

ENVIRONMENT LAW

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SECTION ONE

Objective, Definitions and Principles

Objective:

Article 1 - The objective of this Law is to ensure the preservation of the environment, which is a common asset of all living beings, through sustainable environment and sustainable development principles.

Definitions:

Article 2 - The definitions of the following terminology of this Law are;

Environment: Biological, physical, social, economical and cultural medium in which the living beings continue their relation through all their lifetimes and interact mutually,

Environmental Protection: Entire efforts to prevent the destruction, deformation and disappear of environmental merits and ecological equilibrium, to improve current pollution and to prevent environmental pollution and to remedy and improve the environment,

Environmental Protection: All adverse effects that occur in environment and destruct the health of living beings, the ecological equilibrium and environmental values,

Sustainable environment: The process including reformation, protection and improvement of all environmental values, in all area (social, economical and physical etc.), that constitutes the environment of both today's and tomorrow's generations without endangering the presence and quality of the resources that next generations will need,

Sustainable development: Development and improvement based on the equilibration between environmental, economical and social targets securing that today's and tomorrow's generations will be live in a healthy environment,

Receiving environment: Air, water, soil mediums and ecosystems regarding these mediums,

Natural asset: All plant, animal, micro-organisms and their habitat,

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

Polluting party: Natural and legal persons that cause directly or indirectly environmental pollutions and the destruction of ecological equilibrium and environment,

Ecosystem: Biological, physical and chemical system in which the living beings maintain a relationship between each other and with their non-living environment,

Waste water: Water that is polluted or whose characteristics are changed partially or wholly as a consequence of domestic, industrial, agricultural and other uses,

Waste water infrastructure: Sewerage system collecting domestic and/or industrial waste waters and entire systems and facilities where the waste waters are purified and passed to the receiving medium,

Purification facility: Facilities where the solid, liquid wastes and waste gas resulting from all kinds of activities are purified in accordance with the standards set out in regulations,

Ecological Equilibrium: Entire conditions that are necessary for human beings and other living beings to sustain their existence and development,

Wetland area: All waters, swamps, reed fields and turbaries that are all important for habitat of living beings including notably water-birds and contain the depth not exceeding six meters during reflux period of flux and reflux movements of seas, whether natural or artificial, permanent or temporary, still or flowing, fresh, hard or salty; and according to the ecological equilibrium watery parts of above-mentioned areas from shore edge line towards to the landside,

Biological diversity: Entire ecosystems, genres, genes and relationships between them,

Wastes: All kinds of materials that results from any activity and are littered or left to the environment,

Solid waste: Solid waste materials that their producer wants to throw away and that must be removed regularly fort he public peace and especially for the protection of the environment,

Domestic solid waste: Solid wastes from places including houses, business offices, industrial and picnic area that are not included in the scope of hazardous and harmful wastes,

Hazardous waste: Wastes that cause destruction of ecologic equilibrium and natural composition of human beings and other living beings by affecting adversely in physical, chemical and/or biological terms; and materials polluted by these wastes,

Hazardous chemicals: All kinds of chemicals and their products that cause destruction of ecologic equilibrium and natural composition of human beings and other living beings by affecting adversely in physical, chemical and/or biological terms; and materials polluted by these wastes,

Polluted Ballast: Ballast water that causes the petroleum, petroleum products or oil Marks to be seen afloat or at the adjoining shoreline or results in colour change above or under water or causes solid materials/materials under emulsion to mass on the suspension when it is released afloat from stopping or under way tanker, ship or other vessels,

Environmental Impact Assessment: Studies to be carried out in the determination of positive or adverse effects on the environment, of the Project planned to be developed, in determination and assessment of the measures to be taken for preventing the adverse effects or minimising these effect in a way that will not harm the environment and of the chosen place and technological alternatives and in monitoring and controlling of the implementation of the projects,

Project Information File: File containing the information and documents including the place, characteristics, potential adverse effects of the project planned to be realized and stipulated measures and introducing the project in general terms,

Strategically environmental assessment: Environmental assessment studies that are carried out with a participating approach so as to ensure the environmental values to be integrated to the plan and programme as of the beginning of the planning and programming process prior to the approval of the plan and programme that are subject to approval, to minimise the potential environmental effects of the plan and programme and so as to provide help to the decision makers; and contain a written report,

Environmental management: Implementation of the policies and strategies determined at local, regional, national and global level in order to ensure sustainable use and improvement of natural and artificial environmental elements through using administrative, technical, legal, political, economical, social and cultural means,

Environmental management unit / Environmental Technician: Unit or official that assesses whether activities of the facilities subject to the audit comply with the legislation and whether measures taken are applied effectively and that organizes the audit programmes pursuant to the regulations put into effect,

Environmental volunteer: Person selected, assigned and authorized by the Ministry to notify the Ministry about the activities contrary to this Law and the regulation put into effect according to this Law,

Sensitive area: Coasts and inland water areas having high risk of eutrophication and to be determined by the Ministry,

Information regarding the environment: All kinds of written, oral or image information or data relating the existences of water, air, solid, plant and animal and activities that affect or may affect adversely these existences and administrative and technical measures taken,

Business deadline plan: The plan stating the Schedule of works like site selection, project, tender, construction, commissioning that are within the realization process of infrastructure facilities and solid waste disposal facilities including waste water purification facility and/or sewer system that the waste and domestic solid waste sources must establish so as to ensure receiving medium discharge standards,

Risk assessment: Entire methods used for the determination of potential danger of certain chemical substance or substances and for the calculation of the results,

Non-ionizing radiation: Electromagnetic waves that do not cause ionizing,

Electromagnetic field: Field constituted by the waves having electrical and magnetic field components,

Smell: The effect created by volatile substances awaking the smell of human beings and causing smell perception

Air quality: The quality that is the indicator of air pollution affecting the human beings and their environment and reduced by the increasing of the current air pollutants in ambient air,

The Ministry: Ministry of Environment and Forestry,

Principles:

Article 3 - General principles regarding environmental protection, improvement and preventing environmental pollution are as follows:

a) Everyone including notably administration, trade associations, unions, non-governmental organizations shall be responsible for protecting environment and preventing

pollution and obliged to comply with the measures to be taken regarding this matter and principles to be determined.

b) In all activities regarding the environmental protection, prevention of environmental disruption and removal of pollution, the Ministry and local governments shall cooperate with, in case of necessity, trade associations, unions and non-governmental organizations.

