European Union Network for the Implementation and Enforcement of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)

"A voluntary scheme for reporting and offering advice To environmental authorities"

Report on the IRI that took place in Ankara, Turkey, 4-8 April 2016

Date report: November 2016

Title report: IRI Turkey	**Number report:** 2016/22.01
Project managers: Senay Aslan and Terry Shears	**Report adopted at IMPEL General Assembly:** 1-2 December 2016, Bratislava (Slovakia)
Author: Nancy Isarin and Elen Strale	**Number of pages: 55** Report: 42 Annexes: 13

Project team:

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Executive summary:

The Turkey IRI took place in Ankara on 5-8 April 2016 and was hosted by the Directorate General of EIA, Permitting and Inspection in the Turkish Ministry of Environment and Urbanisation. The review also included a site visit to a soda ash plant.

Although Turkey is not an EU Member State, it implements most parts of the EU environmental acquis communautaire. As agreed at the pre-meeting, the IRI focussed on permitting, planning and execution of inspections, reporting, performance monitoring and Seveso.

Overall, the IRI Team (consisting of representatives from Italy, the Netherlands, Belgium, Germany, the United Kingdom) felt that Turkey had an impressive framework for environmental regulation.

One key area which Turkey was suggested to look at is communication with the public as that might help to reduce complaints. The permitting process is good and they make good use of online permits: they have a Temporary Operating Consent which helps increase the number of permitted facilities in Turkey.

It was seen as good practice that inspectors were able to draft inspection reports on site through use of the E-inspection system and inspection frequencies were guided by the use of risk assessments. Working more closely with other public law enforcement bodies could help enhance the risk profile of operators.

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu.

REPORT STRUCTURE

1. Introduction

1.1 The IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:

"Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community."

1.2 Purpose of the IRI

The aims of the IRI are to:

- provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries for the purpose of benchmarking and continuous improvement of their organisation
- encourage capacity building in environmental authorities in IMPEL member countries
- encourage the exchange of experience and collaboration between these authorities on common issues and problems
- spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across IMPEL member countries (˝the level playing field˝).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and review team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

1.3 Scope of the IRI in Turkey

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The IMPEL ˝Doing the Right Things˝ Guidance Book for planning of environmental inspections has been used to help structure the questionnaire and the review. The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

During the pre-meeting, it was agreed that the scope of the IRI would be on the existing environmental legislation and implementation thereof; this would include permitting, planning and execution of inspections, reporting, performance monitoring and the Seveso Directive. Turkey has transposed some of the articles of RMCEI into Turkish legislation, but for example not the Industrial Emissions Directive (IED).

1.4 Structure

A pre-review meeting was held in Ankara in September 2015 where the programme and the scope for the review were discussed. The meeting was attended by the Team Leader (Terry Shears), Rapporteur (Elen Strale), and the hosts.

The review itself took place in Ankara at the Ministry of Environment and Urbanisation on 5-8 April 2016. The Review was structured according to the revised IRI questionnaire developed by the IRI review project during 2009. The IRI Review team consisted of representatives from the following IMPEL member countries.

Team Leader:

- Terry Shears (volunteer consultant)

Rapporteurs:

- Elen Strale (Environment Agency England – UK)
- Nancy Isarin (SSE Consultant – ECRAN Network)

Reviewers:

- Chris Dijkens (IMPEL vice chair, the Netherlands)
- Christian Deladrière (Walloon region, Belgium)
- Marinus Jordaan (DCMR, the Netherlands)
- Fabio Carella (ARPA Lombardia, Italy)
- Horst Buether (Pollution Control Regional Government Cologne, Germany)

Hosts:

- Project leader: Senay Aslan (Ministry of Environment and Urbanisation, Turkey)
- National IMPEL Coordinator: Pinar Topkaya (Ministry of Environment and Urbanisation, Turkey)

Photo 1: Review team and hosts

2. Main Findings

2.1. Part A – Defining the regulatory framework of environmental protection in the IMPEL member country.

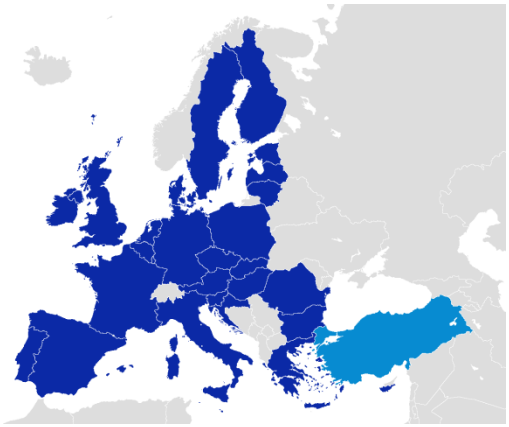
OBJECTIVE

To find out about the organisation of the environmental authority, the relevant legislation it complies with and relationships with the public, operators, government and other countries.

2.1.1. General information

Turkey straddles the borders of Europe and Asia with the majority of the country in southwest Asia. It has a total area of 780,580 km^2 and the population was 74.7 million people in 2011. The country is bordered in the east by Georgia, Armenia and Iran with Iraq, Syria and the Mediterranean Sea to the south. The Aegean Sea, Greece and Bulgaria are to the west, and the Black Sea forms the northern border.

The Bosphorus, the Sea of Marmara, and the Dardanelles demarcate the boundary between Thrace and Anatolia; they also separate Europe and Asia. The coastline of Turkey (excluding islands) is 8333 km. Turkey is a parliamentary representative democracy.



Turkey's constitution governs the legal framework of the country. It sets out the main principles of government and establishes Turkey as a unitary centralised state. The President of the Republic is the head of state elected for a five-year term by direct elections.

Executive power is exercised by the Prime Minister and the Council of Ministers which make up the government, while the legislative power is vested in the unicameral parliament, the Grand National Assembly of Turkey.

Turkey is a member of the UN, NATO, OECD, OSCE, OIC and the G-20.

In line with its traditional Western orientation, relations with Europe have always been a central part of Turkish foreign policy. Turkey became one of the first members of the Council of Europe in 1949, applied for associate membership of the EEC (predecessor of the European Union) in 1959 and became an associate member in 1963. After decades of political negotiations, Turkey applied for full membership of the EEC in 1987, became an associate member of the Western European Union in 1992, joined the EU Customs Union in 1995 and has been in formal accession negotiations with the EU since 2005. Today, EU membership is considered as a state policy and a strategic target by Turkey.

2.1.2. Administrative division

The Government of the Republic of Turkey is answerable to a unicameral parliament (the Grand National Assembly) elected on a four-year cycle. Ministers appointed by the Prime Minister are drawn from the Assembly membership.

The 81 provincial administrations, each with a Governor advised by a nominated Provincial Council, represent the decentralized organs of State public services and authority. They are organised for administrative purposes into three levels: province, county and district – each with an administrative head and an advisory council. Governors are nominated by the Ministry of Internal Affairs and appointed by the Government.

Ministries prepare policy and legislation and have a strong executive role at central and provincial level. Provincial directors representing ministries are answerable to the Governors but responsible to the Minister for the execution of sectoral policy.

Turkey is also subdivided into 7 regions and 21 sub-regions for geographic, demographic and economic purposes; this does not refer to an administrative division.

2.1.3. History of environmental administration

1973-Environmental Problems Coordination Committee under the head of Ministry of Energy and Natural Resources

1978-Prime Ministry Environmental Organisation

1983-Publishing of Environmental Law- National Environmental Committee- Local Environmental Committee in Provinces

1984-Directorate General of Environment

1989- Permanent Undersecretaryship of Environment

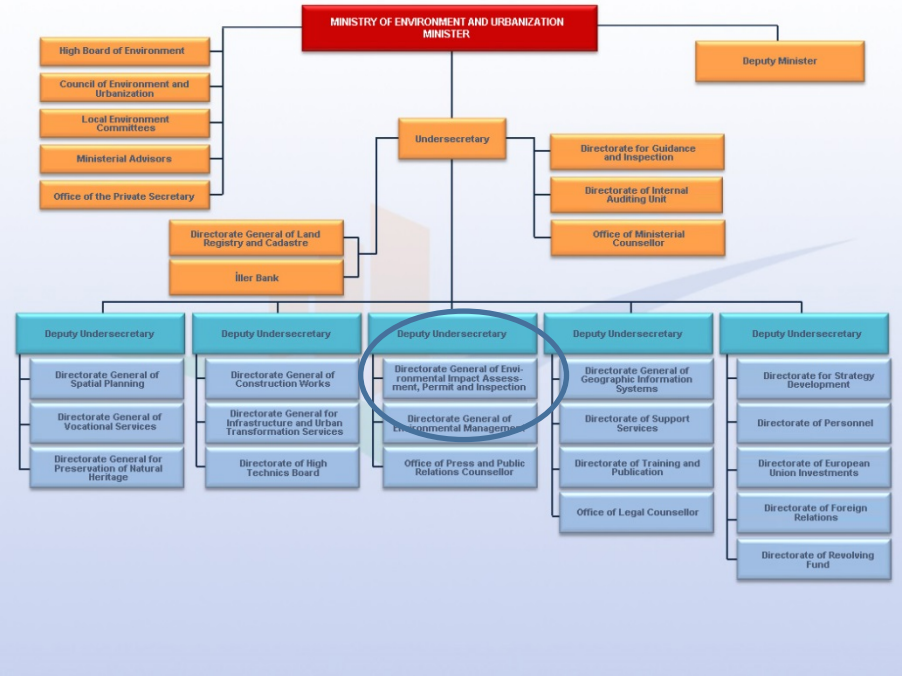
1991- Ministry of Environment / Provincial Directorate for 31 provinces

2003- Ministry of Environment and Forest

2011- Ministry of Environment and Urbanisation

MINISTRY OF ENVIRONMENT AND URBANIZATION

Ministry of Environment and Urbanisation is responsible for the environment, public works and urban planning in Turkey. The organisation chart is below:



The environmental issues are carried out mainly by two General Directorates.

