

# Policy Recommendations for Assessing Environmental Impacts



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WWF-Turkey is implementing the [Civil Society Acts for Environmentally Sound Socio-Economic Development \(CO-SEED\)](#) project with its partners in Albania, Bosnia and Herzegovina, Montenegro, Croatia and Serbia. CO-SEED is contributing to the sustainable management of natural resources by supporting improvements to regulatory frameworks and ensuring the decision-making process for new infrastructure is more participatory and transparent. CO-SEED is focusing on improving the process of environmental impact assessments and strategic environmental assessments by creating a network of informed civil society organizations across the region, and increasing media interest in sustainable, environmentally friendly development.

As part of this process CO-SEED and its regional network of civil society partners conducted a detailed review of infrastructure permitting policies and practices and the levels of civic engagement in decision-making. Based on this analysis, country-specific recommendations for improvements, aligned with applicable European Union directives were developed. This document contains a set of recommendations on the subject.

## **ENVIRONMENTAL IMPACT ASSESSMENT REGULATION**

[Environmental Impact Assessment \(EIA\)](#), is an important tool which puts forward the impacts of projects on our environment and health, determining necessary precautions to be taken and adopting a participatory approach in decision-making processes. As WWF-Turkey, within the CO-SEED project, we emphasize the improvement an/or development of two specific main issues of the EIA Regulation in Turkey.

### **1) Monitoring and Inspection**

### **2) Public Participation**

Since 1993, when it was put into force, there have been 18 revisions on the EIA Regulation and there are still “stay of execution” decisions on some of the articles. In the latest EIA Regulation, which was enacted in 2014, the monitoring and inspection processes were specifically suspended by annulment of the definitions in several subjects, scopes and provisions on the responsible institutions / organizations. The EIA process, which aims to reduce negative environmental impacts or increase the positive impacts, can only be successful by active monitoring and inspection of the project before, during and after its construction. To determine if the commitments about the planned project were fulfilled or not and to be able to take the necessary precautions, EIA reports and inspections must be used as a primary tool.

Another subject which must be improved is the process of public involvement. During EIA processes, the public needs to be more active. Situations like wrong impressions of public opinion due to misinformation, public not being able to attend meetings or express their opinions in some way, often occur. The absence of public opinion in the reports or Inspection and Evaluation Commission (IEC) meetings causes problems in implementation. This situation also causes critical problems in terms of public access to information and access to justice.

## MONITORING AND INSPECTION

Provisions on monitoring and inspection of the Regulation need to be re-constructed considering the justifications on stay of execution made until today. Conducting environmental impact assessment and strategic environmental assessment studies, taking necessary decisions on the issue, and monitoring and inspection duties are under the authority of the General Directorate of EIA Permit and Inspection, one of the main units of the Ministry of Environment and Urbanization. Consequently, the process of EIA also needs to be made by government hand.

### Article 2: Scope

Following the decision on the stay of execution about Article 2 (c) in 2015, the subject of monitoring and inspection was left out of the scope of the Regulation. We propose that monitoring and inspection activities should be done by government, including the phase after the project operation in Article 2:

- ✓ **Monitoring and Inspection of the project start, construction, operation and post-operation within the context of the related EIA report is led by the Ministry of Environment and Urbanization in collaboration with related organizations.**



### Article 4: Definitions

Article 4 (1)/b, defines reporting the developments in the investment process of the project, in addition to preparation of EIA application file, project presentation file, and preparation of EIA reports, as a duty of “Institutions / organizations which are authorized by the Ministry”. Since inspection activities must be carried out by the public authorities, the institutions which are responsible of preparation of the EIA report must be obligated with giving information to the ministry only on monitoring and these monitoring activities must also include the period after construction. Our proposal for the definitions of the institutions / organizations which are given competence by the ministry in the scope of Article 4 (1)/b are as follows:

- ✓ **Institutions / organizations which carry the necessary conditions to prepare and present the EIA Application File, EIA Report, Project Introduction File and to give information to the Ministry on the recorded developments, monitoring results and information on possible negative environmental impacts according to the EIA Report regarding the start, construction, operation and post-operation of projects**

Definitions in Article 4(1)/i “Environmental impact assessment process” and in Article 4(1)/p “monitoring and inspection” where stay of execution is put, need to be rearranged considering the justifications for stay of execution:

- ✓ **Environmental impact assessment process: the process starting with an application for environmental impact assessment of a planned project which involves the construction, operation and post-operation phases;**
- ✓ **Monitoring: is the combined studies on the construction, operation and post-operation phases according to the “Monitoring Plan” after the decisions of “Environmental Impact Assessment Is Not Required” or Environmental Impact Assessment Is Positive” are made for a planned project.**



