to be identified by the Ministry, eutrophication risk of which is high,

Environmental data: Any written, oral or visual information or data available in relation to water, air, plant and animal population or activities that may potentially affect the foregoing or administrative or technical measures,

Business Deadline Plan: The plan indicating the table of the works such as site selection, preparing projects, procurement, commissioning to be carried out in the process of realization of infrastructural plants such as waste water treatment plants and/or sewerage system and solid waste discharge plants required to be constructed by the waste water and domestic solid waste sources in order to ensure receiving environment discharge standards,

Risk assessment: The entirety of methods employed for the purpose of identifying the potential dangers of certain chemicals or substances and measurement of their consequences,

Non-ionizing Radiation: Electromagnetic waves which do not cause ionization,

Electromagnetic Field: The field produced by the waves which are electrical and magnetic field elements,

Odor: The effect created by volatile substances which activate the sense of smell in humans and causes the perception of odor,

Air quality: The quality which is an indicator of the air pollution affecting human beings and surrounding environment and is reduced by the increasing amount of air pollutants in the environment air,

Ministry: The Ministry of Environment and Forestry.

Principles

Article 3 – (Amended: 26/4/2006 – 5491/3 art.)

The general principles relating to the protection and improvement of the environment and prevention of environmental pollution are as follows:

a) Every one, in particular, the administration, professional chambers, unions and non-governmental organizations, is under the obligation of protecting the environment and preventing the environmental pollution and is obliged to comply with the measures and principles identified in relation thereto.

b) The Ministry and local administrations shall cooperate, as necessary, with professional chambers, unions and non-governmental organization in any activity aimed at protecting the environment, preventing the deterioration of the environment and removing the pollution.

c) The competent authorities who make the decisions on use of lands and resources and evaluate the projects shall observe the principle of sustainable development in the decision-making processes.

d) The benefits of the economic activities to be performed and their impact on natural resources shall be taken into consideration in a long-term prospective under the principle of sustainable development.

e) The right to participation is the principal basis in the formation of environmental policies. The Ministry and local administrations are obliged to create a convenient medium in which the professional chambers, unions, non-governmental organizations and citizens can exercise their right to participation.

f) It is essential to employ environment-friendly technologies which reduce the waste generation at source and ensure the recycling of the wastes in order to use the natural resources and energy efficiently during any activity.

g) The expenses made for the purpose of preventing, limiting or removing pollution and deterioration and improving the environment shall be incurred by the polluter or any person who causes the deterioration. The necessary expenses incurred by the public institutions or bodies as a result of the failure of the polluter to take measures necessary to stop, remove or reduce the pollution or deterioration or direct initiative by the competent authorities to take such measures shall be collected from the polluter pursuant to the provisions of the Law On The Procedures for Collection of Public Claims N.6183.

h) Standards which are obligatory to observe, taxes, duties, cost participation share, incentives on renewable energy resources and clean technologies, collection of emission and pollution fees, market-based mechanisms such as carbon trade and economic instruments and incentives shall be employed for the purpose of protecting the environment and preventing and reducing environmental pollution,

i) The technical, administrative, financial and legal regulations required for the fulfillment of national rights and powers arising from the international treaties to which we are a party, aimed at resolving regional and global environmental problems shall be coordinated under the Ministry.

Real or legal persons are obliged to meet any expenses that may be incurred as a result of such regulations.

j) The technical, administrative, financial and legal regulations required for the protection of environment, prevention of environmental pollution and resolving environmental problems shall be coordinated under the Ministry. The matters falling under the Law on Turkish Atomic Energy Authority N.2690 shall be carried out by the Turkish Atomic Energy Authority.

SECOND SECTION

High Environment Council and Its Duties ⁽³⁾

High Environment Council ⁽³⁾

Article 4 – (Repealed: 9/8/1991 – Decree Having Force of Law - 443/43 art.; Recast: 26/4/2006 – 5491/4 art.)

High Environment Council, consisting of ministers number of which shall be decided by the Prime Minister and the Undersecretary of the Ministry, is hereby established under the chair of the Prime Minister, in the case of absence thereof, Minister of Environment and Forestry.

Other ministers may be called by the Chairman to the Council meetings.

The Council shall convene at least once a year.

The secretarial services of the Council shall be carried out by the Ministry.

Meetings shall be held with the participation of undersecretaries of the relevant ministries, high-rank officers of other institutions and bodies under the chair of the Undersecretary of the Ministry so as to carry out preliminary preparations and evaluations in relation to the activities of the Council. The union representatives of the bodies acting in the capacity of public institutions, representatives of professional chambers, non-governmental organizations, local administrations and scientific institutions shall be invited according to the agenda of the meetings.

The procedures and principles governing the Council's activities and other matters shall be regulated by by-law.

Duties of the High Environmental Council ⁽³⁾

Article 5 – (Repealed: 13/3/1990 - Decree Having Force of Law - 409/12 art.; recast: 26/4/2006 – 5491/5 art.)

The duties of the High Environment Council are as follows:

- a) To identify objectives, policies and strategies for an effective environmental management.
- b) To specify legal and administrative measures which enables taking the environmental aspect into consideration when making economic decisions in line with the principle of sustainable development.
- c) To make the final decision in disputes related to more than one ministries or institutions.

Article 6 – 7 – (Repealed: 8/6/1984 - Decree Having Force of Law 222/30 art.)

THIRD SECTION

Measures and Prohibitions Relating to Environmental Protection

Prohibition of Pollution

Article 8 – It is prohibited to release, directly or indirectly, any kind of wastes or refuses to receiving environments in such a manner to harm the environment in violation of the standards and methods specified in the relevant by-laws or store, transfer, move away the wastes or refuses or carry out similar activities.

³ The title of the second section "Central and Provincial Administrative Divisions and Their Duties" and the title of the fourth Article "Central Environment Council" were amended by the 4th Article of the Law N.5491 dated 26/4/2006 as currently in effect.

The persons concerned are obliged to prevent the pollution when there is a possibility of pollution; and the polluter is obliged to stop the pollution or take necessary measures to remove or reduce the effects thereof, if the pollution has already occurred.

Environmental Protection⁽⁴⁾

Article 9 – (Amended: 26/4/2006 – 5491/6 art.)

The following shall be observed for the purpose of protecting environment:

a) It is essential to protect the biological diversity forming the environment and the ecosystem accommodating such diversity. The principles governing the protection and utilization of biological diversity shall be determined by receiving the opinions of local administrations, universities, non-governmental organizations and other relevant bodies.

b) The environmental landscape plans of 1/50.000-1/100.000 scale at regional or basin level as to constitute a basis for land use and tentative plans to be produced in order to prevent environmental pollution that may occur as a result of meeting the needs of the urban or rural population such as accommodation, working, resting and transportation on the physical space of the country in line with the principle of sustainable development and in consideration of protection-utilization balance shall be produced or procured and approved by the Ministry. The principles and procedures to govern the preparation of environmental landscape plans at the regional or basin level shall be determined by the Ministry through a by-law to be adopted.

c) The areas assigned the status of protection by being covered under the protection stipulated by the national legislation or international treaties to which we are a party and sensitive areas having ecological value shall be indicated in any plan of any scale. The areas which are given the protection status or have ecological values may not be used but for any purpose other than planning decisions.

d) The Council of Ministers is entitled to identify and announce as Special Environmental Protection Area the soil and water areas which bear national or global ecological significance or are sensitive to environmental pollution and deterioration and determine as to which ministries shall prepare and execute the protection and utilization principles and plans and projects to be applied to such areas, in order to enable the adoption of regulations necessary to secure the transmission of biological diversity, natural resources and related cultural resources to future generations.