DG Environmental Management

The preparation and development of environmental legislation, defining discharge standards, monitoring and analysis norms, preparation and implementation of strategies and action plans on climate change and the ozone layer etc. are covered by Directorate General of Environmental Management.

DG Environmental Impact Assessment, Permit and Inspection

Directorate General of Environmental Impact Assessment, Permit and Inspection is responsible for execution of environmental legislation such as carrying out EIA issues, permit writing and licensing and environmental inspection and strategy development at the national level and for large scale of facilities (for EIA and permitting) in principle.

Provincial Environment Directorates

The Provincial Directorates (PDs) were established in 2001 and are at present organised into four units: Environmental Management, EIA, Permitting, and Inspection. In some provinces these units are combined.

They are administratively part of Governor administrations although the staff is employed by the MoEU. It is important to note for example that, in formal terms, the relations of a provincial inspection department are not with the central inspectorate but via the Director of the Provincial Administration through the Governor's office with the Minister. While this would seem to set up conflicts, more pragmatic working relationships seem normally to be in place. The PDs are responsible for implementing environmental law and 90% of their work comes from duties assigned by the MoEU.

DG Spatial Planning

This unit is responsible for - upper scale spatial planning system, sustainable urban development, urban transformations, structuring establishments sensitive to disasters, projects about rural establishments, development of coastal areas, providing technical assistance and guidance to local authorities.

DG for Protection of Natural Assets

This unit manages, inter alia, 14 special protection zones fulfilling an obligation of the Mediterranean Action Plan under the Barcelona Convention. Certain of these areas overlap with protected areas under the responsibility of MFWA or of the Ministry of Culture and Tourism (for historical and cultural sites).

The Institution is responsible for drawing up management plans for the areas and for issuing development permissions within them, which calls for close collaboration with municipalities, generally responsible for construction permits.

MINISTRY OF FORESTRY AND WATER AFFAIRS

In 2011 the Ministry of Environment and Forestry was reorganised and the MoEU and MFWA were founded. The MoEU is responsible for wastewater management, monitoring of wastewater treatment facilities, wastewater planning, inspection, and controlling for mitigating water pollution.

The MFWA is responsible for river basin management, protection of water resources, planning and usage of water, and determining and monitoring of water quality. The EU harmonisation process in the water sector is mainly coordinated by MFWA, with support of MoEU. The reorganisation of the water sector within the MFWA has been designed according to the requirements of the Water Framework Directive.

The DG for Water Management is responsible for policies aimed at preserving and improving water resources and for coordinating water management on a national and international basis, taking into account human needs. It is also responsible for preparing river basin management plans and the necessary legislation, and for implementation of pollution prevention on the river basin basis, as well as supervision of water quality monitoring, flood management, and the building and maintenance of the international water database information system.

Turkey has not established river basin management authorities. Action plans are adopted on a river basin basis, however.

The State Hydraulic Works

SHW is responsible for the development and use of water resources, implementing economically feasible projects for hydropower, irrigation (currently some 70% of water use), domestic and industrial uses (some 15% each). Its activity is generally limited to the design and realisation of the main infrastructure (dams, principal canals or supply lines), after which the infrastructure is managed by the irrigation or water supply body.

The Directorate is also responsible for managing surface groundwater resources and has a system of abstraction permits and inspections, including some hydrological measurement points but mostly water quality.

MINISTRY OF HEALTH

Conflicts with environmental law were eliminated in the 2006 amendments of the Law on Environment clarifying the respective permitting and inspection responsibilities of MoEU and the Ministry of Health. Today, the principal environment *acquis*-related activities of the ministry are the protection of drinking and bathing water quality in collaboration with the Marine and Coastal Management Department of the MoEU.

MINISTRY OF FOOD, AGRICULTURE AND ANIMAL HUSBANDRY

The direct *acquis*-related remit of the Ministry includes the implementation of the fish and shellfish water directives, the nitrates directive and participation in the eventual implementation of the IPPC directive. Its role in general environmental management is also significant. Its development plans aim to promote land management and good agricultural practices including erosion control and forest and biodiversity protection, in collaboration with MoEU and MFWA.

PUBLIC BODIES WITH ENVIRONMENTAL MANAGEMENT RESPONSIBILITIES

Coast Guard Command

The Coast Guard Command has been delegated by the MoEU for the control of vessel sourced marine pollution. Boat Commands are authorised to enforce administrative sanctions within the scope of Environment Law no. 2872 and relevant bylaws in authorised marine areas.

Municipalities

The core responsibilities of municipalities are planning; development control and promotion; and the provision of services to the population, including solid waste, water, sewerage and transport.

Certain municipalities are designated as Metropolitan Municipalities. The Metropolitan Municipalities of Istanbul, Kocaeli, Mersin and Antalya are delegated by MoEU to conduct administrative enforcement actions against those who are in violation of prohibitions, standards and responsibilities identified in the Environment Law and relevant by-laws for the purpose of controlling vessel sourced marine pollution in marine areas which are defined by the MoEU**.**

Municipalities generate their own revenues from usage fees and penalties that remain in their budgets and they are regulated in what they can use public funds for in accordance with the Municipalities Law.

2.1.4. Turkish environmental legislation

The two principal environmental provisions of the Turkish Constitution of 1982 as revised provide that:

"*Everyone has the right to live in a healthy and balanced environment*" adding that "*It is the duty of the state and citizens to improve the natural environment and to prevent pollution*" (Article 56);

"*The state shall ensure the conservation of historical, cultural and natural assets and wealth and shall take supportive and promotional measures to that end*" (Article 63).

The Constitution requires these and all other policies to be managed through laws. The law specifying the procedures for preparing and implementing legislation states that subsidiary legislation which may be necessary to bring laws into full operation must be mentioned by them.

The framework for environmental protection is the environmental law of 1983, substantially amended in 2006. This law enables the adoption of substantial parts of the *acquis* through

subsidiary legislation. The principal areas where no subsidiary legislation is called for are the financial provisions, including fees and fines of all forms detailed in the new law and including revision clauses taking inflation into account.

There are more than 50 By-laws under the Environmental Law regarding water, air, marine, soil pollution, waste and chemical management, climate change, EIA, permits and inspections, laboratories and monitoring etc.

Projects have been carried out to transpose EU Environmental Legislation and to adapt implementation structures for it. Chapter 27 of the EU Acquis Communautaire, on the environment, was opened in December 2009. The work for transposition is still in progress.

Sector	**Principal ministry**	**Other important bodies**
Horizontal	Ministry of Environment and Urbanisation	Ministry of Foreign Affairs (for transboundary issues), municipalities
Air	Ministry of Environment and Urbanisation	Ministry of Health, Ministry of Labour and Social Security, municipalities, State Meteorological Service
Waste	Ministry of Environment and Urbanisation	Ministry of Health, Ministry of Food, Agriculture and Animal Husbandry (sewage sludge), municipalities, industrial estate management bodies (transport)
Water	Ministry of Forestry and Water Affairs	Ministry of Environment and Urbanisation (wastewater), Ministry of Food, Agriculture and Animal Husbandry, municipalities, Ministry of Foreign Affairs for transboundary issues, Water Institute
Nature protection	Ministry of Environment and Urbanisation, Ministry of Forestry and Water Affairs	Ministry of Tourism and Culture and Ministry of Food, Agriculture and Animal Husbandry
Industrial pollution control and risk management	Ministry of Environment and Urbanisation	Ministry of Internal Affairs (civil protection), Ministry of Transport, Maritime Affairs and Communications (marine pollution), municipalities
Chemicals	Ministry of Environment and Urbanisation	Ministries of Health and of Labour and Social Security, others

Noise	Ministry of Environment and Urbanisation	Ministries of Health and of Labour and Social Security, municipalities
GMO	Ministry of Food, Agriculture and Animal Husbandry	Ministry of Environment and Urbanisation, Ministry of Health and others
Forestry	Ministry of Forestry and Water Affairs	
Climate change	Ministry of Environment and Urbanisation	Ministries of Energy and Natural Resources and of Foreign Affairs, others
Civil Protection (Seveso)	Ministry of Environment and Urbanisation, Ministry of Labour and Social Security	Prime Ministry Disaster and Emergency Management Authority

According to the results of the Technical Assistance Project for IPPC in Turkey, there are around 5300 IPPC installations. Distribution of these installations is: energy industry 2%, production and processing of metals 25%, mineral industry 13%, chemical industry 26%, waste management 7%, other activities 27%. Most of the heavy industry is located in Istanbul, Kocaeli, Izmir and Iskenderun regions.

The number of installations subject to Environmental Permits and Licences according to the national legislation is more than IPPC installations. Around 14.000 permits/licences have been issued since 2010.

There are around 1300 permit writers and inspectors at the centre and in provinces. These permit writers and inspectors are also responsible for duties other than permits and inspections.

Ministry operational budget

The Ministry budget is allocated from the general state budget.

Half the revenues from fines are transferred to the general state budget and half allocated to a revolving fund used to meet Ministry expenses, including projects such as training, research, pilot projects and technologies.

2.1.5. External interactions

Public participation

Public participation in the decision making process has been a feature of EIA procedures for a number of years. There is still no public participation in permitting, but it will be included in IPPC in the future.