c) Authorized institutions that make decision for area and resource utilization and evaluate the project, shall protect the sustainable development principle during the resolution processes.

d) Benefits of the economical activities to be carried out and their impacts on natural resources shall be evaluated on long-term basis within the frame of sustainable development principle.

e) Participation right is equal in constituting of environmental policies. The Ministry and local governments shall be liable for creating participation medium where trade associations, unions, non-governmental organizations and citizens use their environmental rights.

f) It is obliged to use environment-friendly technologies reducing waste formation at its source and ensuring recycle of waste in order for natural resources and energy to be used effectively in all kinds of activities.

g) The expenditures made for preventing, restricting, removing the pollution and destruction and improving the environment shall be covered by the polluting or destructing Party. Necessary expenditures made by state institutions and organizations due to the fact that the Polluting Party has not taken the necessary measures in order to stop, remove or reduce the pollution or the destruction or these measures have been taken by the competent authority, shall be collected from the Polluting Party in accordance with the provisions of Law on Collection Procedure of Asset.

h) For environmental protection and preventing and eliminating the environmental pollution; mandatory standards and taxes, charges, share, incentives of renewable energy resources and clean technologies, collecting emission fee and pollution compensation, market specific mechanisms like carbon trading and economical instruments shall be used.

i) Technical, administrative, financial and legal arrangements for fulfilment of the national rights and obligations arising from the international agreements to which we are party for the solution of the regional and global environmental problems shall be made by the coordination of the Ministry.

Natural and legal persons shall liable to bear the costs resulting from these arrangements.

j) Technical, administrative, financial and legal arrangements necessary for the environmental protection, prevention of environmental pollution and solution of environmental problems shall be made with the coordination of the Ministry. Issues within the scope of Law on Turkish Atomic Energy Authority no. 2690 shall be executed by Turkish Atomic Energy Authority.

SECTION TWO

High Board of Environment and Its Duties

High Board of Environment

Article 4 - Higher Board of Environment is established under the presidency of the Prime Minister, or under the presidency of the Minister of Environment and Forestry when the Prime Minister is not present, and with the participation of ministers in the number to be determined by the Prime Minister and with the participation of Ministry Undersecretary.

Other ministers may be called to the assembly meetings by the Prime Minister in accordance with the agenda.

Assembly shall be called at least one time in a year.

Secretariat services of the Board shall be carried out by the Ministry.

Meetings shall be held in order to make preliminary preparation and assessment on the subjects relating the Board's studies under the presidency of the Prime Minister and with the participation of the related ministry undersecretaries, top management executive officers of other institutions and organizations. According to the agenda, union representatives of organizations having the characteristics of related state institutions, trade associations, non-governmental organizations, local government representatives, university representatives and representatives of scientific organizations are invited to these meetings.

Other matters relating the working procedures and principles of the Board shall be determined by the regulations.

Duties of the High Board of Environment

Article 5 - Duties of Higher Board of Environment are as below:

a) To set target, policy and strategy for ensuring an efficient environmental management.

b) To determine the legal and administrative measures enabling the environment fact to be included in economical decision within the frame of the sustainable development principle.

c) To make final decision on the disputes regarding the environmental matters concern to more than one ministry and institutions."

Article 6-7 - (Annulled: 8/6/1984 - DEL - 222/art. 30)

SECTION THREE

Precautions and Prohibitions Regarding Environmental Protection

Prohibition on Pollution

Article 8 - It is prohibited to diffuse, directly and indirectly, all kinds of waste and scraps into recipient environment, store, transport, avert, and conduct similar activities by violating the standards and methods determined by corresponding regulations, and causing damage to the environment.

In cases of a potential pollution, concerning authorities are responsible for preventing the pollution, and in cases of pollution occurrence, the polluting parties are responsible to prevent the pollution, eradicate its impact or take necessary precautions.

Environmental Protection

Article 9 - (Amendment: 3/3/1988 - 3416/art.4)

With the purpose of environmental protection;

a) It is obligatory to protect the biological diversity that forms the natural environment and ecosystem reserving this diversity. Biological diversity protection and usage principles shall be determined by taking opinions of local governments, universities, non-governmental organizations and other related institutions.

b) In the line with the sustainable development principle, with the purpose of preventing environmental pollution that may occur as a result of the satisfaction of the needs of urban and rural population including residential, working and resting needs environment plan in country physical site with the scale of 1/50.000-1/100.000 shall be prepared,

approved and caused to be prepared by the Ministry on regional and water basin basis for the purpose of constituting a basis for land and application use plan. Procedures and principles regarding the preparation of environment plans on regional and water basin basis shall be determined by the regulation to be introduced by the Ministry.

c) It is obliged to show the areas that have gain a protection status by taking under protection through the national legislation and the international agreement that we are party to and the sensitive areas having ecological value in all kinds of scaled plans. Areas that have been brought a protection status and areas having ecological value shall not be used except for plan decision.

d) With the purpose of making arrangements necessary for securing the ground and water areas that have ecological importance across the country and the world and are sensitive to environmental pollution and destruction in order fort he biological diversity, natural resources and cultural resources relating them to reach the next generations, the Council of ministers is authorized to determine and declare Specially Protected Environment Area and to specify which Ministry will be responsible for preparing and implementing protection and utilization principles and plans and projects.

In plans and projects concerning these regions; Article 9 of Zoning Law no 3194 and dated 3/5/1985, the provisions of Coastal Law no 3621 and dated 4/4/1990 that control the plan approval power, the provisions of Article 8 of Code of Protection of Cultural and Natural Properties that control the powers out of the determination and registration of natural properties, natural protected area and their protection areas and provisions of subparagraph (a) of Article 17 of the same Law shall not be applied.

e) The protection of natural structure and ecological balance of wetland area shall constitute a basis. Land shall not be reclaimed by filling and drying the wetland areas. In case of a land reclamation in a way contrary to this provision, aforementioned area shall be reinstated by the activity owner.

