

22 June 2007

# Screening report

# Turkey

## Chapter 27 – Environment

**Date of screening meetings:**

Explanatory meeting: 3-11 April 2006

Bilateral meeting: 29 May – 2 June 2006

## I. CHAPTER CONTENT

EU environment policy aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The *acquis* comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. Compliance with the *acquis* requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment *acquis*.

## II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Turkey and the discussion at the screening meeting. Turkey indicated that it does not anticipate any difficulty in accepting the *acquis* concerning environment at the date of accession. For some parts of the chapter, Turkey has not provided any information with regard to the timetable for transposition of the remaining provisions. Turkey assessed that difficulties with implementation of some parts of the *acquis* might be expected due to high costs of investment needed. Turkey indicated also the need to strengthen its administrative capacity in charge of implementation and enforcement of the *acquis*.

### II.a. Horizontal legislation

Turkey informed that some parts of Directive 2003/4/EC on **public access to environmental information** had been transposed. The 2006 Law on Environment, the 2003 Law on the Right of Access to Information and an implementing law define the scope of the information the public may have access to, procedure of application and the steps to be taken by the competent authorities. Charges for issuance of information exceeding 10 pages are to be set by the Ministry of Finance. All administrative decisions (notably refusal to grant access to certain information) are subject to a review procedure conducted by an independent body or an administrative court. The Board of Review of the Access to Information (with representatives of public administration and judiciary) was established to take binding decisions on submitted complaints within 30 days. Turkey informed that all the institutions of public administration had been obliged to establish information units within their structure and to upgrade their websites so to include all kinds of information envisaged by the law. The Ministry of Environment and Forestry (MoEF) publishes reports on the state of the environment at provincial and national level, and contributes to the Environmental Information System. In 2005, around 625,000 requests for access to information were made. 86.5% were fully accepted, 3.4% were partially accepted, and 8.6% rejected.

According to the information provided, elements of Directive 2003/35/EC on **public participation** have been transposed into the amended Law on Environment which entered into force in May 2006. It tasks MoEF and local authorities to enable public participation in the decision making process with regard to the environment. It envisages the establishment of the Supreme Council of Environment where representatives of public administration will meet at least once a year with representatives of NGOs, universities, scientific institutions and chambers of professions, under the chairmanship of the Prime Minister or the Minister of Environment. Their task will be to set objectives, policies and strategies in the field of environment, to settle disputes between institutions of public administration with regard to the environment, and to ensure that environmental aspects are taken into consideration in the

decision making process relating to economic policy. The Law on the Procedure of Administrative Justice lays down conditions under which a person, whose interest is affected, may submit a case to court after having addressed a relevant administrative body. Technical studies are underway regarding the remaining provisions of the directive. Turkey indicated that the remaining provisions of the Directive would be transposed after completion of technical studies. Turkey informed it was not party to the Aarhus Convention.

Turkey stated that a number of elements of Directive 2004/35/EC on **environmental liability** were included in its legislation: designation of a competent authority (MoEF and Undersecretariat for Maritime Affairs), ensuring access to justice (also for NGOs), the right of the public to request a concrete action of administrative bodies, the “polluter pays” principle and the possibility for the public administration to recover costs of prevention or reduction of an environmental damage. Turkey informed that a time table for further transposition of the Directive would be established within the ongoing technical studies.

Turkey clarified that Directive 85/337/EEC on **Environmental Impact Assessment (EIA)** has been largely transposed (incl. definitions, provisions of Annexes I and II, procedure to be applied for projects falling within the scope of either annex, designation of a competent authority, clause on public participation in the decision making process and monitoring of investments). In line with the provisions of the implementing law on EIA, information on meetings of the Scoping and Assessment Commission open for the public participation is announced on the MoEF website, as well as in the national and local media, whereas all relevant documents prepared by the authorised institutions are available via internet and in Provincial Directorates of the MoEF. Comments from the public are taken into account throughout the whole procedure. Since 1993, when the implementing law on EIA entered into force, more than 1,000 Annex I and more than 10,000 Annex II projects have been evaluated. Turkey informed that, due to the situation in the region, consultations with the neighbouring countries have not taken place whereas a mechanism of bilateral consultations with the neighbouring EU Member States would be established at a later stage. A time table for the transposition of the remaining provisions would be submitted to the Commission after completion of technical studies. Turkey informed that monitoring was conducted at all stages of the projects. However comprehensive monitoring programmes would be prepared within technical studies. Turkey also plans to provide training for administrative staff involved in EIA. Turkey informed it was not party to the Espoo Convention.

As regards Directive 2001/42/EC on **Strategic Environmental Assessment (SEA)**, Turkey informed that, based on the 2006 Law on Environment, MoEF launched works on a draft implementing law on SEA to be submitted for approval in the course of 2007. It will transpose the Directive and take account of recommendations of assistance projects. Within the framework of these projects competent authorities have been designated (MoEF, Ministry of Culture and Tourism), consultations with administrative bodies and other parties involved in SEA have been conducted, and a practical manual on SEA has been prepared.

Turkey informed that Directive 91/692/EEC on **reporting** has not been transposed. However, currently the obligation of monitoring and collecting data in a number of sectors had been laid down in laws defining responsibilities of individual administrative bodies (TURKSTAT, the Turkish Statistical Institute has been collecting data on water, wastewater, waste, air quality, greenhouse gas emissions and environmental expenditures since 1990). All data is stored electronically and accessible on the TURKSTAT's website. Moreover, reports on the state of environment at provincial and national level have been published by MoEF respectively since 1993 and 1996. MoEF has also established an Environmental Information System (EIS) whose data base is available via internet. Separate inventories on

soil and rural infrastructure, as well as projects taking into account other spatial aspects, have been developed by MoEF, the Ministry of Agriculture and Rural Affairs (MARA) and the Ministry of Public Works and Settlement. Turkey indicated that details on further steps with regard to transposition of the Directive would be available after completion of technical studies.

Turkey became a member of the **European Environment Agency (EEA)** in 2003 and has since also participated in the European Environment Information and Observation Network (EIONET). In 2005, Turkey submitted Report on Nationally Designated Areas as its first report to the EIONET (Turkey planned to submit seven reports in 2006). The task to coordinate all activities related to the EEA has been entrusted to the MoEF, whereas Directorate General of EIA and Planning in MoEF has been appointed as the National Focal Point. Turkey informed that the latter has recently been strengthened and includes coordinators for individual fields who support the National Reference Centres (NRC) and Primary Contact Points.

Turkey is an Article 5 party to the Montreal Protocol and has ratified all the amendments to the Protocol. According to the information provided, the national legislation reflects certain provisions of Regulation (EC) 2037/2000 on **substances that deplete the ozone layer**. Turkey established a reporting obligation and a database on import, export and use of controlled substances. Turkey also introduced licences for import of ozone depleting substances (ODS) and licences for subjects involved in repair, and maintenance of equipment containing ODS. The rules on ODS recycling, recovery and reclaim have been established. Turkey informed that controlled substances listed in Annexes A, B, C and E to the Montreal Protocol were not produced and the demand for ODS was covered by imports. MoEF has been designated as responsible for the supervision and coordination of activities related to the implementation of the Montreal Protocol. It is also in charge of issuing licences and keeping records on trade in ODS, which are submitted quarterly by importers and distributors. Turkey informed that its main manufacturers producing aerosols, refrigerators or portable extinguishers switched to alternative substances and technologies. Inspection was established in 1999 on the basis of the implementing law on ODS phase out.

Turkey considered Directive 2003/87/EC on **emissions trading** not applicable as Turkey was not party to the Kyoto Protocol.