A local public meeting is organised withIn the scope of EIA. Public comments are taken into account in the draft EIA Report which is published for review by the public, whose views must be taken into account by the Committee now charged with evaluating the project. The final Committee evaluation is announced and published, and the public has an opportunity to comment in writing.

The decision of the Ministry is based on the result of the evaluation by the Committee, taking into account the public comments.

Access to information

Everybody has the right to access information pertaining to the environment within the scope of Law 4982 of 2003 on the Right to Obtain Information.

Members of the public can apply to request information or express complaints by petition, special web service ("BİMER") or to call centre ("ALO181"). The relevant authority has to reply to this kind of request within 15 days according to law.

Complaints

If the complaints recorded as indicated above are under the responsibility of MoEU, generally they result in a site inspection. Results and evaluation are reported to the complainant. The complaints are sent to other related authorities if they are not in the scope of MoEU responsibilities.

2.2.Part B– Permitting activities

OBJECTIVE

Explore the permitting activities of the environmental authority.

2.2.1.Environmental Impact Assessments

The first law on environmental impact assessments (EIA) was drafted in 1993. Since then many revisions of EIA have been carried out in order to improve the framework and tackle issues with implementation and ensuring harmonisation with EU legislation. Overall the By-law on EIA is mostly in line with the EU EIA Directive, except the transboundary context.

The by-law provides a general format for the EIA - what is required to be included in the assessment. It also differentiates between projects that are likely to have a higher impact on the environment (annex I) and projects expected to have less polluting impacts (annex II). Annex I projects are evaluated by the ministry, annex II projects by the regional directorates. The EIA is actually carried out by consultants or contractors.

To start construction, Annex I projects should get 'EIA positive' decision and Annex II projects should receive 'EIA is not required' decision. 'EIA is not required' decision does not mean that these projects are exempt from EIA. For these projects environmental impacts are still assessed and a less detailed report is prepared.

Year	EIA positive	EIA negative	EIA not required	EIA required
2011	426	0	3,759	37
2012	426	0	3,759	37
2013	477	0	3,613	34
2014	471	1	4,058	15

Table 1: EIA Decisions taken by the Ministry (source: Environmental Inspection Report of Turkey - 2014)

EIA process

The process is considered transparent and efficient and requires screening, scoping, public participation and consultations with relevant authorities before a final decision is made. All documents and decisions are published on the website and the applications are done via an electronic system (since 2013). The applicants can apply at any time (24hrs) – they also can receive sms messages, notifying them about updates, the stages.

A dedicated EIA Commission is formed, depending on the type of project and area. The Commission is made up of members from the ministries affected by the project and local representatives such as municipalities. This Commission is responsible for scoping, examining and evaluating applications. Depending on the type of activity, different ministries can be involved. The representatives of municipalities depend on the geographical area covered by the project.

An EIA report has to be sent within 18 months to the Commission for assessment. When the application is approved, the Commission will gather to carry out the assessment of the report and, once the report is submitted, the date for inspection and assessment is published on the website for the public. If the report is not deemed correct or complete, the assessment will stop and will only reconvene when the required data are submitted.

Environmental Impact Assessment Reports, which have been examined and finalised by the Commission, must be submitted to the MoEU within 10 days from the completion of the examination and assessment meetings. Afterwards this Report is announced to the public by the Ministry and Governorate by appropriate means of communication such as billboards announcement and internet for ten days. Depending on the comments or complaints received the Environmental Impact Assessment Report can be revised or the examination and assessment meeting can be done again.

The ministry gives a positive or negative decision and the final decision is communicated to the Commission and the owner of the project by written notice through the website.

Monitoring and reporting are carried out by the ministry and the governor. The monitoring activities focus on verifying whether the activities performed are different from the activities prescribed in the EIA-application and whether activities start before the EIA-process is finalised. If they start activities before the EIA is approved they are fined 2% of the size of the project.

Initially, at the construction stage, the company had to monitor and submit it to the ministry at the beginning. But this has now been changed by law so monitoring is done by the provincial directorate and the ministry which inspect and check. Once up and running, the companies will carry out self-monitoring on water pollution etc., but the ministry and the provincial directorates will check whether they do what they need to do.

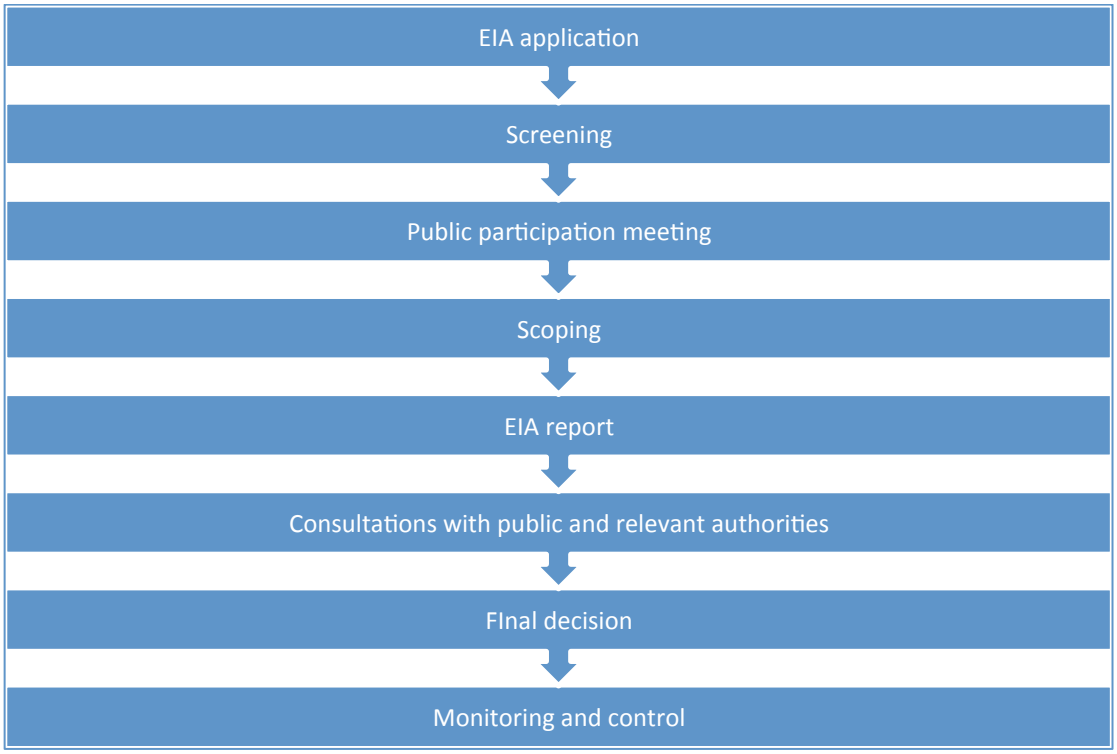


Table 2: Steps of EIA in Turkey

A project that has received a positive decision must start within 7 years. Projects that do not require an EIA must be started within 5 years, based on the situation described in the screening report.

Impact calculation models

The question was raised about how the Ministry forecasts the impacts on the environment and whether they provide standard models for the consultants to use. The ministry does not impose particular models. The consultants have to work in accordance with internationally agreed/used models.

Data coming from public institutions, for example the meteorological institute, usually a member of staff forms part of the Commission so there is no need to verify the data. In these cases the Commission checks whether the data has been used or not. For example, the models could be wrong – so they have to do them again.

The IRI team suggested to consider the use of standardised models put in place by the ministry in line with international models for forecasting the impacts on the environment. Many European countries have found that forecasting the impact of activities on the environment can be challenging and the use of such models can be beneficial.

Strategic Environmental Assessment (SEA)

Since 2003, Turkey has been working on the adoption and implementation of the Strategic Environmental Assessment Directive. This resulted so far in a proposed by law on SEA, a pilot

project on tourism and a SEA manual. If it goes to plan, implementation will be done in the second half of 2016.

2.2.2. Permits and licences

The law provides a framework for environmental permitting and inspections, defining how this will be enforced and what fines are applied. Before 2010 different permits applied for different areas, for example discharges and waste. Since 1 April 2010 there is one single environmental permit which is a step towards IED permitting.

The year 2010 was an important milestone for the Ministry as before that permitting was done all over Turkey. It is now centralised and a new environmental permitting by-law dealing with the environment came into force. In 2014 this by-law was reviewed and improved. Annexes of the by-law were revised. It is now structured in a way similar to the EIA annexes. It consists of 5 articles and 5 annexes (considered short).

- Objective, scope, basis and definitions
- General provisions
- Types of permits and licences: temporary operating certificate (TOC), environmental permit, environmental licence
- Cancelling conditions
- Final provisions
- Annexes with list of high impact facilities, other facilities and forms.

An environmental permit covers	An environmental license covers:
- Air emissions - Noise - Waste water - Deep sea discharge	- Recovery - Disposal - Intermediate storage - Pre-treatment - Decontamination

Process

In general the permitting process is a two-step procedure.

Figure 1: Process of environmental permit and/or licence

Phase I: Temporary Operation Certificate (TOC)

The temporary operation certificate (TOC) is considered a pre-permit for the facility. The rationale behind the TOC is to provide real data when the installation is operating, such as emissions from the stacks or the pollutants released to the receiving water body after wastewater treatment, as input for the permit or licence application process. A TOC is valid for a maximum of one year, but in this phase the public has no legal possibility to object to the operations or facility – only if there are complaints.

As soon as the operator has received the temporary permit it is possible to start operating. The TOC is valid for 1 year but a company which has been granted a TOC must prepare all emission documents and provide these to the ministry for review in 6 months.