Procedures and principles regarding the protection and management of wetland areas shall be determined by the regulation to be introduced by the Ministry through taking the opinions of related institutions and organizations.

f) In respect to ensuring the sustainability of biological diversity, protection of endangered species and of rare plant and animal species shall constitute a basis and trading these species are prohibited.

g) Administrative, legal and technical principles necessary for the protection of natural resources and assets, prevention of their pollution and destruction and improvement of their quality shall be determined by the Ministry.

h) To ensure the protection and utilization of country's sea, underground and aboveground water resources and water products acquisition areas and to protect them against pollution shall constitute a basis. The Ministry shall be responsible for establishing and coordinating policies concerning waste water management. Recipient environment standards regarding the water products acquisition areas shall be determined by the Ministry of agriculture and rural affairs.

Fish farms to be constituted within the seas shall not be established on closed bays and gulfs having the characteristics of sensitive areas and natural and archaeological protected area.

Procedures and principles regarding the discharge of waste water to recipient water environment shall be determined by a regulation to be made by the Ministry.

i) With the purpose of environmental protection and raising the environmental awareness in public, to include environmental subjects in education programmes of formal education institutions affiliated with the Ministry of Education, starting from the pre-school education shall constitute a basis.

With respect to the mass education, to include programmes aimed at the importance of environment and environmental awareness in radio and TV programmes shall constitute a basis. It is obligatory for TV programmes of Radio-Television Authority of Turkey and private TV channels to have at least two-hour educational broadcast in a month while at least half-hour educational programme is obliged for private radio channels. To broadcast 20% of these aforementioned programmes during prime-time shall constitute a basis. Radio-Television Authority of Turkey shall liable to follow-up these article on the matters within scope of its duties.

j) All kinds of resources and incomes relating the environment shall be nature of its allocation and primarily used for environmental protection, improvement and reformation and prevention of pollution.

Assessment of Environmental Impact

Article 10 - Institutions, organizations and establishment that may cause environmental problems as a results of their activities that they are planning to carry out shall liable to prepare Environmental Impact Assessment Report or Project information file.«

Unless Environmental Impact Assessment Affirmative Decision or Environmental Impact Assessment is not Necessary Decision is taken, approval, consent, incentive, construction and use permit shall not be granted; for the project, investment shall not be initiated and give out by contract.

Petroleum, geothermal resources and prospecting activities are the out of scope of Environmental Impact Assessment.

Projects subject to Environmental Impact Assessment and plans and programmes subject to Strategically Environmental Assessment and procedures and principles regarding this subject shall be determined by the regulations to introduced by the Ministry. Obligation to obtain permission, treatment, disposal

Article 11 - Facilities and establishments that are not approved to give their waste arising from their generation, consumption and service activities directly or indirectly to recipient environment and residential areas shall liable to, shall cause to, purify and remove their waste in accordance with the standards set out in the regulations and obtain necessary consents.

To the facilities and enterprises and settlement units, bearing the liability, stated in the first paragraph;

1) No construction license shall be granted unless the project and documents, indicating that it will fulfil this liability at the stage of construction license.

2) No operation license and/or occupancy permit shall be granted to those, not fulfilling this liability of those, whose construction has been completed.

3) The occupancy permit or operation permit shall be cancelled in the event that those, who do not fulfil treatment and disposal liabilities despite the fact that they bear construction license, occupancy or operation license.

Real and legal persons, planning to make changes in their activities and/or enlarging their facilities, shall treat or remove their wastes within the framework of procedures and principles, determined in the regulation.

Organizations, determined with the law on Foundation and Tasks of the General Directorate of Istanbul Water and Sewerage Administration dated 20/11/1981 and numbered 2560, municipalities, and municipalities within the borders of the adjacent area,

and those, using the said areas under auditing of the governorship in all sorts of areas of use subject to settlement in metropolitans, shall be responsible for establishment, maintenance, repair, improvement and operation of waste water substructure systems, treating waste water with the sewerage system, accumulating waste water and disposing of treated waste water.

In free and/or industrial zones, regional directorates, in culture and tourism protection and development regions, tourism centres the Ministry of Culture and Tourism or authorized bodies, in organized industry zones, organized industry region administration, in small industry sites, cooperative chairmanships, whereas in holiday villages, holiday sites, tourism facility areas and such areas of use, established separately from present settlement areas, site administrations or facility operators shall be responsible for establishment, maintenance, repair, and operation of waste water substructure systems.

Those, who use and/or will use the waste water substructure systems, without taking into account the connection systems, shall contribute to all sorts of investment, operation, maintenance, repair, treatment and cleaning expenditures in line with the pollution load and waste water amount. Those, benefiting from these services, shall be liable to pay waste water collection, treatment and disposal fee according to the tariff to be determined by the city council, and other administrations held responsible. Fees, collected in accordance with this paragraph shall not be used apart from the services related to waste water.

In the event that the waste water basin is under authority of more than one municipality or organization; the organization operating the waste water treatment facility, shall collect investment and expenditure amounts from polluters in line with the pollution load and waste water amount.

Waste producers shall take precautions to minimize the wastes with appropriate methods and technologies.

Waste production and prevention or reduction of its damages and recycling of wastes and collection of recycled wastes at the source is the basis. The principle related to preparation of waste management plans shall be arranged with the regulation to be issued by the Ministry.

Wastes which cannot be recovered shall be disposed with the appropriate methods, determined in regulations.

Metropolitan municipalities and municipalities shall be responsible for establishment of domestic solid waste disposal facilities, operating them or having them operated. Those, benefiting from this service and/or those to benefit shall contribute to investment,

maintenance, and improvement expenses to be made by the liable administrations. From those, benefiting from the said service, waste collection, transportation and disposal fee shall be charged according to the tariff to be determined by the city council. Fees, collected in accordance with this paragraph, shall not be used apart from the services related to solid waste.

Producers, importers, and those, placing on the market, held liable within the scope of responsibility of producers, importers, and those, placing on the market, shall come together under coordination of the Ministry for the purpose of collection of wastes collected at the end of useful life, transportation, recycling, and disposal of them and covering necessary expenditures, realization of training activities, and shall establish unions, having legal personality.

Procedures and principles related to transfer of responsibilities of organizations, held responsible within this scope to the said unions, shall be determined with regulations to be issued by the Ministry.

Hazardous waste producers shall be liable to dispose their wastes according to the principles to be determined by the regulation or shall have them disposed.

Real and/or legal persons, aiming at establishment and operation of recovery, recycling, and disposal facilities, shall be liable to obtain a license from the Ministry in line with the principles determined in the regulation, provided that they obtain permission related to appropriateness of products for sale, and auditing on the market from competent bodies.