With regard to the plans and projects relating to such areas, the 9th Article of the Zoning Law N.3194 dated 3.5.1985, the provisions of the Coastal Law N.3621 dated 4.4.1990 regulating the power of approving the plans, the provisions of the 8th Article of the Law On Protection of Cultural And Natural Assets N.2863 dated 21.7.1983 regulating the powers other than those relating to the identification and registry of the natural assets, natural protected area and the protection sites of such areas and sub-paragraph (a) of the 17th Article of the same Law shall not be applied.

e) It is fundamental to protect the natural structure and ecological balance of wetlands. Land may not be acquired by way of filling wetlands. In the case of acquisition of lands in violation of this provision, the said area shall be returned by the owner of the activity to its original state.

The principles and procedures relating to the protection and management of the wetlands shall be governed by a by-law to be adopted by the Ministry after having the opinion of the relevant institutions and bodies.

⁴ The previous title of this article "Environmental protection" was replaced by the 6th Article of the Law N.5491 dated 26.4.2006.

f) It is fundamental to protect those under the risk of extinction as well as rare plant or animal species in order to ensure the sustainability of biological diversity and such species may not be traded in contradiction to law.

g) The administrative, legal and technical principles to govern the protection of natural resources and assets, prevention of pollution and deterioration and improvement thereof shall be identified by the Ministry.

h) It is fundamental to ensure the utilization and protection against the pollution of the sea, underground and ground resources and mariculture production areas of the country by way of protecting the same. The Ministry is responsible for making policies and ensuring coordination in relation to the waste water management. The receiving environment standards regarding mariculture production areas shall be identified by the Ministry of Agriculture and Rural Affairs.

Fish farms to be constructed on the seas may not be erected on closed bays or gulfs or natural or archaeological protected areas.

The principles and procedures to govern the waste water discharge to the receiving environments shall be regulated by a by-law to be prepared by the Ministry.

i) It is fundamental, in order to protect the environment and raise environmental awareness among public, to include environmental topics, starting from the pre-school education, in the curriculum of the educational institutions under the Ministry of National Education.

It is fundamental to include in the radio and television broadcasts the programs aimed at raising awareness as to the importance of environment as a means of non-formal education. It is obligatory for Turkish Radio-Television Corporation and private television channels to broadcast at least two hours of educative programs and for private radio channels to broadcast at least thirty minutes of educative programs. 20% of these programs shall be broadcasted at the hours of highest audience rating. High Council of Radio and Television is obliged to monitor compliance with this law with regard to the matters falling within the scope of its functions.

j) Any kind of resource or revenue collected in regards to environment is allocated to environment and shall primarily be used for protection, improvement and rehabilitation of the environment and prevention of pollution.

Environmental Impact Assessment

Article 10 – (Amended: 26/4/2006 – 5491/7 art.)

The institutions, bodies and corporations which may cause environmental problems in result of the activities they plan to perform are obliged to prepare Environmental Impact Assessment Report or project demonstration file.

No consent, permit, incentive or construction or building or use license may be granted with regard to such projects unless an Environmental Impact Assessment Positive or Environmental Impact Assessment Not Required decisions is obtained.

Oil, geothermal resources and mineral exploration activities are out of the scope of Environmental Impact Assessment.

The projects subject to Environmental Impact Assessment and plans and programs subject to Strategic Environmental Assessment and principles and procedures related thereto shall be governed by a by-law to be regulated by the Ministry.

The Obligation of Obtaining Permit and Treatment and Discharge ⁽⁵⁾**Article 11 – (Amended: 26/4/2006 – 5491/8 art.)**

The plants or operations or settlements which are not deemed appropriate to release, directly or indirectly, their wastes generating from production, consumption or service activities to receiving environments are obliged to treat and discharge, or procure the treatment or discharge of, their wastes in accordance with the standards and methods stipulated in the by-laws and obtain the required permits.

The plants and operations and settlements which are under the obligation mentioned in the first paragraph are subject to following terms:

1) They shall not be granted construction permit unless they submit, at the construction permit stage, the project and documents indicating that they have fulfilled this obligation.

2) Those which have completed their construction but have not fulfilled this obligation shall not be granted operation license and/or building use permit.

3) In the case that they do not fulfill the obligation of treatment and discharge, but have obtained construction license, building use permit or operation license, the building use permit or operation license shall be cancelled.

The real or legal persons contemplating to alter their activities and/or enlarge their plants are obliged to fulfill the obligation to treat and discharge their wastes in line with the procedures and principles specified in the by-law.

In metropolitan municipalities, the institutions specified in the Law On Establishment and Functions of the General Directorate of Istanbul For Water and Sewerage Administration N.2560 dated 20.11.1981; within boundaries of municipalities or municipal adjacent areas, the municipalities; and in any utilization area other than foregoing subject to settlement, those who utilize these areas under the oversight of the governorate, shall be responsible for construction, maintenance, repair, rehabilitation and operation of sewerage system collecting wastewaters and waste water infrastructure systems by which the waste waters are treated and treated wastewaters are discharged.

Those who shall be responsible for construction, maintenance, repair and operation of wastewater infrastructure systems are regional directorates in free and/or industrial zones, the Ministry of Culture and Tourism or the units authorized thereby in the culture and tourism protection and development areas and tourism centers, administration of organized industrial zone in organized industrial zones, cooperative presidencies in small industry sites, and site managements or operators in the holiday villages, holiday sites, areas of touristic premises and similar utilization areas constructed separately from the existing settlements.

Those which use and/or will use wastewater infrastructure systems shall participate, regardless of whether they have connection systems, in any expenses related to the investment, operation, maintenance, repair, rehabilitation and cleaning to be undertaken by the administrations responsible for treatment systems, by the percent of pollution degree and wastewater amount. Those which benefit from such services shall be imposed a fee for waste collection, treatment and discharge subject to the tariff to be determined by the municipal council or other administrations assigned with responsibility in this article. The fees collected pursuant to this paragraph shall not be used for any purpose other than those related to wastewater.

⁵ The previous title of this article was "Obligation of Obtaining Operation License and Notification" and replaced, as processed herein, by the 8th Article of the Law N.5491 dated 26.4.2006.

In the case that the wastewater collection basin is within jurisdiction of more than one municipality or institution, the institution operating the wastewater treatment plant shall collect from the polluters the investment and expenditure costs related to wastewater in proportion to the pollution and wastewater amount.

The waste generators are obliged to take measures, through appropriate methods and technologies necessary to minimize the amount of their wastes.

It is fundamental to prevent or reduce waste generation and the damages caused thereby and recycle the wastes and collect the recyclable wastes separately at source. The principles relating to waste management plans shall be governed by a by-law to be regulated by the Ministry.

The wastes which are not possible to be recycled shall be discharged according to the methods specified in by-laws.