There are standard requirements defined for what needs to be included in the application form as defined in Annex 3.

Phase 2: Environmental permit

Once the necessary documentation is in place the company can collect and submit the information to the ministry which has 60 days to evaluate the documents to check whether anything is missing and that everything is in conformity. Authorised laboratories carry out the monitoring and the reports are drawn up by consultants approved by the ministry. Experts within the ministry are divided up into a number of areas – for example, emissions, environmental noise, waste water, deep sea discharge, hazardous and non-hazardous waste.

Information on waste produced by the company must be also reported. For waste incineration, trial incineration is required before start-up and reports on the results should be sent to the competent authority.

If the company is compliant they are issued a permit which is valid for five years. They can then prepare their application for renewal.

Permit conditions and provisions

The IRI team asked whether the use of certain types of technology could negate the need to monitor emission outputs. This was not the case. In Turkey they just consider the measurements and limits.

The IRI team suggested considering stipulating the use of BAT in their permits.

Application

Applications for a permit or licence can only be submitted when all licences are in place, and only by approved environmental consultancy firms or certified official working for the company concerned. It was noted that a building permit is not part of the environmental permitting process. The application process is done online via an e-permitting system called e-Permit. This permit system has been in use since April 2010.

Duration

A permit is valid for a term of maximum of 5 years but is dependent on compliance. Operators are then required to renew their permits.

Permits and regulator

Structured similarly to EIA – impact on the environment by the facility determines which category it fits into – Annex 1 or 2. This then determines which authority is responsible - the Ministry deals with Annex 1 facilities and the Provincial Directorate with Annex 2 facilities.

It was noted that environmental inspectors are not consulted during the permitting phase. Consideration should be given to involving inspectors in the permitting process to ensure enforceability and practicability.

If a company decided to change its operations, the question was raised of whether they have to apply for another licence. If the change is more than ⅓ of the production capacity or heat power, the change of fuel or incineration system or the cases stated under the By-law on Environmental Permit and Licences they have to make an application for a new permit.

Charging

The electronic system shows which permits have been issued and within what sectors. There are around 60,000 installations that have been granted permits. The level of the permitting fees depends on the category of the facility, annex 1 or annex 2, and the permit subjects that the company has applied for. They are charged separately for a TOC and an environmental permit as well.

Involvement of the public

The public is not involved in the permitting procedure. The IRI team suggested considering improving public engagement within the permitting process.

2.3. Part C – Performing inspection tasks (Environmental Inspection Cycle)

2.3.1. Planning of inspections

Objective:

To find out the criteria and procedures for planning of inspections and how this is put into practice.

Since 2006 there has been a legal obligation for the Ministry to draft annual inspection programmes concerning the combined inspections which take into account all environmental regulations. The by-law defines specifically who is subject to inspections, what the responsibilities are of the operations and who is responsible for carrying out inspections.

The planning of inspections is based on environmental risks and includes the inspection frequency of the installations. There is however no legal frequency set yet, as is in the IED.

The Ministry has around 1,500 inspectors who conduct 50,000 inspections annually. Inspections are typically triggered by complaints but both planned and unannounced inspections are conducted. There is an online system which is accessible by the 81 Provinces which provides useful information, including permitting information. There is an inspection programme of combined inspections which includes experts from waste, water and air who will attend inspections together. Combined inspections are generally done on high-risk sites and more light touch inspections are done on lower risk sites.

Turkey is currently developing a risk-based approach for inspections which the Ministry will roll out across the country. The risk assessments are based on the IMPEL developed methodology and considers and categorises risks and provides inspectors with the ability to focus on those plants which are high risk. Continuous monitoring systems have also been introduced for stacks and waste water treatment plants which have led to efficiencies.

The combined inspections in annual programmes are announced to the operators concerned, but the overall inspection programmes are not made publicly available.

Since 2011 pilot projects have been implemented using the IRAM methodology. The province of Samsun (19 inspectors) was presented as an example. This province has 1.5 million inhabitants and covers a wide variety of industrial activities (food, steel, energy, chemistry, tourism and quarries). While implementing the IRAM method, the province of Samsun developed its own risk criteria based on impact on the environment and operator

performance. One of the sources used for the risk assessments is the permit application. Part of the application should contain a waste management plan.

An inspection plan for Samsun was introduced in 2013 as, according to the inspection regulation, it was compulsory to plan inspections. It has been found to be very beneficial to consider the results of inspections at the end of the year and they have found that introducing inspection plans has been very useful as this provides a good framework for inspectors. Plans are made on a multi-annual basis and the aim was to define procedures for non-routine inspections as much of their time was spent on these types of inspections which can be triggered by complaints or accidents. During the planning period, both combined environmental inspections (which is a complex inspection taking into all account all environment based legislation) and media based inspections were carried out. They also conduct environmental impact assessment monitoring activities to check whether operators comply with what is stated in the EIA report, and market surveillance inspections.

The province has delegated some responsibilities for inspections to municipalities such as the inspection of apartments and houses. The Province is also responsible for controlling wastewater treatment monitoring systems and air quality and enforcement. Planned inspections take up about a third of their time and the risk criteria often used in Samsun include:

1. Impact on Environment
    a. Type of installation
    b. Wastewater discharge
    c. Air emissions
    d. Waste management
    e. Location
    f. Safety
2. Operator Performance
    a. Compliance
    b. Attitude of the operator
    c. Environmental management system (ISO)
    d. Permit and licence status

The operator is required to prepare a waste management plan before submitting the permit application, which covers three years based on estimates. This is also a requirement in the EIA application. The operator's past performance is taken into account when making the risk assessments. The risk assessment drives inspection frequency but the high risk facilities are only inspected every two years unlike under IED which requires annual inspections for high risk facilities.

However, having other and broader data available for the risk assessment was considered as one of the biggest challenges.

The IRI team asked what the consequences would be if an operator produced more waste than estimated: the answer was that there would be no consequences. The IRI team also asked how the operator's attitude was assessed. This was mainly based on the responses given by the operators and the feeling of the inspectors.

Some provinces already received training on IRAM, but more capacity building events for the other provinces are scheduled between 2016 and 2018. In the provinces where IRAM is not yet applied, inspections are mainly based on complaints.

Another example was the planning of inspections in Ankara (10 inspectors), where they do not use the risk assessment approach yet. They differentiate between 4 types of inspections:

1. Planned (combined) inspections.

The basic criteria for these inspections are: results of previous inspections, size of the installations and the amount of generated waste. Complaints are also taken into account. For 2016, 55 inspections are planned. These operators get a one-week advance notice.

2. Spontaneous – routine (media based) inspections

These are unannounced inspections and focus on one specific regulation only.

3. Inspections based on complaints and accidents

With the increased use of internet, the number of complaints has also increased. Verifying complaints is a very time-consuming activity for the inspectorate and takes up a lot of resources. Reality shows that not all complaints are actual cases of non-compliance. Inspections based on complaints are unannounced and should take place within 15 days. They are usually media-based.

4. Inspections for the permit application process

These inspections are performed at the request of the operator and are done to check whether the installations are in line with the information provided in the permit or TOC application. It is not the environmental inspector but the permit writer who performs these checks. Only with a letter stating the compliance of the operator, can the permit or licence be issued. In cases where the permit writer sees a case of non-compliance, he/she will inform the inspection unit.

Annual inspection programmes are sent to the ministry. Reports are not sent to the ministry any more but they can be reached through the electronic system.

The IRI team suggested to plan inspections more, based on risk assessment, in order to change from be reactive to pro-active and thereby make better use of inspection resources. They also suggested that the number of combined inspections should be increased.

The final example given was Kocaeli Province. This is a very industrial area and has around 10% of Turkey's industries. There are 12 industrial zones, 2 free zones and 16 international ports. There are challenges with emissions due to the volume of traffic going from Asia to Europe and the geographical structure of the area. They have 15 engineers working for the environmental management and inspection section.

There is a preference for unannounced inspections as these are seen as a much better way to identify non-compliance. There are 85 combined inspections planned for this year. The number of complaints responded to in 2015 was 1,260. The Provincial Directorate are analysing complaints and carrying out projects to improve things in areas where there are particular issues. At present, 34 installations are being monitored through continuous online monitoring for flue gas. This provides them with the ability to identify non-compliance in real time.

The Provinces and Ministry are connected to the system and can monitor emissions from the installations. Other sectors required to introduce this type of monitoring include chemicals, paint and glass. All are defined in the regulation.

Kocaeli also uses sophisticated surveillance technology to trace movement of illegally dumped waste using cameras at waste sites. Notifications for hazardous waste have been introduced which contain information about the shipment, the company shipping and the company receiving waste. They have also introduced a pilot case which tracks shipments via satellites which started in 2011.

In Kocaeli, owing to complaints the decision was made to co-locate many industrial sites in key areas, establishing a coal industrial zone for example to minimise public exposure to noise and environmental pollution from industrial activities.

Enforcement and penalties

In cases of non-compliance, various sanctions or measures can be taken:

- Impose administrative fines
- Order to stop the activities of the site
- Order to stop in shipment (in case of transport)

Enforcement is usually done through a fine with the size of the fine being dependent on the infringement. The impact on the environment is considered and if it is found to have a dangerous impact on the environment and public health the operator may be shut down. Last year they found that SO2 levels were very high in a particular area. They used the information to check the sites in the area and one was shut immediately due to the use of very old technology.