Organizations, assuming waste transportation and/or collection works apart from domestic wastes, shall obtain a license from the Ministry. Organizations, assuming transportation and collection works of domestic wastes, shall be recorded by the Ministry.

In the event that municipalities establish service unions for the purpose of construction of waste disposal and waste recycling facilities, the Ministry shall give technical and financial support to the said service unions in survey and project issues. Whereas, facility construction projects can be supported with credit or aid within the framework of article 18 of this Law. In the event that the credit debt is not paid back, prosecution shall be started in accordance with provisions of the Collection Procedure of Public Receivables, and shall be collected from the shares of the relevant municipalities in the Provincial Bank within the framework of the provisions of additional article 4 of the Law on Paying Share to Municipalities and Special Provincial Administrations from General Budget Tax Incomes numbered 2380 primarily.

Establishment, repair, improvement, operation, and determination of contributions to expenditures of facilities, and enterprises, subject to treatment and disposal liability, and settlement units, treatment and disposal systems, which have to be established on the basis of this liability, waste water treatment and preliminary treatment systems and waste water substructure systems shall be arranged with regulations by the Ministry. Authorities granted with these laws in this issue shall be reserved.

Permissions to be obtained for implementation of this Law and procedures and principles to which the said permissions shall be subject shall be determined with regulations to be issued by the Ministry.

By organizations and enterprises, which can give damage to environment on account of their activities, emergency plans shall be prepared for a possible accident related to their activities in order to take negative impacts of the accident on environment under control and reduce them. Procedures and principles on this shall be arranged with a regulation to be issued by the Ministry.

By taking into account these plans, local, regional and national emergency plan shall be prepared by relevant organizations under coordination of the Ministry.

Shore facilities such as ports, shipyards, ship maintenance-repair, ship dismantling, marinas; shall be liable to do the transactions and facilities related to removing, storing, transporting, and disposing of oily solid wastes, and liquid wastes such as bilge, filthy ballast, slac, slop and domestic waste water and solid wastes, and to have them done. Procedures and principles in this regard shall be determined with a regulation to be issued by the Ministry.

Auditing, instruction and notification liability

Article 12 - The Ministry shall be authorized to audit whether the provisions of this Law have been abided by or not. When deemed necessary, this authority shall be transferred to special provincial administrations, municipality chairmanships, establishing environment audit units, Undersecretariat of Coast Guard Command, auditing authorities, determined according to Highway Traffic Law dated 13/10/1983 and numbered 2918 or other organizations, deemed appropriate by the Ministry. Audits shall be made within the framework of audit procedures and principles, determined by the Ministry.

Transactions related to auditing and conclusion of military work places, military zones, and exercises within the framework of this Law; shall be conducted according to the

regulation to be prepared jointly by the General Staff, the Ministry of Defense, the Ministry of Interior, and the Ministry.

The concerned authorities shall give information and documents to be demanded by the Ministry or other authorities authorized to audit, shall cover expenditures of analysis and measurements, and shall facilitate things in the course of the audit.

The concerned authorities, with regard to their activities giving rise to environmental pollution, shall submit used raw materials, fuel, products, and wastes and production schemes, emergency plans, monitoring systems and pollution reports and other information and documents to the Ministry or the authorized auditing unit when a demand is submitted.

The procedures and principles related to audit, instruction, and notification liability shall be arranged with the regulation to be issued by the Ministry.

Hazardous Chemicals and Waste

Article 13 - Procedures and principles regarding the determination, production, importation, usage areas and amounts until it passes to the waste class, labelling, packaging, classification, storage, risk assessment, transportation and exportation of the hazardous chemicals shall be determined by the regulation to be introduced by the Ministry through taking the opinions of relevant institutions and organizations.

Hazardous chemicals that are determined to be released to the market in a way contrary to the provisions of the regulation and products containing these chemicals shall be collected and demolished by the institutions, organizations and establishments that release them with sale and usage purpose. Cost necessary for the transfer and demolition shall be covered by the concerning persons. In case the obligation is not fulfilled, these costs shall be collected from institutions, organizations and establishments in accordance with the provisions of Decree-Law on Collection Procedure of Assets no 6183.

Prime Ministry Undersecretariat of Foreign Trade may prohibit the importation of some fuel oil, substances, wastes, hazardous chemicals and goods containing these chemicals or subject them to control through taking the opinion of the Ministry.

Importation of the hazardous waste shall be prohibited.

Definition of hazardous wastes and procedures and principles regarding the collection, separation, temporary and intermediary storage from the formation level, recycling, reuse, transportation, removal, control following the removal, exportation, transit pass, packaging, labelling, audit, waste management plan preparation of hazardous wastes shall be determined by the regulation to be introduced by the Ministry.

The persons engaged in activities of production, sale, storage, usage and transportation of hazardous chemical and the persons engaged in activities of collection, transportation, temporary and intermediary storage, recycling, reuse and removal of hazardous waste shall be jointly responsible for the obligations imposed by this Law. These responsible persons must take out hazardous chemicals liability insurance against the harms that they may give to the third parties due to the accident that may occur because of their occupational activities set out in this law and shall obtain necessary consents from the Ministry before starting hazardous waste activities. Institutions, organizations and establishment that do not comply with this insurance obligation, shall be not given permission regarding these activities.

Mandatory liability insurance contemplated in this article shall be provided by insurance companies determined by the Undersecretariat of Treasury according to their capabilities or by a pool to be established through a regulation to be introduced by Undersecretariat of Treasury with the approval of the Minister to whom it is affiliated. Procedures and principles regarding the management and operation of the pool shall be determined by the same regulation. The pool shall be established as an insurance and/or reinsurance pool. The Minister to whom the Undersecretariat of Treasury is affiliated shall be entitled to make decision about the protection of a certain share on behalf of public in the pool. Advanced money may be made used from the budget of Undersecretariat of Treasury in order for initial expenses of the pool to be refunded. The obligations of the pool shall be restricted to the premium profits and their profits, reinsurance provided from the markets and similar protections and solvency.

The Ministry shall be entitled to suspend the liability insurance obligation of the ones engaged in activities relating the hazardous chemicals and wastes for maximum one year after the effectiveness of general conditions and instructions regarding this insurance; provided that it shall take opinion of appropriateness of Undersecretariat of Treasury.