Since 2004, Turkey is party to the UN Framework Convention on Climate Change (UNFCCC), but it is not party to the **Kyoto Protocol**. Turkey indicated that the main challenge on the way to ratification of the Kyoto Protocol remained to reconcile the need for economic and social development with reduction of greenhouse gas emissions. According to the information provided, the current rate of greenhouse gas emissions per capita in Turkey is lower than the average for the OECD countries or economies in transition. Turkey informed that in the field of energy, more emphasis has recently been put on the use of advanced technologies, renewable and alternative energy resources and projects focused on energy saving. The Turkish government provides financial assistance to that end. Research projects related to the climate change are supported by the Scientific and Technological Research Council of Turkey. With regard to the monitoring of greenhouse gas emissions Turkey informed that its statistical office, TURKSTAT is responsible for the collection and processing of relevant data<sup>1</sup>. As regards reporting to the UNFCCC Secretariat, Turkey intended to submit its national communication in 2006<sup>2</sup>.

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<sup>1</sup> According to recent information provided by Turkey, Greenhouse Gas Inventory of Turkey in the form of common reporting format for years 1990-2004 was submitted to the UNFCCC Secretariat in January 2007.

<sup>2</sup> Turkey's national communication was published by the UNFCCC Secretariat in February 2007.

According to the information provided, the legislative and institutional framework for **civil protection** allocates responsibility to a number of bodies at national and local level. Organisation of civil protection services is organised according to the different stages of the emergency management cycle, namely response, preparation, mitigation and rehabilitation. At national level, a key role is played by the General Directorate of Emergency Management within the Prime Ministry (TEMAD) which is responsible for overall co-ordination amongst institutions and agencies dealing with civil protection. Other responsible agencies at national level include the Ministry of Interior, the Ministry of Public Works and Settlement, the Ministry of Health, the General Directorate of State Hydraulic Works within the Ministry of Energy and Natural Resources, MoEF, the Undersecretariat for Maritime Affairs, and the Turkish Atomic Agency Authority. These intervene according to the specific nature of the emergency. At local level, responsibilities fall to the Governorships/Provincial Administration, Special Provincial Administrations and the municipalities. Turkey informed that the establishment of a Communication and Information System in emergency situations has nearly been completed, backed by geographical information systems, which will ensure communication with disaster stricken areas, help to take prompt action in disasters or accidents requiring emergency management and contain updated data on natural resources.

## **II.b. Air quality**

Turkey informed that the **Ambient Air Quality** Framework Directive 96/62/EC and daughters directives would be transposed into an implementing law foreseen for adoption in 2007. Technical studies are underway within a twinning project. The existing legislation (the By-law on Air Quality Control and the Law on Environment) sets the limit values, establishes procedures for air quality monitoring, designates competent authorities (MoEF, the Ministry of Health, provincial and municipal authorities) and provides means of enforcement. Current limit values for certain substances (e.g. PM<sub>10</sub>) are considerably higher than those set in the *acquis*. Turkey informed that the network of monitoring stations working in line with the EU standards had been established in 36 cities and would be developed further to cover all 81 provinces (45 new stations were planned by end 2006)<sup>3</sup>. The targets for air quality as provided for by the Directive would be met by 2012 in the cities and thereafter in the whole territory of the country. Turkey informed that air pollution had been significantly reduced in the last 5-10 years due to the change of fuel used in the cities for heating purposes (some of them already meet targets set for 2012). The data on air quality is published on the website of MoEF and of the TURKSTAT. If the limit values are exceeded, the local authorities announce it in the radio/TV and inform on the measures taken. Turkey indicated that implementation of the Directives on air quality would require further strengthening of the administrative capacity, investments in development of the monitoring stations network and in adjustment of existing installations.

Directive 2001/81/EC on **national emission ceilings** has not been transposed. According to the information provided, technical studies will be launched to that end. Technical assistance may be required in drafting of the new legislation and setting the emission ceilings. In 1979, Turkey ratified the Convention on long-range transboundary air pollution (LRTAP) and one of its protocols<sup>4</sup>. In the follow-up, one monitoring station has been established and the data on parameters measured have been transmitted by the Ministry of Health to the Norwegian Institute of Air Research and Chemical Coordination Centre for evaluation. Turkey indicated that implementation of the UNECE Protocols required changes in technologies

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<sup>3</sup> As of March 2007, monitoring stations were established in all 81 provinces.

<sup>4</sup> The 1984 Protocol on Long-Term Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-range transmission of Air Pollutants in Europe (EMEP)

applied in a number of sectors, establishment of new treatment plants, and upgrading of the fuel quality.

Turkey informed that the provisions of Directives 98/70/EC and 99/32/EC on **quality of petrol and diesel fuels** and on the **sulphur content of certain liquid fuels**<sup>5</sup> had been partially transposed through the By-Law on Petrol and Diesel quality and communiqués entering into force on 1 January 2007 and that the remaining provisions would be addressed within the ongoing technical studies. The Energy Market Regulatory Authority (EMRA) is the competent authority for regulating and monitoring fuel quality. EMRA issued subordinate legislation setting technical standards for the majority of fuel types (in line with the *acquis*) applied as of January 2006 with some transitional arrangements until 1 January 2007 (few exceptions go beyond that date). However, as some investments in the industry were postponed due to delays in the privatisation process, the idea to prolong the transitional period for 1.5 years is considered by EMRA<sup>6</sup>. Turkey informed that as of 2006 it is prohibited to place leaded motor petrol on the Turkish market. Analysis of fuel quality is carried out in accredited laboratories. Fuel quality monitoring has been delegated to inspectors of the Ministry of Trade and Industry, and the Ministry of Interior with whom EMRA signed protocols on co-operation (from 2007 onwards, monitoring will cover the whole territory of Turkey). EMRA is authorised to impose fines and sanctions on market operators (incl. suspension or withdrawal of a licence). Turkey indicated the need to strengthen the capacity of regional laboratories.

Turkey informed that the Directive on **CO<sub>2</sub> emissions** 1999/94/EC had been transposed into the By-law on Informing Consumers on Fuel Economy and CO<sub>2</sub> emissions of New Passenger Cars which would enter into force on 1 January 2008. The Ministry of Industry and Trade will be responsible for implementation and enforcement. It will continue monitoring the market (there are 620 inspectors at national and regional level, for whom additional trainings will be provided) and co-operating with other institutions and representatives of private sector. To that end the National Technical Committee on Motor Vehicles has been established to advice on transposition and implementation of the *acquis*. The by-law envisages organisation of seminars for representatives of the car industry, publishing guides and brochures on new requirements and provides sanctions for their infringement. By 2008, Turkey plans to establish an adequate infrastructure to collect and process required data (some information is presently collected by TURKSTAT; some is stored in the inventory of new cars).

According to the information provided, some elements of the Directive 94/63/EC on the control of **volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations** have been transposed. Turkey informed that the existing legislation set the emission limit values and standards to be met by petroleum storage facilities, and covered provisions on monitoring of air quality in the impact area. The remaining provisions of the directive would be transposed into a framework regulation. EMRA has been designated as competent for issuing licences for service stations and storage terminals, whereas MoEF issues emission permits for storage facilities, and the Ministry of Transport is in charge of approval and registration of motor vehicles and trailers designed for transport of dangerous substances. With regard to implementation, Turkey indicated the need to strengthen its administrative capacity related to issuance of permits, monitoring and co-ordination of actions taken by all the bodies involved. Turkey estimated that the main challenge in the implementation phase would be to

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<sup>5</sup> This directive is included in the list of Decision n°2/1997 of the EC-Turkey Association Council of 4 June 1997

<sup>6</sup> According to recent information provided by the Turkish authorities, EMRA has agreed on a 1.5 year transition period ending on 1 July 2008.

prepare an inventory of the existing facilities (according to the data provided, there are around 12.000 service stations, 50 storage terminals and 250 tankers in Turkey) and to adjust them to the requirements of the directive (estimated cost: EUR 100 million).