Inspectors are able to carry out inspections at installations which do not have an environmental permit. They have the right to issue a sanction to any organisation or person responsible for polluting the environment. Infringements and sanctions and how to apply these are stipulated in the law and in guidance which is issued every year. In the by-laws the possible infringements are clearly listed and the levels of fines are set in the Law. The guidance on how to apply these is issued by the Ministry and the inspectors are trained in this as well. Inspection reports are sent to the operator but not typically shared with the public. The annual inspection report informs the public and key stakeholders. The complainant is also provided with the results of the inspection and any inspections are followed up to ensure measures are taken as required.

According to Turkish law it does not matter whether it is a case of intentional or unintentional pollution – they will still be held responsible. If the environment is polluted this is considered a crime and handled in accordance with criminal law. Since this is dealt with in accordance with criminal law it is taken to court for a judge to decide – judicial decision is taken by the judge.

If a fine is imposed they are given some time to mitigate the reason for non compliance – the longest they will be allowed is 12 months. If the infringement is repeated within 3 years the fine is doubled. The most severe fines are related to environmental damage and half of the money from the fines goes to the Ministry and half to the government budget.

Major Industrial Accidents

In 2013 the Ministry and Minsitry of Labour and Social Security published a new regulation on industrial accidents in order to begin harmonisation with the Seveso II Directive. They are working on harmonisation with Seveso III and are planning to publish this by summer 2016.

There are a number of competent authorities, each of which is involved in reviewing safety reports, examination of emergency plans and investigation of accidents and conducting inspections. The competent authorities are:

- The Ministry of Environment and Urbanization (MoEU)
- The Ministry of Labour and Social Security (MoLSS)
- Prime Ministry Disaster and Emergency Management Authority (DEMA)

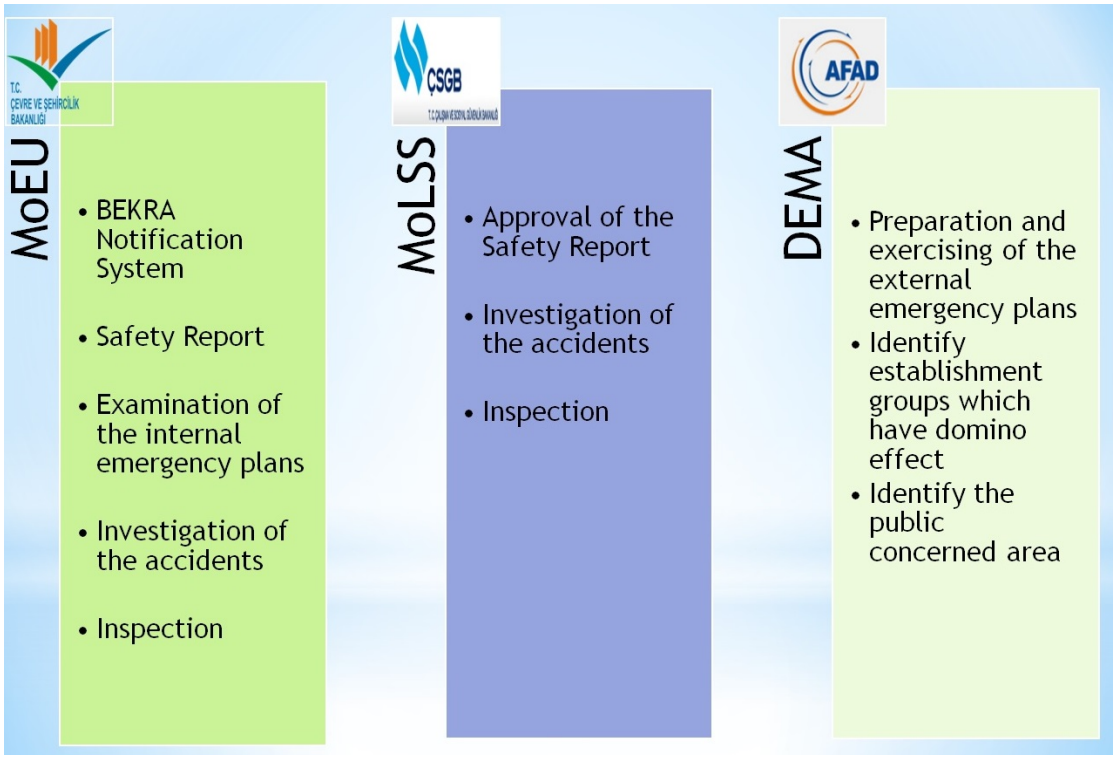


Figure 2: Responsibilities Seveso Directive

Between 2012 and 2014 an EU-funded project supported the Turkish authorities with technical assistance on increasing the implementation capacity for the Seveso II Directive. The project contained the following elements:

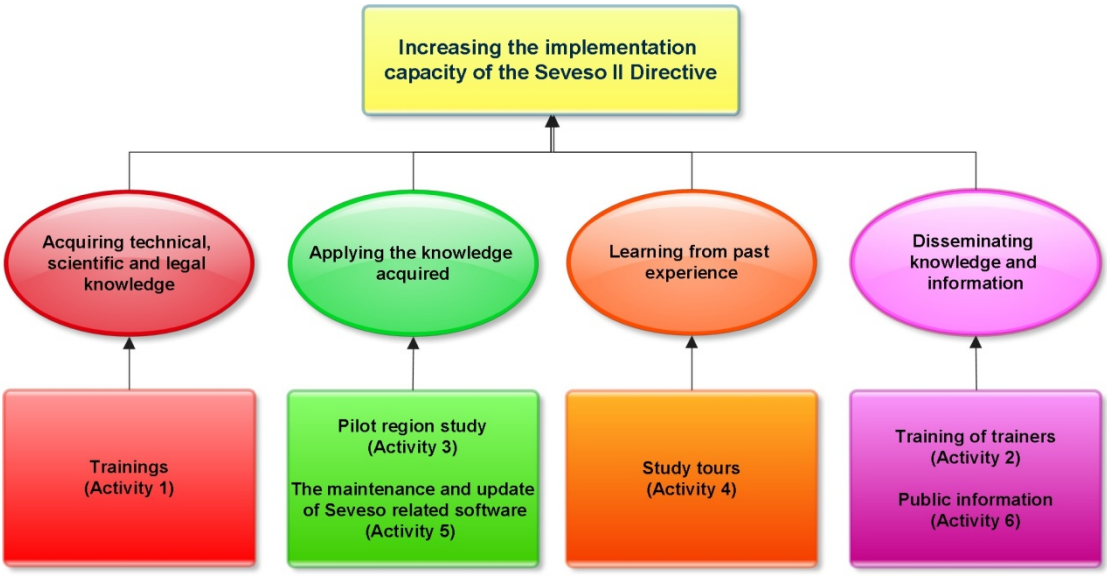


Figure 3: Project plan to implement the Seveso II Directive (source: http://www.europeaidturkey.risk-technologies.com/)

In terms of legal implementation the following regulations are already in place:

- Communiqué on Preparation of Safety Reports: 24 January 2015
- Communiqué on Preparation of Major Accident Prevention Policy: 4 August 2015
- Communiqué on Internal Emergency Plans: 31 March 2016

Regulations are in preparation related to external emergency plans, Seveso inspections, guideline on public information and a new Regulation which is compatible with the Directive 2012/18/EU: (Seveso III Directive).

Dedicated software was developed to for the maintenance and update of Seveso Notifications: BEKRA. Also, geographic information tools have been included in this software.

Many activities were focussed on increasing the capacity, via training (safety reports, risk assessments and inspections), study tours and pilots.

Public information is limited. No information is shared on which chemicals are stored where. This was a decision taken based on risks related to national security. The information that is shared is used to raise the awareness about major industrial accidents through printed and visual media. In the light of recent events other European countries are also considering reducing the amount of information in the public domain.

The IRI team asked about the transboundary effects of possible incidents accidents and coordination with neighbouring countries. At present Turkey is not party to the Industrial Accidents Convention. This was given consideration, but in the event was not supported by the Minister for Foreign affairs.

How about joint inspections? The two organisations responsible for inspections (MOEU and MOLSS) are working on an inspection communiqué jointly which they are hoping to implement and to perform joint inspections. In Turkey, the fire brigade's only role is to intervene: the authority for disaster and control has some responsibilities, but they don't have any inspection powers.

Planning and review

The Ministry has developed the 2015-2017 strategic plan which lays down the objectives and the strategies to reach the objectives, and performance indicators. The objective is to have an efficient inspection and enforcement system in place by the use of the e-inspection system. In this way, increased capacity of the inspectors should be achieved in the form of training and execution of projects using the e-system.

The plan contains 4 performance indicators:

1. Performed planned combined inspections
2. Environmental inspections and EIA monitoring
3. Number of provinces using the risk based planning approach
4. Number of trained inspectors

The province of Samsun presented their environmental inspection plan. Their goal is to increase the level of compliance with environmental laws. A key focus is on installations working without a permit or a licence where, from 55% of the installations working with approval in 2013, the province wants to increase this rate to 80% in 2015.

2.3.2. Execution framework

Objective

To find out what provisions, instructions, arrangements, procedures, equipment etc, are in place to enable inspectors and other staff to carry out inspection activities on the ground.

Software: E-Inspection system

To plan, report and evaluate inspections, new software has been developed (2014), which enables the inspectors to report their findings online. The system integrates all necessary information required by the inspectors and it also links to other systems used in the ministry.