Insurance general conditions regarding the liability insurance to be taken out by every individual responsible shall be approved by Undersecretariat of Treasury. Tariffs and instructions of liability insurance shall be determined by the Minister to whom Undersecretariat of Treasury is affiliated. The Minister to whom Undersecretariat of Treasury is affiliated shall be entitled to liberate the tariff.**Noise**

Article 14 - It is prohibited to make noise and vibration above the standards set out by the related regulations in a way destroying the peace and serenity, physical and mental health of persons.

Necessary precautions shall be taken by the activity owner for the noise and vibration arising from the transportation vehicles, building sites, factories, business offices, entertainment venues, service buildings and domiciles to reduced below the standards set out by the regulations

Cessation of Activities

Article 15 - The persons acting contrary to this law and the regulations published pursuant to this law shall be given an extra time not exceeding one year and whose principles shall be determined by regulation by the Ministry and by the institutions and authorise to which audit mandate has been transferred under the first paragraph of Article 12 for once only so as to correct the such inappropriate activity.

Activity; shall be terminated partially and wholly, temporarily and permanently by the Ministry and by the institutions and authorise to which audit mandate has been transferred under the first paragraph of Article 12 immediately in case no extra period is granted, and in case extra period is granted, if the irregularity is not corrected. Activities endangering environment and human health shall be terminated without granting extra period.

Activities initiated without conducting Environmental Impact Assessment inspection, shall be terminated by the Ministry while the activities initiated without preparing the Project information file shall be terminated by Top Administrative Chief of the location without granting any extra period.

Granting extra time and terminating the activity shall not constitute an impediment for the implementation of the penalties contemplated in this Law.

Cessation in Dangerous Cases

Article 16 - Repealed

SECTION FOUR

Environmental Pollution Prevention Fund

Establishment of the Fund and utilization

Article 17 - Repealed

Collection of environmental contribution, other revenues and budget funds

Article 18 - For the purposes of the prevention of environmental pollution, improvement of the environment and supporting environment-related investments,

- a) Amount equalling to one percent of CIF value of imported fuel and wastes subject to control and five per thousand of CIF value of scraps,
- b) One percent of value of water and waste water disposal collected by water and sewerage administrations of metropolitan municipalities are collected as environmental contribution. Such collected amounts are transferred to accounts of relevant accountable property offices no later than fifteenth day of the following month and are registered in the budget as revenue.

In addition, any grant, contribution and donation to be acquired both at home and abroad as well as (loan) principal returns and loan interests are also collected and are deposited into the account of Directorate of Central Accountable Property Office of Ministry of Environment and Forestry and registered in the budget as revenue.

The provisions of Law on Procedure of Collection of Public Receivables No. 6183 apply to the collection of revenues referred to in this article.

The Council of Ministers is authorized to reduce the rates referred to in paragraphs (a) and (b) to zero or to increase them to the extent allowed by the law.

A fund is stipulated for the budget of the Ministry in return for the foregoing revenues that are estimated within the annual budget revenues for supporting monitoring, feasibility, survey, project and construction works of waste water treatment, waste disposal and solid waste recovery facilities by loans or contributions, landscaping, creating measurement and monitoring network for air, water and soil quality, supporting surveys and projects for noise prevention, preparing emergency action plans, Environmental Impact Assessment activities, basin protection planning activities, biodiversity protection, fight against desertification and climate change, strategic environmental assessment, protection of endangered plants and animals and preservation of their habitat, fulfilling obligations arising from international contracts, activities related to environmental education and publication and expenses incurred for specialized commissions as well as for works to eliminate environmental pollution

Principles and procedures for the collection of the foregoing revenues and use of funds stipulated in the budget are defined in the regulation to be issued by the Ministry upon the assent of the Ministry of Finance.

Utilization of the Fund

Article 19- Repealed

SECTION FIVE

Penal Provisions

Administrative Fines

Article 20 - Administrative fines are such as:

a) In accordance with the additional Article 4, the owners of the motor vehicle who did not carry out the emission measurement are fined 500 TL, the owners of the motor vehicle who has contrary emission in accordance with the standards are fined 1000 TL.

b) Those who establish and manage the facilities that are subjected to permission due to their vital affects to the air pollution without permission of the authorities or who keep establishing and managing in spite of the permisson is cancelled or who make changes afterwards without permission or who did not make the changes that are called necessary by the authorities at the time needed are fined to 24.000 TL. If the emission amounts are high over the limits that are stated in the legislation those are fined to 48.000 TL.

The owners or the managers of the facilities that are subjected to permission are fined 24.000 TL for not taking the precautions that are supposed in the legislations or in the permission papers or for being contrary to the emission standards and limitations that are stated in the legislation.

c) During the management of the facilities whose foundation or management are not subjected to the permission due to air pollution, those that have emissison contrary to the standards that are stated in the legislation are fined to 6.000 TL.

Those who treat contrary to the additional Article 9 of this Law are fined to 2.000 TL.

In the case of the action that is foreseen at the first paragraph of this article is executed about the houses, the fine shall be 300 TL for each individual section at the houses that are heated cumulative or individual. The responsibility for fine is belong to the administer at the cumulative heated houses and to the user of the house at individual heated houses.

d) at the places that have special importance because of the air pollution or at the periods or places that the pollution is near to vital limits or at critical meteorological

conditions, those who do not take precautions that are foreseen in the legislation, who treat contrary to the prohibitions or who do not obey the decisions that are taken by the local environment councils are fined to double of the penalties in clauses (b) and (c) of this article.

In the case of this action is executed about the houses, the responsibility of fine shall be determined according to the third paragraph of Clause (c) of this article.

e) Those who start the construction or activity before Environmental Effect Evaluation process starts or it is completed are fined to an amount of the two percent of the Project cost. At these situation the entrepreneur is responsible for forming the previous condition of the activity area.

During the process of Environmental Effect Evaluation those who treat contrary to the contract they signed are fined 10.000 TL for each violation.

f) those who did not establish the waste, pre- refining, refining or elimination facilities that are obligatory to found according to the Article 11 or who have these facilities but not using them are fined 60.000 TL.

g) Those who did not execute the obligation to inform and notify that are foreseen in Article 12 are fined to 6.000 TL.

h) Those who did not take the precautions that are determined according to the legislation that is prepared in accordance with Article 14 of this Law or who cause noise and vibration that are contrary to the standards; are fined 400 TL for houses, 12.000 TL for factory, construction yard or entertainment noise.