Turkey informed that some elements of Directive 2004/42/EC amending Directive 99/13/EC, on the limitation of emissions of **volatile organic compounds (VOC) due to the use of organic solvents in certain paints and varnishes and vehicles refinishing products** were reflected in the Turkish legislation. It lays down emission limit values, determines scope of information to be placed on labels and establishes rules and standards related to monitoring of air quality and inspection of installations. MoEF has a general competence in this field, whereas the Ministry of Health is responsible for issuing permits for import of substances with a solvents component. With regard to implementation, Turkey indicated the need to strengthen its administrative capacity related to issuance of permits, monitoring, and inspection. Turkey estimates the main challenge in the implementation phase will be to ensure that there are sufficient inspections and testing for non-compliant products at the production (importation) and retail stages.

### **II.c. Waste management**

Turkey indicated that many provisions of the **Waste Framework Directive 75/442/EEC** are transposed. The existing legislation (Law on Environment and by-laws on waste) provides for definitions, sets general principles (including the "polluter pays" principle), identifies competent authorities, lays down conditions for issuance of permits, obligation to prepare waste management plans and to keep records on waste, as well as establishing a mechanism of enforcement and inspection. Turkey informed that, by the end of 2006, a new implementing law transposing the remaining provisions of the directive would be adopted<sup>7</sup>. MoEF has been designated as a competent authority for inspection and issuance of permits, as well as for setting principles for waste management plans to be prepared and implemented by municipalities.

According to the information provided, two implementing laws (on hazardous waste control and on permission of mining activities) address the issue of **mining waste**. They empower the MoEF to establish principles of collection, transport, treatment and disposal of mining waste and to prepare in co-operation with the Ministry of Energy and Natural Resources a by-law on management of mining waste. MoEF is the competent authority as regards mining waste. Turkey indicated the need to launch technical studies before transposing Directive 2006/21/EC. According to the information provided, some legislative acts already cover mining activity, notably in the fields of issuing of permits, EIA procedure, measures to be taken in case of an accident, analysis of the content of mining waste, treatment of mining waste, closure of a mine and cleaning of a mining field.

According to the information received, all provisions (the only exception being Article 8 on the establishment of a reporting and data recording system) of Directive 91/689/EEC on **hazardous waste** have been transposed into the 2005 By-Law on Hazardous Waste Control. MoEF and its Provincial Directorates have been designated as competent authorities for: provisional storage, disposal and recovery of hazardous waste; inspection of disposal/recovery facilities and preparing plans and programmes for waste management. MoEF and the Ministry of Transport are responsible for the issuing of licenses for transport. For reporting purposes, waste producers and operators of waste disposal/recovery facilities

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<sup>7</sup> According to recent information provided by the Turkish authorities, the draft implementing law is in the final stages of preparation and is planned to be adopted in 2007.

are obliged to keep the records on type, amount and other characteristics of waste (e.g. mode of transport, method of treatment) and to submit them to MoEF. Turkey indicated the need to establish an inventory of data on hazardous waste, to strengthen the administrative capacity (notably in the monitoring), to enhance industry awareness with regard to the management of hazardous waste and to build new disposal/recovery facilities.

Turkey informed that Directive 75/439/EEC on disposal of **waste oils** had been partially transposed into the 2004 By-law on Waste Oils Control. The remaining provisions will be included into a legislative act drafted within the framework of an ongoing assistance project. MoEF has been designated as the competent authority. MoEF is responsible for setting annual quotas for collection of waste oils by oil producers and for issuing licences for subjects dealing with transport, regeneration or disposal of waste oils. According to the implementing law, campaign must be organised by the oil producers to ensure the participation of the public to the waste oil collection efforts. To that end, in 2004 and 2005 information materials were circulated among the public. Special provisions are also placed on oil packaging. For reporting purposes, a database has been established encompassing data on collection, transport, recovery and disposal of waste oils.

Turkey informed that on the basis of the implementing law on dangerous chemicals, production and import of PCB has been prohibited in Turkey since 1996. Currently, an implementing law on control of waste containing **PCB/PCT** transposing Directive 96/59/EC is being drafted within an assistance project. Other objectives of this project include setting up institutional framework and strengthening the existing capacities. Another project envisages preparing an inventory of equipment containing PCB. Turkey informed that disposal of waste with a PCB content is carried out in line with existing legislation while proposals concerning decontamination would be submitted after completion of a twinning project (the only existing facility equipped to deal with decontamination requires modernisation). MoEF and its Provincial Directorates are designated as authorities competent for monitoring of operations related to hazardous waste.

Turkey has been party to the **Basel Convention** on Control of Transboundary Movement of Waste since 1994. Turkey informed that its existing legislation on movement of waste, notably **waste shipment**, (By-law on Hazardous Waste Control and Communiqué of Standardisation for Foreign Trade) was partially in line with the Council Regulations 259/1993 and 1420/1999. In the follow-up to the ongoing assistance project, new solutions aligning the current practice with the EU requirements will be considered. The MoEF, the Ministry of Transport and Undersecretariats of Customs, Foreign Trade and Marine Affairs act as competent authorities. MoEF issues certificates for import of certain waste, approves transport of waste and conducts (in co-operation with customs services and the Ministry of Transport) vessel inspections. The Communiqué for Standardisation published annually by Undersecretariat of Foreign Trade regulates the import of waste and encompasses a list of either controlled or prohibited types of imported waste.

Turkey informed that Directive 99/31/EC on **landfill of waste** would be transposed by the end of 2006 with adoption of an implementing law drafted within the framework of a twinning project. Within the same project, MoEF has circulated a questionnaire in order to collect the necessary data for the establishment of an inventory of controlled and uncontrolled landfills. Another project focused on waste management plans, two of which have been prepared while eight are at the stage of feasibility studies. A further project aims to establish a network for collection and processing of waste management data. Existing legislation makes MoEF responsible for issuing permits and for inspection of landfill facilities. The local authorities are in charge of collection, transport and disposal of

municipal and medical waste. Turkey informed that costs of collection, transfer and disposal of municipal waste were covered by income from cleaning tax paid by residents.

According to the information provided, all provisions of Directive 86/278/EEC on **sewage sludge** have been transposed into the By-law on Soil Pollution Control. It lays down conditions for use of sewage sludge and restrictions thereof (e.g. prohibited the use of sewage sludge if heavy metals content exceeds the limit values), established a system of permits for use of stabilised sewage sludge, designated MoEF and Governorships as responsible for inspection (the latter being also in charge of permits issuance, imposing sanctions and reporting to MoEF) and provided for a two year period for accreditation of laboratories carrying out analysis of the sewage sludge. In line with the implementing law, sewage sludge producers are obliged to submit to the Governorships (every three years) reports which are then forwarded to the MoEF. The records have to be kept for ten years.

According to the information provided, an implementing law transposing Directive 2002/96/EC on **waste electrical and electronic equipment** (WEEE) was envisaged for adoption by the end of 2006 after finalisation of technical studies<sup>8</sup>. Turkey assessed that the production of new equipment was largely in line with requirements of the *acquis*, whereas the collection of old appliances might cause problems due to the country size and the existence of a well developed second-hand market remaining beyond the control of the authorities. The collection targets being discussed with the industry envisage an annual increase from 0.5 kg/person in 2007 up to 4 kg/person in 2012. Turkey plans to establish an agency gathering representatives of the industry, as a body supporting the administration in implementation of the directive. It also envisages a comprehensive database (in form of an electronic platform) covering data on the waste collection. One of the options considered by MoEF is to entrust to a union of producers (yet to be established) some tasks related to the collection of waste and supply of data needed. Such a solution was implemented for the collection of paper and batteries and proved to be effective. MoEF will also be responsible for monitoring.

Turkey indicated that transposition of Directive 2002/95/EC on **restrictions of the use of hazardous substances** in electrical and electronic equipment would be prepared within an assistance project. With regard to implementation, Turkey indicated that MoEF and the Ministry of Industry and Trade will share the responsibility for monitoring. For the purpose of covering costs related to collection and treatment of waste, a special fund will be established by the industry. Charges included in price of electrical and electronic equipment will contribute to the fund.