The metropolitan and provincial municipalities are obliged to establish or have established and operate or have operated domestic solid waste discharge plants. Those that benefit or will benefit from such services shall participate in the expenses to be undertaken by responsible managements in relation to investment, operation, maintenance, repair and rehabilitation of such plants. Those which benefit from such services shall be imposed a fee for solid waste collection, transportation and discharge subject to the tariff to be determined by the municipal council. The fees collected pursuant to this paragraph shall not be used for any purpose other than the services related to solid waste.

The manufacturers, importers or introducers to the market which are imposed obligations under the responsibility of the manufacturers, importers or introducers to the market shall convene under the coordinatorship of the Ministry and establish unions having legal personality for the purpose of fulfillment of their obligations relating to collection, transportation, recovery, recycling and discharge of their wastes and meeting the necessary expenses in relation thereto and conducting educative activities. The principles and procedures to govern the assignment of the responsibilities of the institutions and bodies imposed obligation thereunder to such institutions and bodies shall be determined by the by-laws to be regulated by the Ministry.

Generators of hazardous wastes are obliged to discharge or have discharged their wastes in accordance with the principles to be specified in by-laws.

Real and/or legal persons that wish to construct and operate waste recovery, recycling and discharge plant are obliged to obtain a license from the Ministry, provided that they obtain, in accordance with the principles determined by the by-law, the permit relating to product standard, conformity of the products to sales and market oversight related thereto from relevant institutions.

The institutions or corporations carrying out waste transportation and/or collection works, excluding domestic wastes, are obliged to obtain a license from the Ministry. The institutions or corporations carrying out domestic waste transportation and collection works shall be registered by the Ministry.

In the case that the municipalities found service unions for the purpose of wastewater treatment, and waste discharge and recovery, the Ministry shall provide technical and financial assistance with regard to examinations and projects. Plant construction projects may be supported by way of providing loans or aids under the 18th Article of this Law. In the case that the loans are not repaid, the Law on The Procedures for Collection of Public Claims N.6183. shall be applied to the enforcement proceedings and such claims shall, primarily, be collected from the shares of such municipalities in the Provincial Bank, under the provisions of the supplemental 4th Article of the Law On Appropriation To Be Made To Municipalities and Special Provincial Administrations From the General Budget Tax Revenues N.2380.

The principles and procedures relating to the establishment of plants, operations and settlements subject to the obligation of treatment and discharge, treatment and discharge systems required to be constructed pursuant to such obligation, wastewater treatment and preliminary treatment systems and the participation rate thereof in the expenses related to construction, repair, rehabilitation, operation of wastewater infrastructure systems shall be governed by by-laws to be regulated by the Ministry. The powers assigned by other laws are reserved.

The permits to be obtained as to ensure the implementation of this Law and principles and procedures to govern such permits shall be determined by by-laws to be regulated by the Ministry.

The institutions, bodies or corporations which may cause negative impacts on the environment due to their activities are obliged, in the case of a potential accident relating to their activities, to prepare emergency plans to be implemented in order to control or minimize the negative impacts of such accidents on the environment. The principles and procedures related thereto shall be regulated by a by-law to be issued by the Ministry.

Relevant institutions and bodies shall prepare, in consideration of such plans, local, regional and national emergency plans under the coordinatorship of the Ministry.

The harbors, dockyards and coastal plants such as ship maintenance-repair, ship disassembly plants and marinas are obliged to carry out the activities and construct the plants or procure such means in relation to the collection, storage, transportation and discharge of petroleum or oily solid wastes or liquid wastes such as bilge, dirty ballast, sludge and slops or domestic wastewaters and solid wastes generated in their plants or ships or other sea vessels. The principles and procedures related thereto shall be regulated by a by-law to be issued by the Ministry.

Obligation of Inspection, Providing Information and Notification ⁽⁶⁾

Article 12 – (Amended: 26/4/2006 – 5491/9 art.)

The power to conduct inspections as to whether the provisions of this Law are observed vests in the Ministry. This power shall, as necessary, be delegated by the Ministry to special provincial administrations, municipalities which have established environmental inspection units, Undersecretariat of Maritime Affairs, Coastal Guard Command and inspectors specified in accordance with the Highways Traffic Law N.2918 dated 13.10.1983. The inspections shall be performed in accordance with the principles and procedures specified by the Ministry.

The proceedings relating to the inspections of military workplaces, zones and exercises performed under this Law and consequences of such inspections shall be carried out in accordance with the by-law to be prepared jointly by the Turkish General Staff, Ministry of National Defense, Ministry of Interior Affairs and the Ministry.

Those concerned are obliged to provide the information and documents requested by the Ministry or other courts authorized in relation to the inspections, meet the expenses of analysis and surveys to be procured by the authorities and facilitate any possibility during the inspections.

Those concerned are obliged, in the case where requested, to submit to the Ministry or authorized inspection unit the production schemes, emergency plans, monitoring systems and pollution reports and other information and documents relating to the activities that may cause environmental pollution.

⁶ The previous title of this article was “Inspection” which was replaced by the 9th Article of the Law N.5491 dated 26/4/2006 with the title processed herein.

Principles and procedures relating to the obligation of inspection, providing information and notification shall be governed by a by-law to be issued by the Ministry.

Hazardous Chemicals and Wastes ⁽⁷⁾

Article 13 – (Amended: 26/4/2006 – 5491/10 art.)

The principles and procedures relating to the specification, production, importation of the hazardous chemicals and their utilization areas through the process of their becoming wastes as well as the amounts, labeling, packaging, classification, storage, risk assessment, transportation and exportation thereof shall be governed by a by-law to be issued by the Ministry after having the opinions of the institutions and bodies involved.

The hazardous chemicals found to be introduced to the market in violation of the provisions of the by-law and the goods containing such chemicals shall be made collected or destroyed by the institutions, bodies or corporations that have introduced such chemicals to the markets for sales or utilization. The expenses required for the transportation and termination of such chemicals shall be covered by those involved. In the case that this obligation is not fulfilled, these expenses shall be collected from the institutions, bodies or operations concerned pursuant to the Law on Procedures for Collection of Public Claims N. 6183.

The Prime Ministry, Undersecretariat of Foreign Trade is entitled to prohibit or subject to control the import of some fuels, materials, wastes, hazardous chemicals and goods containing such chemicals after having the opinion of the Ministry.

Import of hazardous wastes is forbidden.

The principles and procedures relating to the definition of the hazardous wastes as well as collection thereof beginning from the stage of generation of such wastes and interim storage, recovery, reutilization, transportation, discharge, post-discharge control, export, transiting, packaging, labeling, inspection and preparation of management plans of these hazardous wastes shall be governed by the by-law to be published by the Ministry.

Those that are engaged in the activities of production, sales, storage, use, and transportation of hazardous chemicals and collection, transportation, temporary and interim storage, recovery, reutilization and discharge of hazardous wastes shall be severally liable for the obligations stipulated by this Law. Those under the responsibility shall provide a hazardous chemical and hazardous waste financial liability insurance against any damage they may cause to third persons as a result of an accident that may occur due to professional activities specified in this Law and obtain necessary permit from the Ministry. The institutions, bodies or operations not complying with the obligation of procuring insurance shall not be given permit in relation to such activities.