ý) Contrary to the limitations and prohibitions thar are foreseen in this Law, at the seas that are under sovereignty of this country and sea authority areas that are bound to judging and water areas related to them, natural or artificial lakes and rivers;

1) Oil tankers which discharge or release oil and derivations; 40 TL per gross ton for the ones with a thousand gross ton, 10 TL per each additional gross ton for the ones with one to five thousand gross ton, and 100 cent per additional and amounts above gross ton for the ones with more than five thousand gross ton,

2) Tankers that discharge dirty ballast, 30 TL per gross ton for the ones with a thousand gross ton, 6 TL per this amount and each additional gross ton for the ones with one to five thousand gross ton, 100 cent 100 cent per additional and amounts above gross ton for the ones with more than five thousand gross ton,

3) Ships or other sea vehicles that discharge oil derivations (slach, slop, fuel oil, oily waste) or dirty ballast; 20 TL per gross ton for the ones with a thousand gross ton, 4 TL per

each additional gross ton for the ones with one to five thousand gross ton, and 100 cent per additional and amounts above gross ton for the ones with more than five thousand gross ton,

4) Ships or other sea vehicles that discharge solid waste or domestic sewage; 10 TL per gross ton for the ones with a thousand gross ton, 2 TL per each additional gross ton for the ones with one to five thousand gross ton, and 40 cent per additional and amounts above gross ton for the ones with more than five thousand gross ton,

are fined as above.

In the case of discharge of dangerous materials and wastes fines are taken into the category of oil and derivations and multiplied ten times.

Following the pollution in the case of detection of removal of the pollution by ship or sea vehicle caused by it, administrative fine is applied at a rate of 1/3.

In case of the fine is not paid at once and in one single payment or sufficient guaranty is not served, the ships and the other sea vehicles that can be moved are submitted to the nearest port authority and are banned from activity and sea traffic. Bank tender guaranty or tender guaranty that is conducted by the club insurance company are acceptable as collateral.

At seas that are under foreign country sovereignty, in the case of violation of the regulation of these countries by Turkish flag ships, on condition of no fine by these countries and demand from Turkey to fine, these provisions of Law are applied.

Except from the first paragraph of this Clause, those who discharge waste at seas that are under sovereignty of the country and sea authority areas that can be judged, at waters that are not used as drinking water and daily water are fined 24.000 TL. In the case of this action is executed at houses 600 TL is fined for each house and individual section. This responsibility of fine belongs to the user at individual houses and to the administer at other houses.

i) Those who treat contrary to the provisions of the legislation that is in action in accordance with the additional Article 8 of this Law are fined 1.000 TL.

j) Those who discharge the wastes contrary to the standards and prohibitions that are foreseen in the legislation and in law or without taking precautions to the land are fined 24.000 TL.

In the case of this action is executed at houses 600 TL is fined for each house and individual section. This responsibility of fine belongs to the user at individual houses and to the administer at other houses.

k) Those who devastate the biological diversity contrary to (a) clause of the Article 9 of this Law, who treat contrary to principles of protection and use that are detected for Special Environment Protection Areas that are announced in accordance with Clause (d), who treat contrary to principles and procedures of protection and use that are determined with legislation for watered marshies in accordance with the second paragraph of Clause (e) and who tear contrary to principles and prohibitions determined in Clause (f) are fined 20.000 TL, those who treat contrary to the first paragraph of Clause (e) are fined 100.000 TL.

l) Those who burn stubble contrary to Clause (c) of additional Article 1 of this Law are fined 20 TL per decare. The fine shall be multiplied to five in case of burning stubble near forest or watery areas and inhabited quarters.

Those who take sand, pebble or etc. from the seas under the sovereignty and sea authority areas, rivers, lakes and agriculture lands contrary to principles detected in accordance with Clause (d) of the additional Article 1 of this Law are fined 120 TL per cubic meter.

m) Those who did not found environment administration unit that is foreseen in the additional Article 2 of this Law are fined 6000 TL, who do not have environmental officer or who do not get service from the companies that have authority from the Ministry are fined 4.000 TL.

n) Those who discharge waste contrary to protection principles determined in accordance with Article 9 of this Law to the protection areas of drinking and daily water, to the source itself and subterranean surface waters that feed the source, irrigation and drainage tunnels are fined 48.000 TL. In the case of this action is executed at houses 1.200 TL is fined for each house and individual section. This responsibility of fine belongs to the user at individual houses and to administer at other houses.

Buildings and structures that are built contrary to Law and legislations on these lands are demolished in accordance with the principles determined in Law of Development and Housing no. 3194.

o) Those who do not prepare the emergency case plans that are foreseen in the Article 11 of this Law as not suitable to procedures and principles determined in the legislation, who do not take precautions to apply these plans, who do not have devivces and equipments and who do not obey the local, regional and national emergency case plans are fined 12.000 TL.

p) Those who do not have financial responsibility insurance that is foreseen in the Article 13 of this Law are fined 24.000 TL.

r) Those who collect, carry, store temporarily or sometimes, recycle, reuse or eliminate contrary to procedures and principles that are foreseen in this Law and the legislations are fined 60.000 TL.

s) Those who pollute the environment one way or another in open public areas are fined 100 TL.

t) Those who cause dangerous wastes to enter the country in one way or another are fined per each 2.000.000 TL.

u) Those who export or help their transition without pre-notifying the related authorities are fined 2.000.000 TL.

v) Those who collect, decompose, store temporarily and sometimes, recycle, reuse, carry, pack, tag, eliminate dangerous wastes contrary to prohibitions and limitations foreseen in this Law and the legislations and who do not close the waste elimination facilities that should be closed in accordance with the rules are fined from 100.000 TL to 1.000.000 TL.

y) Those who produce, operate, report and import, carry, store, use, pack, tag, sell and help to sell the dangerous chemical and the good containing this chemical contrary to procedures and principles and prohibitions and limitations foreseen in this Law and the legislations are fined from 100.000 TL to 1.000.000 TL.

The administrative fines that are foreseen in the Clauses (k), (l), (r), (s), (t), (u), (v) and (y) of this Article are tripled in the case of institutions, organizations and foundations.

The Council of Ministers are authorized to increase the amount of fines to ten times that are foreseen in this Article.