According to the information provided, parts of Directives 91/157/EEC and 93/86/EEC on **batteries and accumulators** have been transposed into the By-law on Control of Used Batteries and Accumulators. Transposition of the remaining provisions will be prepared within the ongoing twinning project (to be completed by the end of 2007). In line with the existing legislation, MoEF has a general competence for the implementation of the directive, while the Undersecretariat of Foreign Trade is in charge of import control of batteries and accumulators. For the purpose of collection, disposal and recycling of used batteries and accumulators, producers and importers may establish non-profit compliance schemes (at the moment there are three of them) and to apply (along with other private-owned companies) for a licence issued by MoEF. All collected batteries are stored whereas collected accumulators are recycled and their components re-used by the industry. Turkey indicated

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<sup>8</sup> According to recent information provided by the Turkish authorities, this implementing law will be adopted in 2008.

the need to strengthen the administrative capacity of MoEF and its Provincial Directorates by increase in the number of staff employed (the process is ongoing).

With regard to Directive 78/176/EEC on waste from **titanium dioxide** Turkey informed that it has no domestic production of titanium dioxide. Turkey plans to draft a relevant legislation with a view to meet the obligations arising from the *acquis*. A timetable for transposition was not provided.

Turkey informed that Directive 94/62/EC on **packaging and packaging waste**<sup>9</sup> had been partially transposed into the By-law on Packaging and Packaging Waste Control. MoEF acts as a competent authority for issuance of licences for collection, sorting and recycling of packaging waste (in line with existing legislation, producers may establish non-profit organisations for the purpose of collection and recycling of packaging waste; up to now two organisations running 65 facilities have been authorised). MoEF receives annual and monthly reports on amount and kind of packaging produced, sold and collected, and on treatment thereof. Turkey informed that the implementing law set recycling and recovery rates for each type of packaging and a timetable for their implementation, according to which the recovery rate would reach the level of 60 % in 2014. The implementing law obliges consumers and municipalities to ensure that packaging is collected separately from other kinds of waste and is not deposited on landfill areas. Turkey indicated the need to raise public awareness, to strengthen the administrative capacity (e.g. through training) and to increase the number of collecting and recycling facilities to cover the whole territory of the country.

With regard to the Directive 2000/53/EC on **end-of-life vehicles**, Turkey informed that a draft by-law transposing its provisions was under discussion with industry representatives (if the deadlines are met, implementation could start as of 2007). Turkey informed that the adoption of some other regulations (on recycling of car tyres and withdrawal of old vehicles from use) was envisaged and would complement the draft by-law. Full harmonisation of the legislation with the *acquis* is planned for 2008.

## **II.d. Water quality**

Turkey informed that some parts of **Water Framework Directive** 2000/60/EC (definitions, measures, priority substances listed in Annex X) have been transposed. The remaining provisions (including key elements such as Article 4 on the objectives and Article 14 on public participation) will be transposed into legislative acts currently drafted within the framework of an assistance project (to be completed by 2009). It will also support work on implementation instruments. Turkey informed that MoEF, MARA and the General Directorate of State Hydraulic Works (DSI) act as competent authorities in the field of water management (establishment of strategies and plans, issuance of permits, monitoring of water quality, ensuring water protection, protection of water flora and fauna, enforcement and inspection, hydropower production). Furthermore, 25 river basins have been identified. For all of them, master plans on improvement of water resources management have been prepared focusing on the distribution of water for drinking, domestic, agriculture and industrial usage. Monitoring of water quality has been carried out in Turkey since 1979. Nitrates parameters are monitored monthly in surface waters and ground waters in about 1000 sampling stations. Regarding the Barcelona and Bucharest conventions, monitoring of the Mediterranean and Black Sea is carried out within the scope of the Mediterranean Pollution Monitoring Programme under the MED POL Programme and the Black Sea

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<sup>9</sup> This directive is included in the list of Decision n°2/1997 of the EC-Turkey Association Council of 4 June 1997

Pollution Monitoring Programme respectively with samples taken from 1150 sampling stations with different level of detail and coverage. Turkey indicated the need to strengthen the institutional capacity (with particular focus on monitoring and inspection), to improve co-operation between administrative bodies involved in water management and to mobilise financial means for investments and maintenance of the facilities.<sup>10</sup>

According to the information provided, Directive 79/923/EEC on **shellfish waters** has been partially transposed, with a particular focus on parameters measured to assess the quality of water and its fauna (notably bivalve molluscs exported to the EU). Monitoring of water and product (bivalve molluscs) is conducted throughout the whole year with a higher frequency during the fishing season on the basis of the monitoring programme set by MARA. Results of the analyses are sent to the respective Provincial Directorate of MARA and evaluated by the Provincial Directorate inspectors (if the limit values are exceeded, areas are closed to fishing and weekly monitoring is carried out). In order to prevent pollution, industrial facilities discharging to inland waters are inspected twice a year. Wastewater samples are collected from industrial facilities discharges and legal action is taken against polluting industrial facilities. Vessels are monitored, and vessels staff and licenses are inspected by the Coastal Guard (in co-operation with MARA) with regard to applied fishing methods and discharges into the water. Inspections are carried out by boats and helicopters. MARA is also responsible for the monitoring of agricultural pollution. Turkey informed that, within the framework of an assistance project, an electronic database on monitoring would be set up and made available to all parties involved. No information was provided on the timetable for transposition of remaining parts of the directive and establishment of programmes for pollution reduction.

Directive 78/659/EEC on **fish water** has not been transposed. Turkey indicated the need to upgrade the existing monitoring system in terms of structure, level of expertise (provision of training for persons taking samples) and equipment, so that it meets the requirements of the *acquis*. However, as the system is to be established within two years after the directive enters into force, Turkey plans to transpose the directive once the preparatory work for a new system is sufficiently advanced and financial means are at disposal. A time reference for transposition of the directive was not available. MARA is the main competent authorities. The other relevant authorities are MoEF and DSI.

Turkey informed that **groundwater** Directive 80/68/EEC would be transposed after completion (in 2008) of an ongoing assistance project. It would provide analysis of the current Turkish legislation, institutional framework and division of tasks between the bodies involved in management of groundwater in order to identify existing gaps / overlaps and to propose a better structure ensuring effective implementation of the Directive. The main organisations involved are DSI with responsibilities for water quantity and MoEF with responsibilities related to water quality. Metropolitan municipalities are responsible for the protection of groundwater within their jurisdiction.<sup>11</sup>

Turkey informed that Directive 76/464/EEC on **dangerous substances** had been transposed into the By-law on Control of Pollution by Dangerous Substances in Water and its Environment. This law envisages national transitional periods for establishment of inventory on discharges of dangerous substances (3 years), setting the national monitoring network (5

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<sup>10</sup> According to recent information provided by Turkey, the High Planning Council has approved on 7 February 2007 the EU Integrated Environmental Approximation Strategy. The Strategy identifies investment needs for water as well as for other sectors and the financial means for the investments.

<sup>11</sup> According to recent information provided by Turkey, since Directive 80/68/EC will be repealed by Directive 2006/118/EEC, technical studies will be carried with a view to support transposition of the new directive.

years) and preparation of pollution reduction plans (7 years). In line with its provisions MoEF, MARA and municipal authorities issue permits for discharges, whereas MoEF is also responsible for ensuring effective enforcement and inspection (Turkey indicated the need to strengthen its administrative capacity in this field). Quality monitoring will continue to be carried out by DSI.