The obligatory financial liability insurance stipulated in this article shall be provided from the pool to be established by a by-law to be issued by the insurance companies specified, in view of their financial sufficiency, by the Undersecretariat of Treasury or by the Undersecretariat of Treasury upon the approval of the Minister to which it is affiliated. The principles and procedures relating to the management and functioning of the pool shall also be regulated by the same by-law. The pool shall be established as an insurance and/or reinsurance pool. The Minister to which the Undersecretariat of Treasury is affiliated shall have the power to decide whether to maintain a certain share on behalf of the government. A prepayment may be imbursemented from the

⁷ The previous title of this article was “Hazardous chemical materials” which was replaced by the 10th Article of the Law N.5491 dated 26/4/2006 with the title processed herein.

budget of the Undersecretariat of the Treasury for the initial expenses with the condition of reimbursement of such payment. The liabilities of the pool are limited to the premium revenues and their proceeds, the reinsurance to be provided from the markets and similar hedges and payment capacity.

The Ministry is entitled, provided that the consenting opinion of the Undersecretariat of the Treasury is received, to postpone the obligation of those carrying out activities relating to hazardous chemicals and wastes to provide a financial liability insurance, for no longer than one year from the entry into force of the general conditions, tariffs and instructions relating to such insurance.

The general conditions of the insurance relating to the financial liability insurance to be provided by each liable party shall be approved by the Undersecretariat of Treasury. The tariffs and instructions of the financial liability insurance shall be determined by the Ministry to which the Undersecretariat of Treasury is affiliated. The Minister to which the Undersecretariat of Treasury is affiliated is entitled to release the tariff.

Noise

Article 14 – (Amended: 26/4/2006 – 5491/11 art.)

It is forbidden to cause noise or vibration that exceeds the standards specified in the relevant by-laws in such a manner to damage the physical or mental health.

The owners of the activities are shall take necessary measures in order to reduce to the specified standards the noise or vibration arising from the transportation vehicles, construction sites, factories, workshops, workplaces, entertainment sites, service buildings and houses.

Suspension of Activities

Article 15 – (Amended: 26/4/2006 – 5491/12 art.)

The Ministry or the institutions and courts delegated with the power of inspection pursuant to the first paragraph of the 12th Article may grant one-off period not exceeding one year, the terms of which shall be governed by a by-law, to those violating this Law or the by-laws published pursuant to this Law.

The activity shall, where a period is not granted, be suspended immediately and where the violation is not rectified at the end of the period granted, be suspended, partially or completely, by the Ministry or the institutions or courts delegated with the power of inspection pursuant to the first paragraph of the 12th Article for a definite or indefinite period. The activities that pose danger in respect to environmental or human health shall be suspended for an indefinite period.

The activities started without an environmental impact assessment shall be suspended by the Ministry and any activities started without preparing project demonstration file shall be suspended by the highest local administrative authority without granting any extension period.

Granting an extension period or suspension of the activity shall not prevent the application of the fines stipulated in this Law.

Suspension of Activity in Cases of Danger

Article 16 – (Repealed: 26/4/2006 – 5491/24 art.)

FOURTH SECTION ⁽⁸⁾

Fund for Preventing Environmental Pollution

Establishment and Utilization of the Fund

Article 17 – (Repealed: 21/2/2001 - 4629/6 art.)

Collecting Environmental Contribution Fee, Other Revenues and Budget Appropriations ⁽⁹⁾

Article 18 – (Repealed: 21/2/2001 - 4629/6 art.; Recast: 26/4/2006-5491/13 art.)

In order to prevent the environmental pollution, improve and support investments relating to the environment;

a) An amount to be received at one percent of the CIF price of the fuels and wastes subject to control and permitted to be imported and five per mil of the CIF price of the scraps,

b) One percent of the price of water collected by the water and sewerage administrations of the metropolitan municipalities and price of remotion of used waters,

shall be collected as environmental contribution fee. These amounts collected shall be transferred by those concerned to the accounts of the offices of property and recognized as revenue, no later than fifteenth day of the following month.

Further, any donations, aids and endowments as well as loan capital reimbursements and loan interests shall be collected and deposited to the accounts of the Ministry of Environment and Forestry Central Directorate of Accountancy and recognized as revenue in the budget.

The provisions of the Law on the Procedure for Collection of Public Claims N.6183 shall be applied to the collection of the revenues listed in this article.

The Council of Ministers is entitled to reduce, separately or collectively, the rates specified in the subparagraphs (a) and (b) down to zero or increase the same up to the rate provided for in the law.

An amount corresponding to the above revenues predicted in the budget revenues shall be appropriated in the Ministry budget for the expenditures made for assisting, through loans or aids, the monitoring, feasibility, examination, project and construction works of wastewater treatment, waste discharge and solid waste recovery plants, preparation of environmental landscape plans, establishment of a network for surveying and monitoring the quality of air, water and soil, supporting surveys and projects in relation to prevention of noise, preparation of emergency intervention plans, Environmental Impact Assessment activities, watershed protection activities, protection of biological diversity, fight against desertification and climatic change, strategic environmental assessment, protection of endangered species of fauna and flora and their habitat, fulfillment of the obligations arising from international treaties, activities relating to environmental training and broadcasting and standing committees and removal of environmental pollution.

The principles and procedures relating to the collection of the revenues listed above and utilization of the appropriations provided for in the budget shall be governed by a by-law to be issued by the Ministry upon the consenting opinion of the Ministry of Finance.

⁸ The previous title of this article was "Hazardous Chemical Substances" and replaced, by the 10th Article of the Law N. 5491 dated 26/4/2006, with the title processed herein.

⁹ The previous title of this article was "The revenues of The Fund" and replaced, by the 13th Article of the Law N. 5491 dated 26/4/2006, with the title processed herein.

Utilization of the Fund

Article 19 – (Repealed: 21/2/2001 - 4629/6 art.)

FIFTH SECTION

Punitive Provisions

Punitive Administrative Fines

Article 20 – (Amended: 26/4/2006 – 5491/14 art.)

Punitive administrative fines are as follows:

a) The owners of motor vehicles who do not conduct emission survey pursuant to the provisional 4th Article shall be imposed a punitive administrative fine of 500 TL and the owners of motor vehicles who cause an emission violating the standards set out in the by-laws shall be imposed a punitive administrative fine of 1000 TL.

b) Those that, without obtaining permit from the competent authorities, establish and operate the plants whose establishment and operation are, due to their significant impacts on air pollution, subjected to permit through a by-law or continue to establish and operate such plants despite the cancellation of the permit or make alterations afterwards in such plants without having permission or fail to make the alterations required by the competent authorities within the prescribed period shall be imposed an administrative fine of 24.000 TL. In the case that the emission amount in these plants exceeds the limits specified in the by-law, an administrative amount of 48.000 TL shall be assessed.

Those that operate the plants subject to permit without taking the measures stipulated in the permit certificate or by-laws or in violation of the emission standards and limits specified in the by-laws shall be imposed an administrative fine of 24.000 TL.

c) Those that cause an emission violating the standards specified in the by-law during the operation of the plants whose establishment and operation are not subject to permit in respect to air pollution shall be imposed an administrative fine of 6.000 TL.

Those violating the supplemental 9th Article of this Law shall be imposed an administrative fine of 2000 TL.