In the application of this Article, Turkish Criminal Code and the other codes, the provisions concerning to the action creating a crime are reserved.

Administrative fines for Agencies and Enterprises

Article 21 - Repealed

Fines to be Applied for Vessels

Article 22 - Repealed

Recurrence of the actions

Article 23 - The administrative fines stated in this Law are applied once at the first repetition, and double at the second and the successive repetitions in three years following the commitment of crimes requiring these fines.

Authority in administrative fines

Article 24 - The authority to decide administrative sanctions foreseen in this Law belongs to the Ministry.

This authority is used by institutions and authorities that hand over the inspection authority in accordance with the first clause of this Article 12.

The decisions of administrative sanctions foreseen in this Law are made by General Directors in Central organization of the Ministry, directors of city forest and environment in rural organizations.

The half of the administrative fines given by authorized institutions that have inspection authority according to the first clause of Article 12 of this Law are recorded as income to the budgets of the institution to cover the costs relating to the inspections to be done in accordance with the Law to use for supplementary services, and the second half of it is recorded to the general budget.

Necessary subsidy is foreseen reserved for administrative fines that shall be recorded as income to budget of Ministry and general budget in order to use for supplementary services and to cover the costs about the inspections in accordance with the Law.

The application of administrative sanctions, the payment procedure and objection

Article 25 - A protocol is prepared by the authorized inspection officers about the actions requiring the application of administrative sanctions foreseen in the Law. This protocol is referred to the authority that decides the administrative sanction and the officers are bound. This authority evaluates the protocol and decides the necessary administrative sanction. The administrative sanction decision is issued to the related party by the authority of sanction in accordance with the provisions of Law of Notification dated 11/2/1959 and no. 7201.

In thirty days following the date of notification against the decision of administrative sanctions a suit can be filed in administrative courts. Filing a suit shall not stop the payment of the fine by the administration.

In the case of the procedure of payment of administrative fines, provisions of Law of Misdemeanour dated 30/3/2005 and no. 5326 are applied.

Administrative fines collected by institutions authorized to fine are charged on receipt published and delivered by Ministry of Finance.

The procedures determining the fines and detection of violation about administrative fines that shall be given in accordance to this Law and the procedures and principles relating

to shape, delivery and control of receipts that shall be used in fine applications shall be determined by the legislation on asking the Ministry of Finance.

Judicial Fines

Article 26 - Those who give wrong and misleading information contrary to obligation of notify and inform that are foreseen in the Article 12 of this Law are sentenced from six months to a year.

In the application of this Law, the provisions about those who prepare and use incorrect and misleading document related to penalties of forgery on the documents of Turkish Criminal Code dated 26/9/2004 and no. 5237 are applied.

According to this article, disputes about environmental effect evaluation that pass to judgement, the process of environmental effect evaluation pauses till the end of judgement.

Penalties indicated in other laws

Article 27 - The fines in administrative nature to be applied by this Law will not impede the application of penalties for these actions indicated in other laws

SECTION SIX

Miscellaneous Provisions

Responsibility of the polluting party

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

Parties polluting the environment and parties causing environmental destruction will be held responsible from pollution and degradation regardless of the existence of any misconduct.

Indemnity responsibility of the polluting party due to the damage caused is reserved in conformity with general provisions.

Demands related to the compensation of loss and damages to the environment prescribe in five years following the date when the injured party learns the damage and the obligation for compensation.

Incentives

Article 29 - Activities related to prevent and eliminate environmental pollution are available of stimulatory measures. Hence, new procedures can be added to the incentive system by Undersecretariat of Treasury on condition that receiving opinion from the Ministry at the beginning of every year.

In the refining plants of the organizations that built, manage and execute the liabilities foreseen in the legislations, the tariff of electrical energy used is offered to give a discount of half according to the tariff of electric energy used in industrial facilities and The Council of Ministers is authorized on this offer of the Ministry

Measurements for subventions shall be determined by a Regulation. Real persons and legal entities subject to the penalties in this Law shall comply to their liabilities within the periods stated herein, if not so, they shall not be entitled for any subvention measurements as provided by this Law and their current subventions shall cease.

The right to be informed and petition

Article 30 - Every person who is harmed due to an activity or informed about an activity that pollutes or spoils the environment can apply to the related authorities to demand necessary precautions to be taken or the activity to be stopped.

Every person has the right to reach the information about the environment as a part of Right to Information Act dated 9/10/2003 and no. 4982. However, demands about information that can damage environmental values like production areas, rare species if they are explained can be declined also as a part of this Act.

Regulations

Article 31 - The regulations to be issued concerning the implementation of this Law will be prepared by the Ministry by taking the considerations of the corresponding ministries. Regulations will be put into force by publication in the official journal latest within five months following the enforcement of the Law.

Non-applicable Provisions

Article 32 - (Amendment: 3/3/1988 - 3416/art. 10)

The penalty provisions that are in force due to articles 4 and 11 of the Ports Law, No 618, and provisional article 1 of Water Products Law, amended by Law No 3288 concerning the

prevention of sea pollution, will not be implemented following the publication of the regulations that will be put into force in accordance to this Law.

SUPPLEMENTARY ARTICLE 1 - The procedures relating to protection of the soil and prevention of pollution are as below:

a) The procedures and the principles about the protection of soil, elimination and prevention of pollution are determined by the legislation to be formed by the Ministry by receiving the opinions of related institutions.

b) Activities of quarry and mining, excavations on land to gain material and soil, the procedures and the principles about the recycling of the natural structure that is spoiled by castings and wastes that are left at nature are determined by the legislation to be formed by the Ministry by receiving the opinions of related institutions.

c) Burning stubble, the demolition of meadows and fields and any activity that causes erosion are forbidden. However, on the lands where the second production is cultivated, controlled burning stubble can be allowed under the responsibility of the Governorships and in the scope of action plan prepared by the governorship.

d) The procedures about taking sand, pebble and similar materials from the seas under the sovereignty, dry river beds and river beds, lake beds and from agriculture lands are determined by the legislation to be formed by the Ministry by receiving the opinions of related institutions.

SUPPLEMENTARY ARTICLE 2 - Any institution, organization or enterprise that shall cause environmental pollution or damage to the environment as a result of their activities are obliged to establish environmental management unit, to employ officers in charge of environment or to purchase relevant service from institutions or organizations authorized by the Ministry. Principles and procedures in this respect are defined by a regulation to be issued by the Ministry.