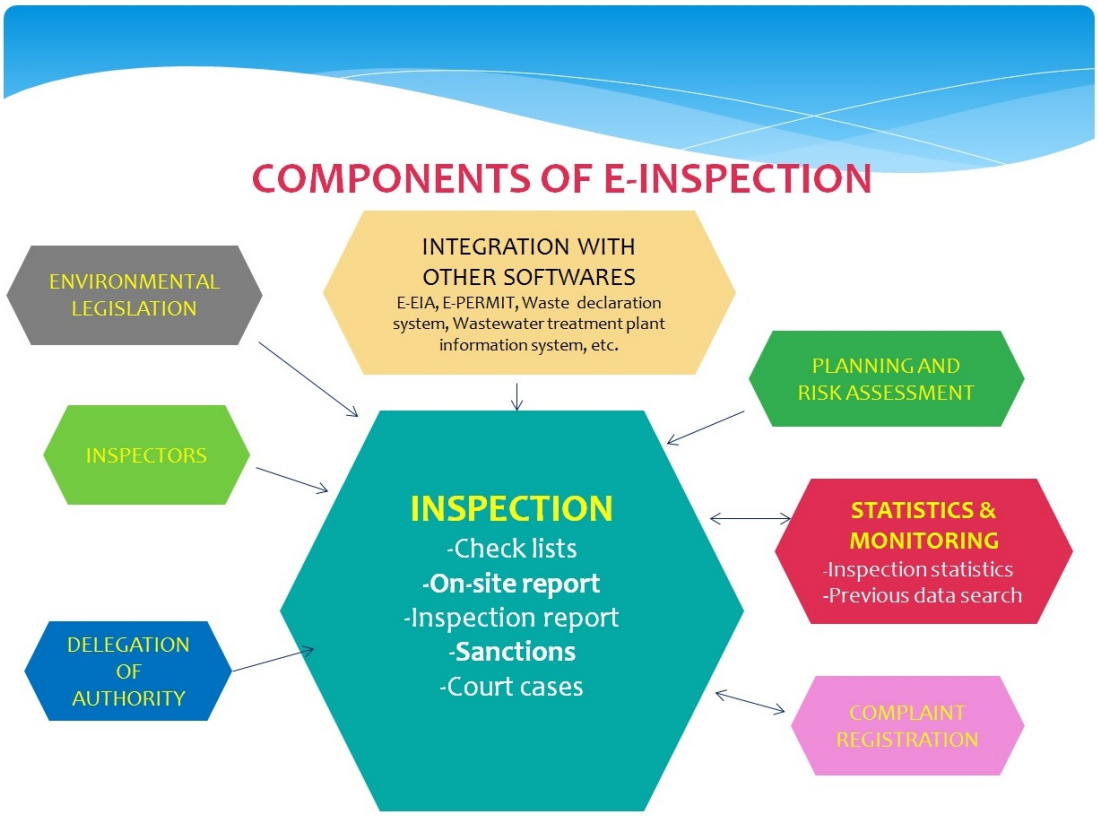


Figure 4: Component of E-Inspection system

Qualifications

The Ministry has roughly 1500 staff dealing with environmental management, EIA, Permitting and Inspections.

For environmental staff they oversee the training and qualifications and most of them are environmental engineers: other disciplines include management and other types of engineering

To become a civil servant all candidates must pass an exam: to work for the ministry a university degree is required. This also applies for the provincial directorate staff

Training

Inspectors' training is part of the strategic planning. In addition, specific training is provided such as media-based training or inspection planning training.

All civil servants are required to be trained for 2 weeks as part of a general qualification. A Bachelors Degree is required and an examination must be successfully completed. To become an environmental inspector additional training is required according to the environmental inspection by-law. The system is changing: besides training, experience and working experience counts towards qualifying as an environmental inspector. For example,

the inspectors will have to have the environmental inspector training and carry out at least 15 inspections.

Environmental Inspection training is compulsory and can be done once or twice a year. There is also additional training available covering waste and wastewater sampling where the certificate is compulsory. These are compulsory for all inspectors who are required to have certificates for both sampling and noise.

Other departments also organise in-service training in the areas of their responsibility.

Train-the-trainer programmes haven't been considered yet, as most training is managed at the national level by the Ministry.

Equipment, tools, handbooks

Provincial directorates hold water sampling, noise measurement devices and equipment. In total 136 inspection vehicles are equipped with sampling and monitoring devices. The ministry is responsible for the laboratory department to which samples are sent. The results of samples, for example from river basins, are reported to the Directorates from the provinces. The results are not made publicly available.

Some sites use online monitoring systems to measure their output.

There is a handbook for inspectors, guidance for inspection planning with IRAM and sectoral guidance is also available. Inspectors can also benefit from E-inspections to reach information from other information systems of the ministry related to a certain installation.

Internal monitoring

Inspections are mainly carried out by the ministry and there is also monitoring that needs to be done by the operators themselves. The operator can either outsource or employ an environmental professional.

In order to become an environmental official it is necessary to attend the training.

The facilities which are subject to Annex 1 of Permits and Licences By-law have to work with an authorised company or establish an environmental management unit. If it is smaller, according to Annex 2, an environmental official is enough or they can work with an authorised company.

The environmental official must prepare monthly reports and an annual internal audit report. This is one of the things to be checked by the environmental inspector - whether these reports have been prepared and whether this has been done by the right person.

The person from the environmental firm must be present during announced inspections.

2.3.3. Execution and reporting

Objective

Find out how routine and non-routine inspection activities are carried out and reported and how data on inspections carried out, their outcomes and follow-up are stored, used and communicated.

Measuring and monitoring of air emissions and ambient air quality

There are 211 emission monitoring points nationwide. At the moment 8 stations are being established where the results are accessible for public. The aim is to meet EU air quality standards by 2019. The IRI team was informed that most problems relate to PM10 and fewer with SO2 and CO2.

Air emissions from certain installations are continuously monitored. The stacks that are subject to continuous monitoring are determined according to the mass flow of pollutants. The ministry and the provinces have access to the results. Continuous monitoring systems are also checked (whether they work correctly or not) during the inspections.

Inspection database

Inspectors are required to prepare a report on site at the end of each inspection and then report it in the e-system afterwards – the report must be prepared within 40 working days stating findings/compliance.

Complaints

Complaints are also registered in the E-inspection system and they are part of the risk assessment in order to plan and prepare inspections. The following means can be used to issue a complaint:

- Letter to the Ministry or province Directorate
- Call centre
- Online
- E-mail

A lot of time and resources are currently used from the inspectorates to follow up on complaints. The inspectors are not allowed by law to reveal the source of the complaint to the operator.

The operators have 30 days to appeal to the court of appeals after receiving a sanction – if they pay within 30 days they get 25% reduction.

The IRI team asked whether there is an independent arbitrator in Turkey, such as an ombudsman, who can review the way the complaint has been tackled. An ombudsman was established two or three years ago enabling matters to be taken further.

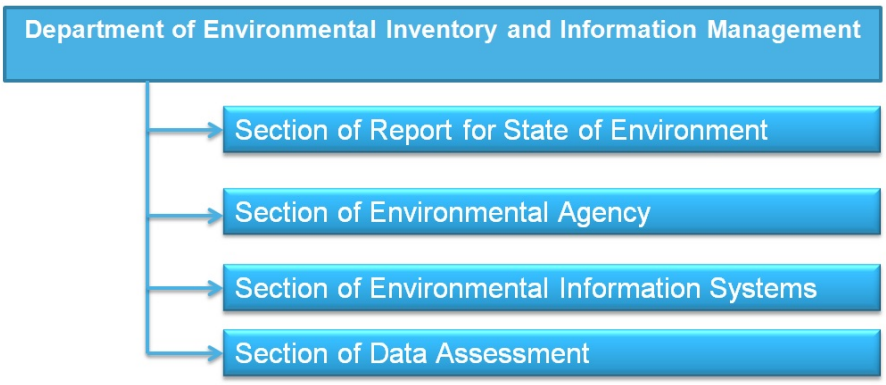
2.3.4. Performance monitoring

Objective

Find out how the environmental authority assesses its performance and the environmental and other outcomes of its activities.

Reporting

By law the Ministry is obliged to prepare an environmental inventory and environmental status report and manage the relationship with European Environmental Agency. This is done by the Department of Environmental Inventory and Information Management:



The data from the e-systems are used as the main source. The annual Inspection reports, which are published online, contain the following information:

1. Introduction

2. Strategic environmental assessment

3. Environmental qualification activities

4. Environmental impact assessment activities

5. Permit and licence activities

6. Inspection activities

7. Imposing sanctions under the environmental law

8. Delegation of inspection authority

9. Activities for environmental monitoring

10. Participation in international inspectors' network, projects and training activities

11. Conclusion and recommendations

Annexes

2.4.Part D – Meeting with Business representatives

Objective

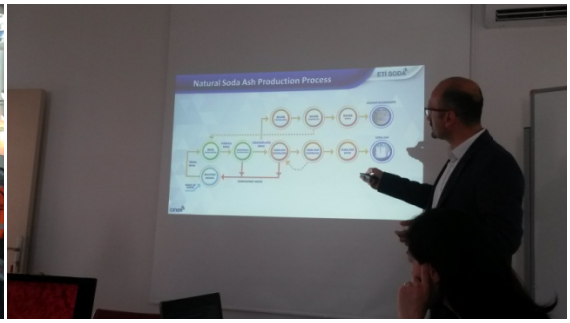
To gain an understanding of the relationship between the environmental authority and industry and how this works in practice.