The fine to be imposed in the cases where the act defined in the first passage of this sub-paragraph is commissioned in relation to houses shall be 300 TL for each separate section in collectively or individually heated houses. This punitive liability vests in the building manager with regard to collectively heated houses and the user of the house with regard to individually heated houses.

d) Those that fail to take the measures prescribed in the by-laws in regions bearing special significance in respect to air pollution or at times when the pollution is reached to crucial levels or at critical meteorological conditions, violate the laws or do not comply with the decisions taken by local environmental council in relation thereto shall be imposed a fine by doubling the administrative fines stipulated in the sub-paragraphs (b) and (c) of this article.

In the case that this act is commissioned in relation to houses, the punitive liability shall be determined in accordance with the sub-paragraph (c) of this article.

e) Those that start the construction or operation before commencing or completing the Environmental Impact Assessment process shall be imposed an administrative fine in an amount of two percent of the project price. In the cases subject to a fine, the investor is obliged to return the activity site to its original state.

Those that violate the undertakings they have promised during the Environmental Impact Process shall be imposed an administrative fine of 10.000 TL for each violation.

f) Those that fail to establish or establish without operating the preliminary treatment, treatment or discharge plants which are obligatory to establish pursuant to the 11th Article shall be imposed an administrative fine of 60.000 TL.

g) Those that do not fulfill their obligation to provide information or deliver notice required by the 12th Article shall be imposed an administrative fine of 6.000 TL.

h) Those that fail to take measures stipulated in the by-law issued pursuant to the 14th Article of this Law or cause noise or vibration in violation of the standards shall be imposed an administrative fine of 400 TL for houses, 1200 TL for transportation vehicles, 4000 TL for workplaces and workshops and 12.000 TL for plant, construction or entertainment-related noise.

i) Following fines shall apply to the polluters defined below in the case where they cause pollution, in violation of the prohibitions and restrictions stipulated in this law, on the seas within the sovereignty of the country or sea jurisdictions subject to jurisdiction and waters adjacent thereto or natural or artificial lakes or dam lakes or rivers;

1) The tankers up to 1,000 (inclusive) gross tons releasing or discharging petroleum and petroleum derivatives (crude oil, fuel, bilge, sludge, slop, refined products, oily waste etc.) shall be imposed an administrative fine of 40 TL per gross ton, the tankers between one thousand up to five thousand (inclusive) gross tons shall be imposed an administrative fine of the a foregoing fine amount and 10 TL for each additional gross ton, the tankers over five thousand gross tons shall be imposed a fine of the above amounts and 100 Kuruş for each additional gross ton,

2) Of the tankers discharging dirty ballast, those up to 1000 (inclusive) gross tons shall be imposed an administrative fine of 30 TL for each gross ton, those between one thousand and five thousand (inclusive) gross tons 30 TL plus 6 TL for each additional gross ton and those over five thousand gross tons the amounts above plus 100 Kuruş for each additional gross ton,

3) Of the ships and other sea vessels discharging petroleum derivatives (bilge, sludge, slop, fuel, oily waste, etc.) or dirty ballast, those up to one thousand gross tons shall be imposed an administrative fine of 20 TL for each gross ton, those between one thousand and five thousand (inclusive) gross tons 20 TL plus 4 TL for each additional gross ton and those over five thousand gross tons the amounts above plus 100 Kuruş for each additional gross ton,

4) Of the ships and other sea vessels releasing solid wastes or discharging domestic wastewaters, those up to one thousand gross tons (inclusive) shall be imposed an administrative fine of 10 TL for each gross ton, those between one thousand and five thousand (inclusive) gross tons 10 TL plus 2 TL for each additional gross ton and those over five thousand gross tons the amounts above plus 40 Kuruş for each additional gross ton.

The administrative fines to be applied in the case of discharging hazardous substances and wastes shall be calculated at ten times based on the category of the petroleum and its derivatives.

In the case that it is found that the ship or the vessel has removed, following the occurrence of the pollution, the pollution it has caused through its own means, the administrative fine shall be applied at one third.

In the case that the fine is not paid promptly at once or sufficient collateral is not provided in relation to the payment of the fine, the ships and other movable sea vessels shall be delivered to nearest harbor authority and be prohibited from navigation and activity. Letter of credit issued by a bank or a letter of credit to be issued by the club insurer to which the ship is registered shall be accepted as collateral.

In the case of a violation by Turkish flagged ships of the laws of foreign states on the waters under the sovereignty of such foreign states, where the state concerned does not impose a fine and requests Turkey to impose the fine the provisions of this Law shall apply.

With the exception of the cases regulated in the first paragraph, those releasing waste to the seas under the sovereignty of the country and jurisdiction areas subject to the judicial jurisdiction and waters not aimed at providing drinking or utility water in violation of this Law or the by-laws issued under this Law shall be imposed an administrative fine of 24.000 TL. In the case where the above act is commissioned in relation to houses, an administrative fine of 600 TL shall be imposed for each house and separate division. This punitive liability vests in the user of the house with regard to independent houses and the manager with regard to other houses.

i) Those breaching the provisions of the by-law entered into force pursuant to the 8th Article of this law shall be imposed an administrative fine of 1.000.

j) Those releasing the wastes to soil in violation of the prohibitions or standards stipulated in the Law or by-law or without taking the measures shall be imposed an administrative fine of 24.000 TL.

In the case where the above act is commissioned in relation to houses, an administrative fine of 600 TL shall be imposed for each house and separate division. This punitive liability vests in the user of the house with regard to independent houses and the manager with regard to other houses.

k) Those causing damage to the biological diversity in violation of the matters specified in the sub-paragraph (a) of the 9th Article or breaching the protection and utilization principles identified for the Special Environmental Protection Areas announced pursuant to the sub-paragraph (d) or breaching the protection and utilization principles specified by the by-law for the wetlands pursuant to the second passage of the sub-paragraph (e) or breaching the principles or prohibitions specified in the sub-paragraph (f) shall be imposed an administrative fine of 20.000, and those breaching the first passage of the sub-paragraph (e) shall be imposed an administrative fine of 100.000 TL.

l) Those that burn stubbles in violation of the sub-paragraph (c) of the supplemental first Article of this Law shall be imposed an administrative fine of 20 TL per each decare. In the case where the act of stubble burning is commissioned on areas adjacent to the floristries or wetlands or residential areas, the fine shall be increased at five times.

Those that take sand, gravel or similar substances from the seas under the sovereignty of the country in violation of the principles specified pursuant to the sub-paragraph (d) of the supplemental first Article of this Law or from the sea jurisdictions subject to the judicial jurisdiction of the country, rivers, lakes or farms against the established principles shall be imposed an administrative fine of 120 TL per cubic meter.

m) Those that fail to establish the environmental management unit required by the 2nd Article of this Law and those that do not employ an environmental officer or procure service from the companies authorized by the Ministry shall be imposed, respectively, an administrative fine of 6.000 TL and 4.000 TL.

n) Those releasing waste to the protection areas of drinking or utility water in violation of the protection principles specified pursuant to the 9th Article of this Law or to the source itself or the ground or underground waters supplying such source or irrigation of drain channels shall be imposed an administrative fine of 48.000 Turkish Liras.

In the case where this act is commissioned in relation to houses, an administrative fine of 1.200 TL shall be imposed for each house and separate division. This punitive liability vests in the user of the house with regard to independent houses and the manager with regard to other houses.