According to the information provided, elements of Directive 91/676/EEC on water pollution caused by **nitrates** (objective, determination of pollution and vulnerable zones, good agricultural practices, action programme, monitoring) are reflected in the By-law on the protection of waters against pollution caused by nitrates from agricultural sources. The remaining provisions will be transposed into an implementing law drafted within an assistance project. MoEF, MARA and DSI have been designated as competent authorities responsible also for monitoring of water quality. Samples for analysis in accredited laboratories are taken from 1,000 sampling stations. With regard to monitoring, Turkey indicated the need to introduce uniform work methods and strengthen its administrative capacity. Further steps in implementation of the Directive e.g. identification of nutrient vulnerable zones, preparing action plans for them, introducing codes of good agricultural practices or establishment of effective inspection and enforcement system are either at the stage of technical studies or will only be initiated.

Turkey informed that Directive 91/271/EEC on **urban waste-water treatment** has been transposed into the By-law on Urban Waste-Water Treatment. Identification of sensitive areas and agglomerations as required by the Directive has been scheduled for 2009, following the completion of on-going technical studies. MoEF has been designated as responsible for issuance of discharge permits, monitoring of waste-water treatment plants and approval of waste-water treatment systems to be established in existing or new facilities. According to the information provided, in Turkey there are 3225 settlement areas having population of more than 2000 inhabitants representing a total of 54 million; 86 % of this population is served by collecting systems and 44% is served by urban waste water treatment plants (i.e. 172 facilities, 56% of the wastewater is treated by secondary treatment and 12 % by more advanced treatment methods). There are 469 settlements having a population of more than 15,000 inhabitants; 93% is served by collecting system and 55% by wastewater treatment plants (91 facilities). As regard settlement areas between 2,000 and 15,000 inhabitants, 59% are served by collecting systems and only between 6% by wastewater treatment facilities. Monitoring of water quality falls within the competence of accredited laboratories (certified by the Turkish Accreditation Agency). Data related to waste-water treatment is collected, processed and published by TURKSTAT. Turkey indicated that adjustment of the waste-water treatment system to the *acquis* standards would require a long term approach. Turkey informed that current plants have been operating in line with the By-Law on Water Pollution Control and that plants for all settlement areas with more than 100,000 inhabitants will be operational in 2010.

According to the information provided, Directive 98/83/EC on quality of **drinking water** has been transposed into the By-law on Water Intended for Human Consumption. It envisages that all measures necessary to ensure the compliance of water quality with the *acquis* requirements will be taken within three years after the implementing law enters into force. Turkey informed that all bodies responsible for implementation of the Directive at national, regional and local level are operational. Turkey estimates, however, that their capacity needs strengthening. Turkey also indicated that the currently provided technical assistance would allow for improvement of the existing monitoring system supervised by the Ministry of Health. Furthermore, it will support the establishment of effective mechanisms

for taking a remedy action, granting derogations, provision of information to consumers and ensuring that all parts of the water supply system comply with the relevant quality standards.

Turkey informed that Directive 76/160/EEC on **bathing water** had been transposed into the By-law on Bathing Water Quality. A transitional period is foreseen as regards meeting certain microbiological parameters. The Ministry of Health and MoEF have been designated as competent authorities (the latter being also in charge of inspection). The Ministry of Health and its 81 Provincial Directorates are responsible for data collection on bathing water quality. On the other hand, for the inspection and enforcement purposes, monitoring data on bathing water quality are sent to MoEF by the Ministry of Health. Monitoring activities in the field of bathing water quality are carried out in 33 provinces. Turkey informed that according to the existing legislation discharge of any kind of waste into water in areas used for bathing purposes was either prohibited or subject to permission issued by local Governorships. Turkey indicated the need to identify bathing waters, to ensure the compliance of sampling and analysis methods with the *acquis*, to establish additional laboratories and to strengthen the capacity of existing ones. Moreover, based on the outcome of a currently conducted analysis Turkey is going to reinforce the capacity of the Ministry of Health and to lay down procedures allowing to effectively inform public on the water quality in bathing areas.

## **II.e. Nature protection**

Turkey informed that its existing legislation (notably the Law on Environment and the Law on Terrestrial Hunting) covered a number of aspects related to the nature protection and protection of wild birds. However, Directive 79/409/EEC on the conservation of **Wild Birds** has not been transposed. Technical studies are underway to facilitate transposition and preparation for implementation. Within the framework of an assistance project, a new Law on Nature Protection will be drafted and an assessment on bird species listed in Annex I prepared. An analysis of the areas which may be designated as Special Protection Areas (SPA) is also being carried out. Within the scope of the Law on Terrestrial Hunting, wildlife protection areas and wildlife improvement areas have been designated to preserve birds' habitats. MoEF has been designated as the competent authority with MARA and the Ministry of Culture and Tourism sharing responsibilities as regards implementation and enforcement. With regard to implementation, Turkey indicated the need to strengthen its administrative capacity, to continue work on the inventories of bird species and action plans for protection thereof, and to reconcile the need of nature protection with actions taken in other sectors. Turkey also highlighted the challenge to meet the management costs associated with the implementation of the directive. Turkey is party to the UN Convention on Biological Diversity Paris Convention, Bern Convention, Barcelona Convention and Ramsar Convention, and is in the process of aligning its legislation with their provisions.

Transposition of Directive 92/43/EEC on **habitats** would take place with the adoption of the Law on Nature Protection. The existing legislation, notably Law on Environment, Law on National Parks, Law on Terrestrial Hunting, Law on Forests and subordinate legislation provide for measures to ensure protection of species listed in Annex IV and V, and monitoring of incidental capture/killing of Annex VI (a) species. Work on an inventory of sites is ongoing. MoEF, as a competent authority, has the leading role in the implementation of the Directive and together with the Ministry of Culture and Tourism, it is in charge of actions raising public awareness on nature protection. Enforcement tasks will fall in the competence of Provincial Directorates. Within an assistance project existing and new potential conservation sites will be reviewed and evaluated, and a monitoring system established. Under the existing legislation 1,832 areas have been designated as conservation

sites with different status. With regard to implementation, Turkey indicated the need to strengthen its administrative capacity (including specialised training), to continue the evaluation of habitats and work to determine potential NATURA 2000 sites, to improve the existing monitoring system, communication with other stakeholders, and management of financial resources.

Turkey informed that parts of Directive 99/22/EC on keeping of **wild animals in zoos** had been transposed. The By-law on Keeping, Breeding and Trade of Game and Wild Animals provides the definition of a zoo, whereas the Law on Animal Protection designates MoEF as a competent authority for issuance of licences and determining work principles and procedures applicable to the operation of a zoo (subject to an opinion of MARA). The remaining provisions (including issuance of licences, enforcement and inspection) will be transposed into an implementing law prepared by MoEF in co-operation with MARA. Following inter-institutional consultations, this implementing law is scheduled to enter into force in 2007.

Turkey informed that on the basis of the Law on Terrestrial Hunting, the use of **leghold traps** (EEC Regulation 3254/91) is prohibited on its territory. The same law provides for the ban on trade in animals and products obtained thereof, if such a trade is prohibited by international agreements to which Turkey is party, or if the animals are hunted in a way which violates the principles established in this law. MoEF has been designated as a competent authority to control the ban in trade of such animals, as well as to issue import permits for those species the trade in which has not been prohibited. The latter task is carried out by Provincial Directorates of MoEF which are also responsible for monitoring of hunting. According to the information provided, further alignment of the legislation with the *acquis*, notably with the lists of Annex to Decision 97/602/EC (amended by Decision 98/596/EC), as well as with provisions on monitoring and enforcement, requires more analysis.

Turkey informed that Directive 83/129/EEC on importation into Member States of skins of certain **seal pups**, and products derived thereof, has not been transposed. According to the information provided, until now no trade flows in products of this kind had been registered on Turkish territory. The legislation would be harmonised with the provisions of the directive by the end of 2007<sup>12</sup>.