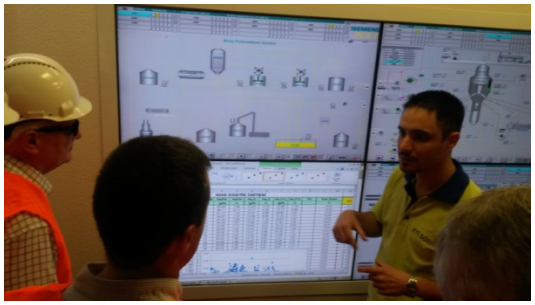
Company engagement

A visit was organised to a producer of natural sodium carbonate and sodium bicarbonate. A detailed description was provided about the company, the organisational structure and work flows and processes.

The plant holds all relevant ISO certifications regarding quality, safety and environmental management systems. It also provided an overview of all the permit and licences in place. There seem to be no major environmental impacts of the company or problems.

The representatives confirmed that the inspectors perform both announced as well as unannounced visits. No cases of non-compliance have been detected during their visits.





The site operators affirmed the skills and capacity of the inspectors of this specific plant. They were aware of the inspection and enforcement procedures and informed the IRI team that they have a good professional relationship with the inspectors.

3. Conclusions

3.1.Summary of findings

It is a testament to the hard work of the review team and the hosting country that the review went very well. The excellent presentations and notes produced in advance as well as the site visits considerably enhanced the understanding of the review team. Turkey has an overall impressive framework for environment regulations.

The arrangements for environmental inspection and enforcement are based on the principles of the RMCEI. Turkey could consider improving communication with the public in order to improve compliance and reduce complaints. They could also consider the use of more nuanced enforcement approaches (preventative work) and innovative instruments, and invest more in compliance promotion.

3.2.Good practices

Permitting activities

- The use of an online systems permitting systems for example permitting and EIA procedures are done through electronic systems.
- Temporary Operating Certificate (TOC)
- The increasing number of permitted facilities in Turkey
- Regular review of permits
- Use of a single environmental permit
- Public participation in the EIA process

Execution Framework

- Act promptly on complaints
- Follow up complaints with complainants
- The existence of an ombudsman
- The use of combined inspections
- At least two inspectors attending a site visit
- The ability for inspectors to draft inspection reports on site through the use of the E-inspection system
- Information on air pollution levels available online
- The use of one national software systems which enables planning, reporting and evaluation.
- The requirement for operators to have an environmental officer or to rely on certified environmental consultant firms
- Co-locating heavy industry in the same area for example bringing together all coal storage into the same area

Planning of inspections

- Introduction and use of risk assessments
- Use of risk assessments to guide inspection frequencies
- The use and adaptation of IRAM, in particular the use of weighted criteria
- Proactive in developing and capacity building
- Use of the risk assessments to inform the focus and priority for inspections
- Strategy and clear objectives for inspections
- Multi-annual inspection plan

Inspections

- Problem solving attitude
- Open to innovation, for example use of chips in trucks to track waste (522)
- Online air emissions monitoring
- Air Quality Standards are improving and on target to reach European standards by 2019
- Vapour recovery to reduce the number of complaints
- Rotation of inspectors

Training and development

- Training and development framework is very good
- 2 week introductory programme for civil servants along with inspection training
- The inspection programme curriculum
- Inspectors are required to have a minimum of a Bachelor Degree
- The Handbook for inspectors, guidance for inspection planning with IRAM
- Training, experience and working experience is required to qualify as an environmental inspector
- Certified Environmental Consultants and Environment Officers

Performance Monitoring

- Performance indicators have been identified
- Very thorough tool for data collection and analysis
- Clear objectives and priorities identified
- Annual report on the State of the Environment and a National Inspection report

Seveso Directive

- Good use of resources to build knowledge
- Transposed the directive
- Transposing SEVESO III quickly, faster than in some EU countries
- SEVESO Software – where all information on SEVESO establishments is captured

3.3.Opportunities for development

Permitting

- Temporary Operating Certificate (TOC)
- Consider reviewing the number of exemptions

- Consider involving inspectors in the permitting process to ensure enforceability and practicability
- Some countries have found that higher levels of communication with the public have contributed to improved compliance
- Could consider the technologies the plants apply as part of the permit – for example the use of Best Available Techniques
- Work with standardised models to assess environmental impact

Execution Framework

- Consider introducing a screening process to verify complaints – for example minimum information requirement and using police to investigate
- Could consider expanding cooperation with the municipalities on complaints
- Increase the number of combined inspections
- Could consider moving towards using a system similar to Electronic Pollutant Release and Transfer Register to gather data on operators
- Could consider further developing their tools for compliance promotion
- Strengthen collaboration between relevant public law enforcement bodies

Planning of inspections

- Consider aligning national and provincial objectives and plans
- Should consider developing a more long term strategy (5-10 yrs)
- Could consider working with other public law enforcement bodies to enhance the risk profile of operators
- Could consider publishing an annual inspection plan in advance

Inspections

- Strengthen collaboration and coordination between the provinces in order to share best practice and information which could be facilitated by the ministry
- Consider implementing the waste chain approach
- Could consider expanding the waste reporting system on the transport of waste to non hazardous waste
- Could consider digitalising the waste management system
- Could consider the establishment of a mechanism to improve coordination of environmental issues between the Provinces and the Ministry

Training and development

- Consider a train the trainer approach to speed up the roll out of the use of risk-based assessments for inspections, IRAM, to the Provincial Directorates
- Consider refresher training to ensure continuous development for already qualified inspectors
- Make the programme even more robust

Performance Monitoring

- Consider linking national and provincial targets with national objectives
- Should consider a better distinction between operator indicators and the inspectorate indicators
- Could consider more result focused indicators

Seveso

- Consider coordination of inspections
- Use of risk assessments to inform inspections
- Improve communication with the public in case of an emergency
- Improve preparation for incidents
- Could consider transboundary issues

3.4.Lessons learnt from IRI process

Lessons learnt from this IRI are:

- Turkey is making progress with the implementation and application of environment legislation.
- In some areas, Turkey has put in place impressive technological solutions which others could learn from. Turkey uses technology to support them in their work to improve the environment.
- Having a clear focus for this IRI enabled the project team and IMPEL to tailor the team of inspectors with appropriate experiences from across Europe which contributed to enhancing discussions.
- The thorough preparation by the project team and the Ministry for the Environment and Urbanisation enabled interesting exchanges of experiences.

Considerations to be made for future IRIs:

- Balancing experienced IRI reviewers with new participants who were experienced Seveso inspectors worked well.
- Identifying a clear focus for the IRI is important as it enables the IRI project team to ensure appropriate experiences within particular sectors is present.

Annex 1 Terms of References for IMPEL Project

TOR Reference No.: 2016/22	Author(s): Patricia Weenink / Simon Bingham / Michael Nicholson.
Version: 1	Date: November 2015
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title: IMPEL Review Initiative (IRI) Programme

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	☐
Waste and TFS	☐
Water and land	☐
Nature protection	☐
Cross-cutting – tools and approaches -	☑
1.2 Type of work you need funding for	
Exchange visits	☐
Peer reviews (e.g. IRI)	☑
Conference	☐
Development of tools/guidance	☐
Comparison studies	☐
Assessing legislation (checklist)	☐
Other (please describe):	☐
1.3 Full name of work (enough to fully describe what the work area is)	
IMPEL Review Initiative	

(This Terms of Reference sets out the need to carry out four (4) IRIs as part of IMPEL's portfolio of work in 2016. Only two have been confirmed: in Styria in Austria and Sicily in Italy and will at the moment, be funded. If the other two candidates are confirmed the Board will seek opportunities to fund those as well.

1.4 Abbreviated name of work or project

IRI

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC)

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation	☐
2. Build capacity in member organisations through the IMPEL Review Initiatives	☑
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission.	☐

2.3 Why is this work needed? (Background, motivations, aims, etc.)

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:

"Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community."

The potential benefits of the IRI include:

- providing advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries
- encouraging capacity building in environmental authorities in IMPEL member countries
- encouraging the exchange of experience and collaboration between these authorities on common issues and problems

- spreading good practice leading to improved quality of the work of inspectors and other officials working within environment authorities
- environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU ("the level playing-field").

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

Member states that host an IRI will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI. The participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures. Other Member States will benefit through the dissemination of the findings of the review through the IMPEL network.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

Every IRI is held as an independent project within the hosting Member State, but all IRI's give a good view on the implementation of environmental legislation within European countries.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

This Terms of Reference sets out the need to carry out four (4) IRIs as part of IMPEL's portfolio of work in 2016. Two candidates are already confirmed: Styria in Austria focussing on industrial themes and an IRI in Sicily, Italy focussing on nature protection. Two other candidates will be identified as soon as possible. It is envisaged that each of the four IRIs will cost approximately the same, € 8,000.

Each IRI project will involve the following steps:

a. Pre-meeting of the review team leader & rapporteur with the host authority to finalise the scope and timing of the review,
b. Preparation of information on the hosting environmental agency and its activities by the contact persons
c. Circulation of this information to participating team members.
d. Review over a period of 3.5 – 4 days comprising
    i. 2.5 days for review and assessment
    ii. 0,5 days for site visit (optional)
    iii. 0.5 days for comparison and collation of team views
    iv. 0.5 days for feedback, discussion and finalization of report.