The constructions erected on these areas in violation of the Law and by-laws shall be demolished in accordance with the principles provided by the Zoning Law N.3194.

o) Those that fail to prepare the emergency plans required by the 11th Article of this Law in accordance with the procedures and principles specified in the by-law or take the measures necessary for the implementation of these plans or employ the required personnel or equipment or comply with the local, regional, national emergency plans shall be imposed an administrative fine of 12.000 TL.

p) Those that do not provide the financial liability insurance required by the 13th Article of this Law shall be imposed an administrative fine of 24.000 TL.

r) Those that, in violation of the principles or procedures, prohibitions or restrictions provided for in this Law or by-laws, collect, transfer, carry out interim storage of, recover, recycle, reutilize or discharge the wastes and those importing such wastes shall be imposed, respectively, an administrative fine of 24.000 and 60.000 TL.

s) Those polluting the environment in public places by any means whatsoever shall be imposed an administrative fine of 100 TL.

t) Those that provide entry of hazardous wastes into the country by any means whatsoever shall be separately imposed an administrative fine of 2.000.000.

u) Those that export or provide transiting of the hazardous wastes without giving a notice to the relevant authorities shall be imposed an administrative fine of 2.000.000 TL.

v) Those that, in violation of the prohibitions or restrictions provided for in this Law or relevant by-laws, collect, separate, carry out temporary and interim storage of, recover, reutilize, transfer, pack, label, discharge hazardous wastes or fail to close, in accordance with the rules, the hazardous waste discharge plants whose life-span has expired shall be imposed an administrative fine of 100.000 TL up to 1.000.000 TL.

y) Those that, in violation of the principles and procedures or prohibitions or restrictions provided for in this Law or relevant by-laws, produce, process, import or export, transport, store, utilize, pack, label, sell or introduce for sale hazardous chemicals or the goods containing such chemicals shall be imposed an administrative fine of 100.000 TL.

The administrative fines stipulated in the sub-paragraphs (k), (l), (r), (s), (t), (u), (v) and (y) of this article shall be imposed at three times on the institutions, bodies and corporations.

The Council of Ministers is entitled to increase the fine amounts provided for in this article up to ten times.

In application of this article, the provisions of the Turkish Penal Code or other laws relating to the cases where the acts constitute an offence are reserved.

Punitive Administrative Fines to Be Imposed on Entities and Corporations**Article 21 – (Repealed: 26/4/2006 – 5491/24 art.)****Fines to Be Imposed on Ships****Article 22 – (Repealed: 26/4/2006 – 5491/24 art.)****Repetition of the Acts****Article 23 – (Amended: 26/4/2006 – 5491/15 art.)**

The administrative fines stipulated in this Law shall be doubled at first repetition occurred within three years from the date of the commissioning of the act requiring the imposition of the fine and shall be imposed at two times at the second and subsequent repetitions.

Power of Imposition of Fine**Article 24 – (Amended: 26/4/2006 – 5491/16 art.)**

The power of deciding on the administrative fines stipulated in this Law vests in the Ministry.

This power shall also be exercised by the institutions and courts delegated with such power pursuant to the first paragraph of the 12nd Article.

The decision of imposing administrative fines stipulated in this Law shall be taken by general directors in the central organization of the Ministry and by provincial directors of environment and forestry in the provincial organization of the Ministry.

Fifty percent of the administrative fines imposed by the institutions or courts delegated with the power of inspection pursuant to the 12nd Article of this Law shall be recognized as revenue in the budget of such institutions as to be used for meeting the expenses to be made in relation to the inspections to be performed under this Law or for other environmental services and the remainder fifty percent shall be recognized as revenue in the general budget.

An appropriation amount corresponding to the administrative fines to be recognized as revenue in the general budget shall be assigned to the Ministry budget as to be used for meeting the expenses to be made in relation to the inspections to be performed under this Law or for other environmental services.

Imposition of Administrative Fines, Procedure of Allotment and Objection ⁽¹⁰⁾**Article 25 – (Amended: 26/4/2006 – 5491/17 art.)**

The authorized inspectors shall draw up a report with regard to the acts requiring the imposition of the administrative fines stipulated in this Law. This report shall be delivered to the competent court to which the inspection officer is bound, having the power to impose such fines. This court shall evaluate the report and decide on the necessary administrative sanction. The decision of imposing administrative fine shall be notified by the court establishing the decision, in accordance with the provisions of the Notification Law, to the party concerned.

A case may be filed at administrative courts within thirty days of the date of the notification of the decision of imposing an administrative fine. Filing a petition against such decisions shall not suspend the collection of the fine imposed by the administration.

¹⁰ The previous title of this article was “Objection to administrative fines” and replaced by the 17th Article of the Law N.5491 dated 26.4.2006 with the title processed herein.

The provisions of the Misdemeanor Law N.5326 dated 30.3.2005 shall apply to the procedure for collection of the administrative fines.

The administrative fines collected by the institutions and courts authorized to impose fines shall be collected against receipt to be published and distributed by the Ministry after having the consent of the Ministry of Finance.

The principles and procedures to govern the identification of violation and imposition of the fine and the form, distribution and control of the receipts to be used in imposition of the fines shall be regulated by a by-law to be issued by the Ministry after having the opinion of the Ministry of Finance.

Judicial Punishments⁽¹¹⁾

Article 26 – (Amended: 26/4/2006 – 5491/18 art.)

Those that give incorrect or misleading information in violation of the obligation to provide information and deliver notice provided for in the 12th Article of this Law shall be punished with imprisonment from six months up to one year.

Those that issue or use incorrect or misleading documents in relation to the implementation of this law shall be subject to the provisions of the Turkish Penal Code N.5237 dated 26.9.2004 relating to the offence of forgery.

In disputes relating to the environmental impact assessment brought to courts under this article, the environmental impact assessment process shall cease until the litigation is completed.

Punishments Provided for in Other Laws

Article 27 – Administrative punitive fines to be imposed in relation to the acts defined in this law shall not prevent the imposition of other punishments provided for in other laws.

SIXTH SECTION Miscellaneous Provisions

Liability of the Polluter

Article 28 – (Amended: 3/3/1988 - 3416/8. art.)

Those that pollute or cause damage to the environment shall hold strict liability for the damages caused by the pollution or deterioration.

The liability of indemnification of the polluter for the damage occurred is reserved under general provisions.

(Supplemental paragraph: 26/4/2006 – 5491/19 art.)

The claims as to the indemnification of the damages caused to the environment shall be dropped due to prescription within five years from the occurrence of the damage of the injured party and its becoming aware of the party liable for the indemnification.

¹¹ The previous title of this article was “Punishments To Be Imposed By Courts” and replaced by the 18th Article of the Law N.5491 dated 26.4.2006 with the title processed herein.

Incentive

Article 29 – (Amended subclause : 26/4/2006 – 5491/20 art.)

The activities aimed at the prevention and recovery of the environmental pollution shall be benefited from the incentive measures. To this end, new principles may be introduced by the Undersecretariat of Treasury to the incentive system identified in the beginning of each year, after having the opinion of the Ministry.