According to the information provided, Turkey ratified the **CITES Convention** in 1996 and by issuance of an implementing law enabled its implementation. On this basis, MARA and MoEF as management authorities are assisted by a scientific institution (Turkish Scientific and Technological Research Council), as well as the Undersecretariat of Customs and the Ministry of Interior. For trade in species covered by the Convention both management authorities issue altogether around 850 permits a year (for some species permits are issued within a quota established by the scientific institution). Monitoring of trade has been entrusted to both ministries, Undersecretary of Customs and the Ministry of Interior. The obligation to report to the CITES Secretariat falls within the competence of MoEF. According to the information provided, there are no specific crossing points designated for trade in CITES specimen. Therefore both the information and training are available for the whole customs staff and a new visual system has been installed at a number of crossing points, allowing to compare pictures of species covered by the Convention with those crossing the border (if the system proves to be effective, it will be developed to cover all the

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<sup>12</sup> According to recent information provided by Turkey, legislation transposing the directive on Seal Pups, will be adopted in the 2010-2013 period.

check points). The law envisages also fines for offences related to trade in CITES species. Turkey plans to establish rescue centres for confiscated specimen, to identify crossing points allowed to deal with certain CITES species, to provide training for customs officers, to prepare a manual and to strengthen scientific support.

Turkey highlighted that responsibilities in the field of nature protection are relatively fragmented, not clearly defined or co-ordinated between different ministries and other bodies involved. Turkey informed that a shortage of technically specialised staff is a major constraint in nature protection and that the current infrastructure for the implementation of international conventions is not adequate.

## **II.f. Industrial pollution and risk management**

Turkey informed that some elements of Directive 96/61/EC on **Integrated Pollution Prevention and Control (IPPC)** are reflected in its legislation. However, a proper legislative framework transposing the directive would be established only after completion of an ongoing assistance project in 2008. The same applies to setting up an inventory of installations falling within the scope of the directive, determining necessary administrative capacity (inspection, issuance of permits and reporting) and identifying sources of financial means for adjustment of the existing installations. According to information provided, MoEF, Provincial Governors, Municipalities and other local authorities are designated as competent bodies for issuance of permits for activities covered by the IPPC Directive. There are separate permits for emissions to air, water and marine environment, waste management, emission of noise etc., which will be merged into an environmental permit (the exact scope will be determined after ongoing consultations with representatives of industry). Some of the current tasks related to issuance of permits may be passed to the Turkish Environmental Agency once it is established. In line with the existing provisions, MoEF and its Provincial Directorates are in charge of inspections, empowered to impose sanctions (fines, compensation for damage caused or withdrawal of permit). Turkey indicated that the implementation of the IPPC Directive would require a long term approach due to high cost of investment, broad scope and number of stakeholders. Turkey reported the need to strengthen administrative capacity both at national and local level (in particular as regards permitting and inspection/enforcement), as well to secure the additional financial resources needed for the investments.

As regards Directive 2001/80/EC on **Large Combustion Plants (LCP)**, Turkish legislation (notably the By-Law on Air Pollution Control) provides for definitions of LCPs, sets emission limit values, designates MoEF, Provincial Governors and local authorities as competent bodies, lays down requirements concerning monitoring of emissions (e.g. methods and frequency of measurements) and reporting. Turkey informed that the remaining provisions would be transposed into an implementing law drafted within an assistance project (to be completed by the end of 2006). Within the same project, a plan of emissions reduction will be prepared. Moreover, an inventory of LCP will be established (according to the estimations there are around 70 installations<sup>13</sup> falling within the scope of the directive, the majority of which meet the emission targets set in the directive). Turkey indicated that difficulties in the implementation of the Directive may be expected due to high costs of investment needed (in some cases the modernisation of existing installations will be initiated only after completion of privatisation process). Turkey also indicated the need to strengthen the administrative capacity, in particular with regard to enforcement and inspection.

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<sup>13</sup> According to the latest information provided by Turkey, the number of LCP installations has been now estimated to 100.

Turkey informed that some parts of Directive 87/217/EEC on prevention and reduction of environmental pollution by **asbestos** (including definitions, best available technologies, emission limit values, procedures related to measurement of emissions, provisions on pollution caused by fibre, dust and demolition of buildings and installations containing asbestos) have been transposed. According to the existing legislation, MoEF, the Ministry of Labour and Social Security and the Ministry of Health act as competent authorities responsible for implementation and enforcement (including inspection). Turkey informed that none of the asbestos types was currently produced in the country (the whole demand was covered by imports). The legislation allows only the use of white asbestos while all other kinds were prohibited. There are currently 10 plants manufacturing products containing asbestos. Moreover, the industry has agreed to gradually substitute asbestos used for production of roof tiles, car breaks and pipes by other substances. In this regard, Turkey indicated that difficulties might be expected only in SMEs producing asbestos fibres, as the prohibition to use asbestos content may result in their closure.

Turkey informed that the majority of Directive 2000/76/EC on **incineration of waste** (incl. definitions, procedure of application, principles of operation, issuance of permits, emission limit values, monitoring mechanism, methods and frequency of measurements) has been transposed. The remaining provisions will be transposed into an implementing law on incineration of waste to be drafted in 2007. Currently, there are 18 facilities (1 incineration and 17 co-incineration plants) operating on the basis of a licence issued by the MoEF. According to the existing legislation, a licence may be granted to a plant only if during a test phase of the operation the emission limit values are not exceeded. Such a test is repeated every three years if a licence is to be renewed. Operators are obliged to submit to MoEF data concerning work of the facility. Turkey informed that the majority of its incineration and co-incineration plants were close to meeting the emission limit values as set by the Directive, therefore no major problems were expected with regard to the compliance, once all provisions are transposed into national legislation. Turkey indicated the need to establish new plants (a relevant plan to be drafted in 2006) and to strengthen the administrative capacity.

Turkey indicated that some parts of Directive 99/13/EC on the limitation of emissions of **volatile organic compounds due to the use of organic solvents in certain activities and installations** have been transposed. The remaining provisions would be transposed after completion of technical studies. The existing legislation designates MoEF, Provincial Governorships and other local authorities as competent bodies for issuance of permits for installations covered by the Directive. It lays down principles for monitoring and inspection of existing installations and conditions to be fulfilled by the ones applying for a permit to start operation. It also establishes emission limit values and defines methods and frequency of emissions measurements. With regard to implementation, Turkey indicated the need to establish an inventory of all the installations falling within the scope of the directive and to strengthen administrative capacity to ensure effectiveness of monitoring and inspection system. Turkey assessed that some difficulties to meet the requirements set by the directive may be expected in particular in SME due to high cost of investments needed.

With regard to **European pollutant emission register (EPER)** and its successor the **European PRTR**, Turkey informed that within ongoing studies an inventory of installations falling within the scope of IPPC Directive would be established, a necessary administrative capacity determined, competent bodies designated and modalities for an effective reporting system proposed. Moreover, Turkey plans to launch a preparatory work with a view to ratification and implementation of UNECE-PRTR Protocol.

Turkey informed that the Circular on Local Emergency Plan for Major Industrial Accidents based on Seveso I Directive was issued by MoEF in 1996. On this basis, internal emergency plans for installations located in 36 Turkish provinces were prepared, tested and submitted to MoEF, while Governorships of those provinces worked out external emergency plans. In 1998, the "Accident Reporting Form" was developed and circulated by MoEF to the Governorships. With regard to **Seveso II** Directive 96/82/EC (as amended by Directive 2003/105/EC), Turkey informed that the By-law on Control of Major Industrial Accident Hazards had been drafted and was currently under discussion with all relevant stakeholders. Also, three Communiqués (on Public Information, on Safety Reports and Emergency Plans, and on Inspection) have been prepared and an Information System for Industry developed. MoEF has been designated as competent authority. It will share the responsibility for implementation of the Directive with the Ministry of Labour and Social Security, the Ministry of Health, as well as with provincial and local bodies.