- ✓ **Control (Inspection): the inspection activities conducted by the Ministry, in order to determine whether the commitments are fulfilled or not and the application of necessary sanctions after decision of “Environmental Impact Assessment is not required” or “Environmental Impact Assessment is Positive” are taken;**
- ✓ **Monitoring Plan: the plan which identifies the authorized personnel, the monitoring methodology and the timeline, as well as the solutions and precautions for critical negative environmental impacts that may occur during the construction, operation and post-operation phases of the project.**

“A Monitoring Plan” must be incorporated, which will include the start and post-operation periods of the project into Article-3, where the general EIA format is specified, and into Article-4 where

information about the preparation of project introduction file is given under the “Environmental Impacts and Precautions In The Process of Construction and Operation” section.

### **Article 18: Monitoring and Inspection**

Article 18 (3), which requires that monitoring and inspection must be done by the institutions / organizations responsible for preparing the EIA report, was annulled with a stay of execution decision in 2015. Monitoring activities need to be made by authorized institutions / organizations, with the condition of providing information to the ministry. The inspection needs to be done by the Ministry itself:

- ✓ **Authorized institution is responsible for carrying out the activities specified in the monitoring plan, reporting the results of the monitoring, and proposing precautions about overcoming possible negative environmental impacts to the Ministry.**



### **PUBLIC PARTICIPATION**

Although there are certain provisions in the EIA Regulation on public participation, unfortunately there are some deficiencies in implementation. In Article 9, informing the public about the investment, taking their opinion and proposals on the project, are included; however it is a must to record the opinions of the public. All of the questions asked by the participants and the answers provided by the authorities must be compiled as a record and publicly published. While evaluations are made to see if appropriate solutions were found for the views and proposals in the process, the results should also to be shared in writing and presented to stakeholders. Documentation of the views given in public consultation meetings must be safeguarded by the government, by incorporating the necessary articles to the EIA Regulation.

## **Article 8: Examination and Evaluation Commission**

There must be at least one representative from each civil society organization and related public in the Inspection and Evaluation Commission (IEC) established by the Ministry to ensure public's active involvement and reflection of public opinion on the decision, to determine the scope of Special Format given for the project and to inspect and evaluate the EIA Report within the process. Accordingly, Article 8 (4) must be re-structured:

- ✓ **When the Application File under Article-3 is confirmed to be appropriately prepared according to the EIA General Format following the examination, by taking the information in the application file into account, a Commission will be established by the Ministry, which consists of representatives from related institutions and organizations, ministry authorities, project owner, representatives from the related public, civil society representatives and institutions / organizations authorized by the Ministry.**



## **Article 9: Public consultation meeting**

To increase the efficiency of the EIA process and to ensure transparency on the reflection of gathered opinions in the public consultation meeting; views shared, questions directed, and issues/concerns expressed must be documented without exception, by camera recording or mutually signed reports and consequently shared with public. In Article 9 (1)/b rearrangements should be done accordingly:

- ✓ **Public Consultation Meetings are held under the leadership of the Provincial Directorate of the Ministry of Environment and Urbanization, or an authority appointed by the Directorate. Public is informed about the project and their questions along with opinions are taken at the meeting. All discussions, camera recordings, views, questions or recommendations at the meeting are documented by reports, which are signed by each party. All recordings and proceedings are published at the Ministry's website.**

## Aarhus Convention

Deficiencies in both the legislation and the implementation of the environmental decision-making process on access to information, public participation and access to justice negatively affect EIA processes.

Aarhus Convention, prepared under the framework of United Nations European Economic Commission, primarily aims for the public's easy access to environmental information in order to ensure efficient participation of individuals and civil society organizations in the process of environmental decision-making. The rules, which will be followed in order to ensure efficient participation of the public on preparation of environmental plans, policies and programs as well as legislation, administrative actions and implementation that may have crucial impacts on the environment, are stated in the Convention. According to the contract, the public must participate in the decision-making process in determining whether the related investment will be allowed or not.



Also, if the rights of individuals and civil organizations to participate and access to information are not provided by the public officials, there are arrangements on objecting to these decisions which were taken by the public officials in a judicial way. The judicial process was foreseen to be a mechanism that is fast, transparent, cheap, independent, comprehensive, and at the end able to take binding decisions.

Turkey, not a signatory to the Convention yet, promised to consider signing along with membership in the EU membership. Signing and executing this Convention as soon as possible will improve efficient participation of the public and civil society in EIA processes.

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