(Supplemental Paragraph: 26/4/2006 – 5491/20 art.) The Council of Ministers is entitled to grant, upon the proposal of the Ministry authorized to grant a discount, a discount up to fifty percent of the energy tariff applied to the industrial plants, to the tariff of the electrical energy used in the treatment plants by the institutions that construct and operate treatment system and fulfill the obligations defined in the by-laws.

The principles to govern the incentive measures shall be regulated through a by-law. In the case that the real or legal persons commissioning the acts that require the fines stipulated in this law do not fulfill their obligations in question within the given period, they shall not be benefited from the incentive measures provided for by this article and the previous incentive measures that they have benefited from shall be ceased.

The Right to Information and Application⁽¹²⁾

Article 30 – (Amended: 26/4/2006 – 5491/21 art.) Any person that has incurred or become aware of a damage arising from an environmental pollution or deterioration is entitled to request from the relevant authorities to take necessary measures relating to the damaging activity or suspend such activity.

Everyone is entitled to have access to information relating to the environment under the Law on Right to Information N.4982 dated 9.10.2003. However, requests regarding the information disclosure of which may cause damage to environmental values such as fertility areas, rare species may be rejected under the Law.

By-Laws

Article 31 – (Amended: 3/3/1988 - 3416/9 art.) The by-laws to be issued in relation to the implementation of this Law shall be prepared after having the opinion of the relevant Ministries. Such by-laws shall be entered into force upon its publication in the Official Gazette within five months from the entry into force of the Law⁽¹³⁾.

Provisions not to Be Applied

Article 32 – (Amended: 3/3/1988 - 3416/10 art.) The punitive provisions in force pursuant to the 4th and 11th Articles of the Harbors Law N.618 relating to the prevention of sea pollution and the provisional 1st Article of the Aquaculture Law N.1380 amended by the Law N. 3288 shall not be applies from the publication of the by-laws to be entered in to force pursuant to this Law.

Supplemental Article – (Supplemental: 4/6/1986 - 3301/6 art.; Repealed: 26/4/2006 – 5491/24 art.)

Supplemental Article 1 – (Supplemental: 26/4/2006 – 5491/23 art.) The principles relating to the protection of the soil and prevention of the pollution are as follows:

a) The principles and procedures relating to the protection of the soil and prevention and recovery of pollution shall be governed by a by-law to be issued by the Ministry after having the opinions of the relevant institutions.

¹² The title of this article was “Recourse to Administrative Authorities” and was replaced by the 21st Article of the Law N.5491 dated 26/4/2006 with the title processed herein.

¹³ The phrase “by the General Directorate of Environment” included in the 22nd Article of the Law N.5491 dated 26.4.2006 was replaced with the phrase “by the Ministry” and processed herein as such.

b) The principles and procedures relating to the stone quarries and mining activities, excavations, fillings carried out in order to provide soil and recovery of the natural structure deteriorated by the wastes discharged to the nature shall be determined by a by-law to be issued by the Ministry after having the opinions of the relevant institutions.

c) Stubble burning, deteriorating pastures and meadows and any activity to cause erosion are forbidden. However, supervised stubble burning in areas where the second crop is planted may be permitted under the responsibility of the governorates in accordance with the action plan prepared by the governorates.

d) The principles and procedures relating to the collection of sand, gravel or similar substances from the seas, flowing or dry stream beds, and lake beds and agricultural lands within the sovereignty of the country shall be governed by a by-law to be issued by the Ministry after having the opinion of the relevant institutions and bodies.

Supplemental Article 2 – (Supplemental: 26/4/2006 – 5491/23 art.) The institutions, bodies and operations that will cause environmental pollution or damage the environment due to their activities are obliged to establish environmental management unit, employ environment officer or procure services to this end from the institutions and bodies authorized by the Ministry. The principles and procedures relating to such matters shall be regulated by a by-law to be issued by the Ministry.

Supplemental Article 3 – (Supplemental: 26/4/2006 – 5491/23 art.) The Ministry may designate those meeting the conditions specified in the by-law as environment volunteer. Such volunteers shall not be paid.

The environment volunteers found to have abused their office shall be dismissed.

The principles and procedures relating to the works and trainings of the environment volunteers shall be regulated through a by-law to be issued by the Ministry.

Supplemental Article 4 – (Supplemental: 26/4/2006 – 5491/23 art.) The owners of the motor vehicles are obliged to conduct exhaust emission measurement in order to certify the compliance of their exhaust emissions with the standards specified in the by-law. The principles and procedures relating to the exhaust emission measurements and standards of the vehicles cruising in the traffic shall be specified through a by-law to be issued by the Ministry.

The producers of the motor vehicles are also obliged to ensure, at the production stage, the emission standards specified in the by-law.

Supplemental Article 5 – (Supplemental: 26/4/2006 – 5491/23 art.) The Ministry shall establish the institutional infrastructure required to perform surveying, Surveillance and Inspection activities identified in this Law and other activities aimed at resolving environmental problems.

Supplemental Article 6 – (Supplemental: 26/4/2006 – 5491/23 art.) In order to protect the air quality and prevent the air pollution, it is obligatory to produce and use clean and quality fuels and combustion systems compliant to the standards specified by the Ministry, giving priority to the national energy resources. Those that produce combustion systems and fuels not compliant to the standards shall not be granted license and already granted licenses thereof shall be cancelled.

It is fundamental that the Ministry implements the clean air policies specified, in Provinces and district centers and monitors the air quality.

The activities relating to methods of identifying, monitoring, measuring the air quality and the measures required to be taken for prevention of exceeding such limit values and informing and raising awareness of the

public shall be carried out by the Ministry. The principles and procedures relating to such activities shall be regulated through a by-law to be issued by the Ministry.

Supplemental Article 7 – (Supplemental: 26/4/2006 – 5491/23 art.) The Ministry is entitled to request any kind of data and information it may deem necessary in relation to the environment from the public institutions and bodies. All public institutions and bodies and real and legal persons from which such data and information are requested are obliged to submit these data and information at no cost and within the required period.

Supplemental Article 8 – (Supplemental: 26/4/2006 – 5491/23 art.) The principles and procedures aimed at prevention of negative effects on the environmental and human health of the electromagnetic fields created as a result of dissemination of non-ionizing radiation shall be regulated by a by-law to be issued by the Ministry after having the opinion of the relevant institutions and bodies.

Supplemental Article 9 – (Supplemental: 26/4/2006 – 5491/23 art.) It is forbidden to release odor-causing emissions that exceed the limit values determined by the by-law. Those that cause odor are obliged to take measures relating to the prevention of odor emissions. Administrative and technical procedures and principles in relation thereto shall be regulated by a by-law to be issued by the Ministry.

Provisional Article 1 – (This provision is the unnumbered provisional article of the Law N. 2872 and is numbered for the purpose of sequence.)

The ships and other sea vessels shall be subject to the provisions of the Harbors Law N.618 relating to the fines imposed in relation to pollution of the seas until the effective date of the relevant by-laws referred to in this Law.

Provisional Article 2 – (Supplemental: 3/3/1988 - 3416/11. art.) Import of any kind of fuels, wastes, refuses and chemicals is subject to the approval of the State Minister to which the General Directorate of Environment is bound until the effective date of the relevant by-laws referred to in the 12nd and 13th Articles of this Law.