On **eco-labelling** and **EMAS** (Regulations 1980/2000 and 761/2001), Turkey informed that within the framework of technical studies legislative acts would be drafted and consulted with all the stakeholders, competent authorities designated, mechanism for information and consultation with the public established, as well as enforcement measures proposed. Up to now, there are no schemes in Turkey equivalent to eco-labelling and EMAS, but there is a certification system for ISO 14001 for which the Turkish Accreditation Authority together with the Turkish Standards Institution act as competent authorities.

## **II.g. Chemicals**

According to the information provided, through the adoption of the 1993 By-law on Dangerous Chemicals and the 2002 Communiqué on the Procedure for the Filling of the Safety Data Sheet, parts of the Dangerous **Substances** Directive 67/548/EEC<sup>14</sup> (including definitions, objectives and scope, provisions on the Safety Data Sheet, symbols and indication of danger, safety advice, packaging and labelling, list of dangerous substances) have been transposed into Turkish legislation. Turkey informed that transposition of the remaining provisions would be prepared within an ongoing assistance project (to be completed in 2007). Legislation transposing provisions of the directive are expected by the end of 2007. MoEF is responsible for implementation of the directive (designation of other competent authorities pending). Within the on-going assistance project the competent authorities will be designated, their scope of competences determined, mechanisms ensuring their access to EINECS/ELINCS databases established, and, if required, new or additional mechanism for the manufacturers, importers and distributors obliged to provide safety data sheets set up. Furthermore, the project would support establishment of other procedures and mechanisms envisaged in the directive, concerning notification of new substances, conformity check of notifications and risk assessment of notified substances, risk management measures and confidentiality. Turkey indicated also the need to improve the registration of trade in chemicals, as the present system does not allow for effective market surveillance. Turkey informed that there is no systematic market control or clear data as regards the presence of chemical substances on the Turkish market.

With regard to the Regulation (EC) 793/93<sup>15</sup> on **evaluation and control of the risks of existing substances** Turkey informed that within the assistance project (to be completed in mid-2007) the legislative and institutional framework enabling the implementation of the

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<sup>14</sup> This directive is included in the list of Decision n°2/1997 of the EC-Turkey Association Council of 4 June 1997

<sup>15</sup> This regulation is included in the list of Decision n°2/1997 of the EC-Turkey Association Council of 4 June 1997

directives on chemicals would be established. Only afterwards Turkey plans to evaluate the new system and its mechanisms and to prepare for implementation of the outstanding elements of the Regulation, including administrative measures to deal with cases of non-compliance with its requirements. Turkey informed that an overall competence in implementing policy measures for chemicals rested with the MoEF. However, within the ongoing project, tasks related to implementation of the Regulation will be reviewed and the competent authority designated. Turkey indicated also the need to strengthen the capacity of MoEF.

According to the information provided, parts of the **Animals Experiment** Directive 86/609/EEC<sup>16</sup> (as amended by Directive 2003/65/EC) have been transposed into the Law on Animal Health Control, the Law on Animal Protection and a subordinate by-law. The existing legislation lays out a registration system for breeding and supplying establishments, as well as for user establishments and lays down conditions to obtain a working permit. Furthermore, it determines criteria for proper treatment of animals and introduces requirements concerning records keeping and collection of statistical data. MARA has been designated as a competent authority for the implementation of the directive, incl. issuance of permits, whereas MoEF is in charge of establishment of ethics commissions and laying down their rules of procedure. Turkey informed that inspections of all establishments were carried out at least twice a year by MARA, its Provincial Agricultural Directorates and Veterinary Control and Research Institutes. In some clearly defined cases, a negative outcome of the inspection may result in a withdrawal of the work permit.

According to the information provided, an authorisation system regulating marketing and use of **biocides** as required by Directive 98/8/EC is in place in Turkey. Transposition of the remaining provisions will be prepared by a drafting working group established in the Ministry of Health and will start after completion of an ongoing assistance project. MARA and the Ministry of Health are responsible for implementation of the Directive in their respective fields of competences. Both are entitled to authorise biocides upon application submitted by producers or importers. In a limited number of cases they can also allow the use of products which have not obtained an authorisation. Turkey informed that the existing legislation laid down requirements concerning data placed on labels of biocides. According to the information provided, provincial directorates of MARA and the Ministry of Health conduct inspections in cases on complaints, non-compliance or accidents involving biocides. They may ban manufacturing or import of the products concerned, cancel authorisation or withdraw the product from the market.

According to the information provided, three institutions have been designated as responsible for implementation of the Regulation (EC) 850/2004 on **persistent organic pollutants (POPs)**. MoEF has a general competence for issues related to direct and indirect effects of POPs' release into air, water and waste whereas MARA deals with the use of pesticides and the Ministry of Health with questions concerning short- and long-term POPs impact on public health. With regard to specific requirements of the Regulation, Turkey informed that within an ongoing assistance project POPs stockpiles would be identified and their monitoring launched afterwards. Turkey does not intend to notify any possible exemptions for substances listed in Annex A and B of the regulation as there was no production or trade in those substances in the country. Turkey signed the Stockholm Convention on POPs in 2001 and was proceeding with preparations for its ratification and implementation. To that end, a draft National Implementation Plan outlining steps to be

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<sup>16</sup> This directive is included in the list of Decision n°2/1997 of the EC-Turkey Association Council of 4 June 1997

taken, institutions involved, as well as resources and time required for the implementation of individual measures has been prepared, but not adopted.

With regard to the Regulation (EC) No 304/2003 on **import and export of dangerous chemicals**, Turkey informed that MoEF has the leading role in implementation of the regulation and co-ordination of work of other administrative bodies. The Ministry of Labour and Social Security is in charge of controls on asbestos fibres imports, whereas MARA and the Ministry of Health share the responsibility for controls on pesticides and similar products. Market surveillance is carried out in line with the provisions of the Law on Environment, the By-law on Dangerous Chemicals and the Communiqué on Safety Data Sheet. According to the information provided, Turkey signed the Rotterdam Convention in 1998, whereas the ratification will follow after the establishment of the legal framework and other necessary arrangements related to the *acquis* on dangerous chemicals.

## II.h. GMOs

With regard to Directive 90/219/EEC (as amended) on **contained use of genetically modified micro-organisms (GMOs)**, Turkey informed about the ongoing technical studies on drafting National Biosafety Law. Turkey did not provide a timetable with regard to the transposition of the *acquis* in this area. MARA has been designated as competent authority for implementation of the directive. Turkey informed also about preparations to establish a biosafety information exchange mechanism, which would constitute a platform for public consultation and information sharing on GMOs. It would be related to Biosafety Clearing House Mechanism under Cartagena Biosafety Protocol, which Turkey has ratified.

According to the information provided, Directive 2001/18/EC on **deliberate release of GMOs into the environment** has not been transposed into Turkish legislation. This will occur through the adoption of the National Biosafety Law. Currently, the Instruction on Field Trials on Transgenic Culture Crops constitutes in Turkey the legal basis for some procedures covered by the directive. It established the prior notification procedure for Part B releases, designated MARA as competent authority for implementation of the directive and tasked relevant research institutes of the Ministry to conduct field trials on crops. Turkey informed that four laboratories supervised by MARA and five university laboratories are equipped to carry out analysis on GMOs. However, Turkey acknowledged that an effective control system was not in place and monitoring activities and inspections had not started (Turkey informed it was due to the fact that GMOs' placing on the market was not permitted/authorised in the absence of an adequate regulatory framework and the experimental releases took place only in the areas under control of research institutes). Turkey estimates that the administrative capacity of MARA needs strengthening to allow for evaluation of notifications for all types of environmental release and marketing of GMOs.

With regard to the Regulation (EC) 1830/2003 on the **traceability and labelling of GMOs and the traceability of food and feed products produced from GMOs**, Turkey informed that monitoring activities and inspections envisaged by the *acquis* have not started. On the other hand, work is ongoing on establishment of rules on penalties applicable for infringements of the regulation.