SUPPLEMENTARY ARTICLE 3 - The Ministry may appoint people meeting the conditions defined in the regulation as environment volunteers. Such people are not paid any fee for this duty.

Duties of environment volunteers, who are determined to abuse their duties, are terminated. Principles and procedures related to working and training of environment volunteers are defined by a regulation to be issued by the Ministry.

SUPPLEMENTARY ARTICLE 4 - Motor vehicle owners must have exhaust emission measurement performed in order to certify the conformity of exhaust emissions with standards defined by the regulation.

Principles and procedures related to exhaust emission measurements and standards of vehicles in traffic are defined by a regulation to be issued by the Ministry.

Motor vehicle manufacturers are obliged to maintain standards defined by the regulation at the production phase."

SUPPLEMENTARY ARTICLE 5 - The Ministry establishes the necessary corporate infrastructure in order to carry out other activities for measurement, monitoring and supervision activities as well as for the solution of environmental problems stipulated by this law.

SUPPLEMENTARY ARTICLE 6 - It is obligatory to produce and use clean and high quality fuels and incineration systems, principally national energy resources, that are in line with standards defined by the Ministry in order to protect air quality and prevent air pollution. Those that produce incineration facilities and fuels that are not in line with the standards are not granted licenses and licenses that are already granted are cancelled.

It is essential that clean air policies defined by the Ministry are applied in cities and districts and air quality is monitored.

The Ministry carries out all works in relation to methods for determining, monitoring and measuring the air quality, air quality limits and necessary measures to be taken for not exceeding these limits and for informing and raising the awareness of the public.

Principles and procedures related to these works are defined by a regulation to be issued by the Ministry.

SUPPLEMENTARY ARTICLE 7 - The Ministry is authorized to directly request any datum or information concerning environment that it deems necessary from public institutions and organizations and real and legal persons. All public institutions and organizations and real and legal persons from whom such datum and information are requested are obliged to provide such datum and information free of charge and in due time.

SUPPLEMENTARY ARTICLE 8 - Principles and procedures for preventing negative effects of electromagnetic fields resulting from non-ionizing radiation emission on environment and human health are defined by a regulation to be issued by the Ministry after opinions of relevant institutions and organizations are taken.

SUPPLEMENTARY ARTICLE 9 - It is forbidden to emit odor-causing emissions to the environment exceeding the limits defined in the regulation. People causing the odor are obliged to take measures for preventing odor emissions. Administrative and technical procedures and principles in this respect are defined by a regulation to be issued by the Ministry.

PROVISIONAL ARTICLE 1 - Pursuant to this Law, regulations to be issued by the Ministry by taking the opinion of relevant ministries are published no later than one year after this Law becomes effective and general insurance conditions to be determined by the Undersecretariat of Treasury and tariffs and instructions to be approved by the Minister subordinating to Undersecretariat of Treasury are published no later than one year after this Law becomes effective.

PROVISIONAL ARTICLE 2 - The Ministry may grant a period up to one year after regulations are published so that additional obligations imposed by this Law and regulations on enterprises that are active as of the date on which this Law has become effective are fulfilled.

Facilities in violation of paragraph (h) of Article 9 of Environment Law Numbered 2872 are shut down within one year as of the date of publication of this Law.

PROVISIONAL ARTICLE 3 - Those failing to fulfil their obligations despite being subject to the provisions of Environmental Impact Assessment Regulation before this Law becomes effective and whose location selection is already eligible draw up an environmental status assessment report showing that they have met the necessary obligations in the framework of relevant regulations and present it to the Ministry within six months after this Law becomes effective. A decision is made within six months following the date of application for those having met the conditions defined by relevant regulations.

Activities that fail to present an environmental status assessment report to the Ministry within six months or fail to take the necessary environmental protection measures within six months after the report is presented to the Ministry are terminated by the Ministry for an indefinite period.

It is essential that the provisions of relevant legislation are applied to activities of which location selection is not eligible pursuant to the legislation in effect.

PROVISIONAL ARTICLE 4 - Municipalities that have not established a waste water treatment and household solid waste disposal facility, active organized industrial zones that have not established a waste water treatment facility, other industrial organizations and settlements must present their business deadline plans in relation to the establishment of such facilities within one year after this Law becomes effective and commission them within the terms given below.

After the business deadline plan is presented to the Ministry, terms for commissioning are 3 years for municipalities with a population over 100.000 people, 5 years for municipalities with a population between 100.000 and 50.000 people, 7 years for municipalities with a population between 50.000 and 10.000 people and 10 years for municipalities with a population between 10.000 and 2.000 people and 2 years for organized industrial zones and other industrial facilities as well as any facility producing waste water.

Waste water treatment and solid waste disposal facilities of which construction continues are not required to draw up business deadline plans. The term for commissioning of the facility may not exceed the terms for commissioning stipulated in this article.

Municipalities, organized industrial zones, other industrial zones and settlements must apply to the Ministry within three months after this Law is published in order to benefit from this provision.

In case organizations and institutions that are obliged to establish waste water infrastructure systems and solid waste disposal facilities pursuant to Article 8 of this Law fail to fulfill their obligations in due time stipulated in this article, an administrative fine of 50.000 Turkish Liras is applied to municipalities with a population over 100.000 people, an

administrative fine of 30.000 Turkish Liras is applied to municipalities with a population between 100.000 and 50.000 people, an administrative fine of 20.000 Turkish Liras is applied to municipalities with a population between 50.000 and 10.000 people, an administrative fine of 10.000 Turkish Liras is applied to municipalities with a population between 10.000 and 2.000 people, an administrative fine of 100.000 Turkish Liras is applied to organized industrial zones and an administrative fine of 60.000 Turkish Liras is applied to other industrial facilities and any facility producing waste water.

PROVISIONAL ARTICLE 5 - Staff shown in the list number (1) that is an annex to this Law has been cancelled and removed from the section concerning Ministry of Environment and Forestry of the list number (I) that is an annex to Legislative Decree No.190 and staff shown in the list number (2) that is an annex has been created and added to the section concerning Ministry of Environment and Forestry of the list number (I) that is an annex to Legislative Decree No.190.

Enforcement

Article 33 - This Law will be in force at the date of publication.

Implementation

Article 34 - The provisions of this Law will be implemented by the Council of Ministers.