Entry Into Force

Article 33 – This Law shall enter into force on the date of its publication.

Execution

Article 34 – The provisions of this law shall be executed by the Council of Ministers.

PROVISIONAL ARTICLES NOT INSCRIBED IN THE LAW N.2872 DATED 9/8/1983

1- The Provisional Article of the Law N.3416 dated 3/3/1988:

Provisional Article 1 – The amount to be paid pursuant to the sub-paragraph (b) of the 18th Article of the Environmental Law, amended by the 6th Article of this Law shall be collected at ten liras for the year 1986.

2- The Provisional Articles of the Law N.5491 dated 26/4/2006:

Provisional Article 1 – The by-laws to be issued, pursuant to his Law, by the Ministry after having the opinion of the relevant ministries and the general terms of the insurance to be identified by the Undersecretariat of Treasury and the tariff and instructions to be approved by the Minister to which the Undersecretariat of Treasury is bound shall be published no later than one year from the date of entry into force of this Law.

Provisional Article 2 – A period up to one year may be granted by the Ministry to the plants which have been in operation before the publication of the by-laws in order to enable them to fulfill the supplemental obligations brought by this Law and by-laws.

The plants that are in breach of the sub-paragraph (h) of the 9th Article of the Environmental Law N.2871 shall be closed within one year from the date of publication of this Law.

Provisional Article 3 – Of those that, despite being subject to the By-Law On Environmental Impact Assessment before the entry into force of this Law, have not fulfilled their obligations, those whose site selection is suitable shall prepare and submit, within six months from the entry into force of this Law, to the Ministry the environmental due diligence report indicating their performance of the obligations required under the relevant by-laws. The application of those that meet the conditions stipulated in the relevant by-laws shall be decided within six months from the date of the application.

The activities which fail to submit to the Ministry the environmental due diligence report within six months or take necessary environmental protection measures within six months from the submission to the Ministry of the report shall be suspended by the Ministry for an indefinite period.

The activities whose site selection is not suitable pursuant to the current law the relevant provisions of the law shall apply.

Provisional Article 4 – The municipalities which have not yet established the wastewater treatment and domestic solid waste discharge plant and the organized industrial zones which are currently in operation but have not established wastewater treatment plant and other industrial plants and settlements are obliged to submit the work deadline plans relating to the establishment of these plants to the Ministry within one year from the entry into force of this Law and commission such plants within the periods below.

The period for commissioning from submission of the work deadline plan to the Ministry is 3 years in the municipalities of a population over 100.000, 5 years in the municipalities of a population between 100.000 and 50.000, 7 years where the population is between 50.000 and 10.000, 10 years where the population is between 10.000 and 20.000 and 2 years in the organized industrial zones and industrial plants outside such zones and any kind of wastewater generating plant.

The preparation of the work deadline plan is not required for the wastewater treatment and solid waste discharge plants construction of which is in progress.

The municipalities, organized industrial zones and other industrial plants and settlements are obliged to apply to the Ministry within three months from the date of the publication of this law, in order to benefit from this provision.

In the case that the institutions and bodies which are obligated by the 8th Article of this Law to establish wastewater infrastructure systems or solid waste discharge plants do not fulfill their such obligations within the period prescribed in this article, an administrative fine of 50.000 TL shall be imposed on those in municipalities of a population over 100.000, 30.000 TL in municipalities of a population between 100.000 and 50.000, 20.000 TL in municipalities of a population between 50.000 and 10.000, 10.000 TL in municipalities of a population between 10.000 and 2000, 1000.000 TL on those in organized industrial zones and 60.000 on the industrial plants outside such zones and any kind of wastewater generating plant.

Provisional Article 5 – The tenures indicated in the list (1) attached to this Law are cancelled and removed from the section of the table (I) attached to the Decree-law N.190 relating to the Ministry of Environment and Forestry and the tenures indicated in the list (2) attached to this Law are created and added to the section of the table (I) attached to the Decree-law N.190 relating to the Ministry of Environment and Forestry.

Provisional Article 6 – The term Turkish Lira referred to in this Law shall be used as long as the currency in circulation in the country is named as “New Turkish Lira” pursuant to the provisions of the Law on the Currency of the Republic of Turkey N.5083 and dated 28.1.2004.

THE LIST OF LAWS AND PROVISIONS REPEALED BY THE LEGISLATION MAKING AMENDMENT AND ADDITION TO THE LAW N. 2872

The repealed laws and provisions of the repealing Legislation	Date	Number	Article
4, 5, 6 and 7th Articles of the Law N. 2872 and provisions of other laws in conflict with this Decree-Law	8/6/1984	KHK-222	30
5th Article of the Law N. 2872	13/3/1990	KHK-409	12
4th Article of the Law N. 2872	9/8/1991	KHK-443	43

THE LIST INDICATING THE EFFECTIVE DATE OF THE LEGISLATION MAKING AMENDMENT AND ADDITION TO THE LAW N. 2872

Law N.	The articles entered into force in different dates	Effective date
Decree Law-222	–	18/6/1984
3301	–	19/6/1986
3362	–	26/5/1987
3416	–	11/3/1988
Decree Law-409	–	10/4/1990
Decree Law-443	–	21/8/1991
4629	–	To be effected from 1/1/2002, on the 3/3/2001 date
5177	10	5/6/2004
5216	24	23/7/2004
5491	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, Addition Article, 1, 2, 3, 4, 5, 6, 7, 8, 9, Not applicable Provisional Articles 1, 2, 3, 4, 5 and 6	13/5/2006

LIST OF PUBLICATIONS

- Publication No 1 : Ankara İli Çevre Durum Raporu, 1994
Publication No 2 : İl Çevre Sorunları ve Öncelikleri Envanteri Değerlendirme Raporu, 1996
Publication No 3 : Çevreyi Öncelikle Etkileyen Bazı Sanayiler ve Temel Sektör Faaliyetleri, 1996
Publication No 4 : Türkiye Çevre Atlası 96, 1997
Publication No 5 : Türkiye Çevre Durum Raporu, 2007
Publication No 6 : Türkiye Çevre Sorunları ve Öncelikleri Envanteri Değerlendirme Raporu (2005- 2006), 2008
Publication No 7 : Çevresel Göstergeler Kitapçığı 2008, 2009
Publication No 7 : Environmental Indicators 2008, 2009
Publication No 8 : Çevresel Göstergeler Kitapçığı 2009, 2010
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Publication No 9 : Türkiye Çevre Sorunları ve Öncelikleri Envanteri Değerlendirme Raporu 2007-2008, 2010
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Publication No 11 : 2011 Türkiye Çevre Durum Raporu, 2012
Publication No 12 : Çevresel Göstergeler Kitapçığı 2011, 2012
Publication No 12 : Environmental Indicators 2011, 2012
Publication No 13-1: 2011 Çevre Denetimi Raporu, 2012
Publication No 13-2: Environmental Inspection Report of Türkiye in 2011, 2012
Publication No 14 : Türkiye Çevre Sorunları ve Öncelikleri Envanteri Değerlendirme Raporu, 2012
Publication No 15 : Çevre Durum Raporu – 2012 Yılı Özeti - İller



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GENERAL DIRECTORATE OF ENVIRONMENTAL IMPACT ASSESSMENT, PERMITTING AND INSPECTION