3.2 Describe the products of the proposal (what are you going to produce in terms

of output / outcome?)
1. A written report of the review 2. Relevant extracts from the review report, as agreed with host, for dissemination to IMPEL members and the European Commission, Training and Educational material on "lessons learned" and on examples of good practice for incorporation into training schemes of IMPEL member country inspectorates 3. Where appropriate, translation of the project summary into the home language of the host IRI country.
3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)
4 IRI's in 2016 are foreseen although only two are confirmed at this stage.
3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)
Risks: 1. Finding hosts for the reviews of two of the IRIs that are not yet confirmed. As described above, the risk of not finding suitable hosts for the reviews will be mitigated by the IMPEL Board's clear responsibility to act by the 31 March and re-assign any unused or underused budget to other parts of IMPEL's work programme.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)
IRI ambassadors: Simon Bingham, Patricia Weenink & Michael Nicholson
4.2 Project team (who will take part: name, organisation and country)
To be seen, since name of hosting agency is not known yet
4.3 Other IMPEL participants (name, organisation and country)
Team leader and rapporteur from the IRI pool
4.4. Other non-IMPEL participants (name, organisation and country)
None

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 1 (exact)	**Year 2**	**Year 3**	**Year 4**
How much money do you require from IMPEL?	16.000			
How much money is to be co-financed				
Total budget	16.000			

6. Detailed event costs of the work for <u>year 1</u>

	Travel € (max €360 per return journey)	**Hotel €** (max €90 per night)	**Catering €** (max €25 per day)	**Total costs €**
<u>Event 1</u> *Pre meeting (for 2 IRI's)* *2 months before IRI* *Place: Hosting agency* *Team leader + rapporteur* *2 nights*	2 x 360 (x2 IRI's) = 1,440	4 x 90 (x2 IRI's) = 720	2 x 25 x 3 (x2 IRI's) = 300	2,460
<u>Event 2</u> *IRI - Review* *Hosting agency* *8 participants per IRI* *4 nights*	8 x 360 (x2) = 5,760	8 x 4 x 90 (x2) = 5,760	8 x 25 x 5 (x2) = 2,000	13,520
<u>Total costs for all events</u>				*15,980*

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	☐ Yes ☑ No
7.2 What are the total costs for the consultant?	
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
7.5 Are there any additional costs?	☐ Yes ☑ No Namely:
7.6 What are the additional costs for?	
7.7 Who is paying for the additional costs?	
7.8. Are you seeking other funding sources?	☐ Yes ☑ No Namely:
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	☐ Yes ☑ No Namely:

8. Communication and follow-up (checklist)

	What		By when

8.1 Indicate which communication materials will be developed throughout the project and when ***(all to be sent to the communications officer at the IMPEL secretariat)***	TOR˅* Interim report˅* Project report˅* Progress report(s) ˅ Press releases News items for the website˅* News items for the e-newsletter Project abstract˅* IMPEL at a Glance ˅ Other, (give details):	☑ ☑ ☑ ☑ ☑ ☑ ☑ ☑ ☐	November 2015 2016 The host country will prepare a press release for the media in their own country. This will be translated where necessary into English and disseminated via the IMPEL website. End of 2016
8.2 Milestones / Scheduled meetings (for the website diary)	1st IRI spring 2016 2nd IRI summer 2016 3rd IRI autumn 2016		
8.3 Images for the IMPEL image bank	☐ Yes ☑ No		
8.4 Indicate which materials will be translated and into which languages	Depending on which host country is chosen, it is our intention that the project summary, that which highlights the main findings ('Good Practices & Opportunities for Development') are translated into the language of the host country.		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	n/a		
8.6 Identify which groups/institutions will be targeted and how	n/a		

8.7 Identify parallel developments / events by other organisations, where the project can be promoted	None.

˅) *Templates are available and should be used. *) Obligatory*

9. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

In case of doubts or questions please contact the IMPEL Secretariat.

Draft and final versions need to be sent to the IMPEL Secretariat in word format, not in PDF.

Thank you.

Annex 2 Notes from the pre-meeting

PRE-MEETING TURKEY IRI

ANKARA, TURKEY, 10 SEP 2015

Attendees:

Ibrahim Ozdemir, Pinar Topkaya, Senay Aslan, Terry Shears, Elen Strale

Key notes from discussions

- The pre meeting was opened by Ibrahim Ozdemir in order to explore key areas to cover during the meeting. It was agreed the existing environmental legislation and implementation there of would be covered this would also include permitting. Turkey has transposed some of the articles of RMCEI into Turkish legislation.
- The IRI team also met with the Director General for the Environment Ministry to briefly discuss the IRI the meeting also provided an opportunity to discuss IMPEL more widely.
- Terry Shears stressed it would be useful for the IRI team to understand what the legislation says around inspections, permitting and compliance so the team is able to understand the context in advance of the IRI. It is also important to recognise that the focus of the IRI is on implementation not on the legal framework.
- It was agreed that a site visit would be appropriate and that perhaps an oil refinery would be suitable – the site is located about an hour away
- The preparatory team thought it was important to recognise that Turkey is slightly different to other previous IRI's as it does not apply all the EU regulations, for example IED is not yet in force in Turkey. However, it was agreed it would still be useful to explore the role of the authorities in Turkey in relation to inspections and enforcement.
- The team also discussed and agreed it would be useful for the IRI team to have sight of Part A in English in advance of the actual IRI in November in order to allow them to prepare. It was agreed that this would be circulated two weeks in advance of the meeting.
- The IRI questionnaire was then discussed in detail and a draft agenda produced which is attached below. There was recognition that the level of English spoken may be a challenge and that it would benefit the quality of discussions to provide continuous translation of presentations and discussions over the 4 days.

- The team also discussed the importance of senior level engagement in the IRI and we will endeavour to have the senior management team present for the presentation of the results.

- We also discussed the importance around keeping presentations to a minimum to maximise the opportunity for discussion and exchange of best practise.

- The team also explored the topics to be covered in great depth and agreed that aside from TFS there will not be a strong focus on transboundary issues for this IRI.

Practical Arrangements

- The IRI team will arrive in Ankara on Monday 2 November and the team will meet for dinner to discuss the agenda in more detail before the meeting the next morning.

- The IRI will take place in a hotel in Ankara for practical reasons as the Ministry is likely to be moving between now and November and it's not clear when this will happen which will make planning challenging. The team has negotiated a competitive rate with the hotel the IRI team will stay in.

- The site visit will take place on the Thursday afternoon and a meeting with the operator on site will be organised.

Actions

- Review expenditure to date and the budget allocated for the IRI to ensure translation and venue is included in the price along with the provision of transport to and from the site visit. Terry and Pinar

- Speak to Michael about budget availability in order to pay for transportation, provision of lunches, cost of venue and translation. Terry

- Provide details around transportation to and from the airport. Pinar

- Set up a conference call as a pre-meeting for the IRI - Terry/Elen

- Persuade the board about provision of translation – Terry/Elen

- Provide comments by end of September on the agenda – All

- Would we like IMPEL to send an official invitation to senior managers – speak to Chris Dijkens about whether he might like to do this – Terry/Elen

- Provide updated budget projection to see whether we need more money from IMPEL – Pinar

- Provide Part A in English two weeks in advance of the actual IRI – Pinar/Senay

Annex 3 Draft agenda IRI meeting

Time	Item	Lead/ Presenter	Comments
Tuesday 5 April			
9.30-10.00	Brief introduction about IRI, IRI team and agenda of Turkey IRI		
10.00-10.45	**Part A - Welcome to Turkey**		Introduce Turkey – this session will aim to provide the IRI team with an understanding of the organisation of the environmental authority, the system in Turkey, the relevant legislation and relationships with the public
10.45 -11.30	**EIA procedure**		Cover EIA procedure prior to permitting
11.30-11.45	**Coffee Break**		
11.45-13.00	**Part B - Permitting**		To gain an understanding of the permitting activities of the environmental authority. This should cover the organisation of the authority and permitting activities.
13.00-14.00	**Lunch**		
14.00-16.00	**Part C – Execution Framework**		Procedure of inspection, inspection software, short info about inspection by-law. Cover provisions, instructions, arrangements, procedures and equipment. This includes qualifications, skills and experience required of inspectors, legal and administrative staff. Training arrangements in place. How skills are kept up to date.
16.00-16.30	**Coffee Break**		

Time	Item	Lead/ Presenter	Comments
16.30-17.30	**Review of the day**	Review Team	Review the findings of the day, highlight questions and recommendations
Wednesday 6 April			
9.30-10.00	**Part C – Planning of inspections**		To gain an understanding of how the authority operates in terms of planning inspections. Running a project on planning which they would like to share
10.00-10.45	**Planning of inspections in the Provinces**		Using risk based assessments
10.45-11.30	**Planning of inspections in the Provinces**		
11.30-11.45	**Coffee Break**		
11.45-12.30	**Part C – Defining objectives and strategies for inspections**		(15 mins for ministry and 15 mins for ministry followed by discussion)
12.30-13.00	**Part C – Planning and review**		Province reports on planning and review
13.00-14.00	**Lunch**		
14.00-14.45	**Part C – Execution and reporting**		Presentation from Ministry for execution and reporting. Complaints, public engagement, penalties
14.45-15.15	**Coffee Break**		
15.15-16.15	**Part C – Execution and reporting (Continued)**		

Time	Item	Lead/ Presenter	Comments
16.15-17.15	**Review of the Day**	Review team	Review the findings of the day, highlight questions and recommendations
Thursday 7 April			
9.30-11.00	**Part C – Execution and reporting**		Presentation from Province for execution and reporting. Complaints, public engagement, penalties
11.00-11.15	**Coffee Break**		
11.15-11.45	**Part C – Performance monitoring**		
11.45-12.15	**SEVESO**		
12.15-13.00	**Lunch**		
13.00-18.00	**Part D – Site visit**		
Friday 8 April			
9.30-11.30	**Review of findings and preparation**	**IRI Review Team**	
11.30-12.00	**Final Presentation**		
12.00	**Lunch**		