With regard to participation in the international information procedure envisaged in the Regulation (EC) 1946/2003 on the **transboundary movements of GMOs** Turkey recalled the information on preparations to establish a biosafety information exchange mechanism. MARA has been designated competent authority for implementation of the regulation and the national contact point for notification of unintentional transboundary movements of

GMOs. According to the information provided, work was ongoing on establishment of rules on penalties applicable for infringements of the regulation.

## **II.i. Noise**

Turkey informed that Directive 2002/49/EC on the assessment and management of environmental noise has been transposed into the By-law on Assessment and Management of Environmental Noise. MoEF was in charge of approving strategic noise maps and actions plans, whereas municipalities, the Ministry of Transport and the Ministry of Public Works and Settlement were responsible for their preparation. Noise indicators (Lden, Lday, Levening and Lnight) have been identified and noise assessment methods established, as well as the methods for determining harmful effects. In the case of agglomerations with more than 250,000 inhabitants, of major roads with more than six million vehicle passages a year, major railways with more than 60,000 train passages a year and major airports, identification of areas to be covered by strategic noise maps and actions will be carried out by 2011, strategic noise maps will be prepared by 2013 and actions plans by 2014. In the case of agglomerations with more than 100,000 inhabitants, major roads with more than 3 million vehicles passages a year, major railways with more than 30,000 train passages a year, identification of areas to be covered by strategic noise maps and actions will be carried out by 2014, strategic noise maps will be prepared by 2018 and actions plans by 2019. A twinning project on strengthening the capacity of MoEF in the field of noise management is on-going. Turkey indicates that additional financial resources would be required for the preparation of strategic noise maps and noise plans as well as strengthening of the administrative capacity of the competent authorities.

## **II.j. Forestry**

According to the information provided, Turkey's forest area amounts to around 21.2 million hectares, i.e. around 27% of the total land surface. Forest cover has been increasing. However, nearly half of the forest area is deemed as degraded. With the exception of 18,500 hectares belonging to private owners, forest land belongs to the state. According to the constitution, ownership of state forests cannot be transferred. In 2004, Turkey has developed and approved a national forestry programme covering the conservation, improvement and utilisation of forest resources. MoEF is the lead body as regards forestry issues. Turkey assessed, it had a well developed administrative structure dealing with issues related to forestry.

## **III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY**

Whereas some good steps have been taken in sectors such as waste and noise, Turkish legislation is only partially in line with the *acquis* in this Chapter. Turkey has not taken steps in all sectors of the environment *acquis* to prepare for transposition. In many areas, technical studies are under way or have to be initiated. For parts of the *acquis*, Turkey has to define its strategy for the completion of transposition. In particular, Turkey needs to prioritise alignment at an early stage in the field of horizontal legislation, framework legislation and the international conventions, to which the EC is a party.

Contractual obligations deriving from Decision 2/97 of the EC-Turkey Association Council requiring transposition and implementation of certain provision of the EU environment *acquis* in the field of air quality, waste management and chemicals have been met to some degree, but not in full.

Steps have been taken to clarify the division of responsibilities and competences at national and regional/local level. For certain sectors of the chapter, the institutional set up, including responsibilities of the relevant institutions, will need to be reviewed in line with progress on legislative alignment. Turkey needs to put in place the necessary administrative capacity required for transposition, implementation and enforcement. The new 2006 Law on Environment provides for the recruitment of additional staff (500 new positions) at central level, as well as for additional financial resources. This is an important step forward to strengthen administrative capacity but substantial additional strengthening will be required, especially when taking into account the country's size. Priority needs to be given to the proper enforcement of newly transposed legislation with strengthening of the inspection structures, including better co-ordination. Generally, vertical and horizontal co-ordination of all relevant institutions is not sufficient and needs to be reinforced.

The implementation of this chapter requires significant investments starting from the development of financing plans. Turkey has not finalised a detailed analysis of gaps and resources (both in terms of administrative capacity and financial resources) needed for the effective transposition and implementation of the environment *acquis*. This assessment needs to be completed and a plan defined. Turkey will need to review this plan on a regular basis in parallel with the completion of the legislative alignment and the start of implementation.

### **III.a. Horizontal legislation**

Though some elements are reflected in existing Turkish legislation and some good steps have been taken through the adoption of the amended Law on Environment in spring 2006, the overall level of alignment as regards horizontal legislation is limited. Turkey has provided information as regards next steps in alignment in the case of the SEA directive. As regards the EIA directive, alignment is progressing, however some key elements (procedures for consulting the public and arrangements with neighbouring Member States for exchanges of information and consultation) will need to be brought in line with the requirements of the *acquis* too. Turkey needs to provide a plan for completion of legislative transposition in this area, with an indication of milestones and a timetable. Turkey needs also to provide information as to when it plans to ratify the Espoo and Aarhus conventions. Regarding the implementation of directive 2003/35, attention has in particular to be paid to public participation in EIA procedure and the IPPC permitting process. As regards access to environmental information, Turkish legislation will need to be brought in line with the requirements of Directive 2003/4. In particular the rule that any applicant is entitled to access to environment information needs to be firmly established in Turkish legislation.

The obligations arising from the Kyoto Protocol are integral part of the *acquis* on climate change. Turkey needs to ratify the Kyoto Protocol, to put in place a national solid system for the yearly and timely submission of the inventory of greenhouse gas emissions, to take on a target for the 1<sup>st</sup> commitment period and to start the preparations to take on a post 2012 target. Turkey also needs to participate in Article 3.9 negotiations as an observer and after the Kyoto Protocol ratification as an active participant. Turkey needs to start preparation for the introduction of the emissions trading system in accordance with the emissions trading directive.

In the field of civil protection, Turkey needs to complete the work on the establishment of a Communication and Information System in emergency situations and reinforce the effective co-ordination of the work of the different bodies responsible at national and regional/local level.

Horizontal legislation poses challenges in terms of transposition, implementation and enforcement. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.b. Air quality**

Turkey has partially aligned its legislation with the EU *acquis* in this sector. The directive on CO<sub>2</sub> emissions of New Passenger Cars has been transposed and legislation has recently been adopted partially transposing *acquis* related to quality of petrol and diesel fuels and sulphur content of certain liquid fuels. Turkey has taken good steps as regards the establishment of the national network for monitoring air quality in line with the *acquis* requirements. As of 1 January 2006, leaded petrol can no longer be placed on the market.

Turkey needs to pursue the process of alignment of its legislation with the *acquis* in this area. The transposition (including adoption of subordinate implementing legislation) of Air Ambient Quality Framework and daughter directives, National Emission Ceilings and VOCs directives has not taken place. In particular, limits values for air quality need to be harmonised and the relevant obligations deriving from the EC-Turkey Association Council decisions in this sector must be met without delay. Turkey needs also to provide a plan for completion of legislative transposition in this area, with indications of milestones and a timetable. As regards implementation, Turkey needs to define zones and agglomerations, draw up plans and programmes and establish an information database on air quality. Turkey needs to expand the network of monitoring stations to fully cover all 81 provinces and to undertake the inventory of paint producers. Important efforts are required by Turkey as regards the implementation of the air quality *acquis*, in particular as regards investments in completing the monitoring stations network, adjustment of existing installations including technological changes, as well as the establishment of new plants. The National Emission Ceilings directive has to be implemented without delay so that the substantive obligations are fulfilled, such as development and reporting of air pollution emissions inventories and projections and national programmes to meet the ceilings. The implementation of the National Emission Ceilings Directive is closely linked to the 1999 Multi-pollutant Multi-effect protocol under the UNECE Convention on Long-range Transboundary Air Pollution (CLRTAP). Turkey needs also to develop plans and programs to implement the multilateral environmental agreements under the CLRTAP as they all are part of the *acquis*.

Further strengthening of administrative capacity will also be required particularly in relation to permitting and monitoring. The capacity of regional laboratories also needs to be reinforced. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.c. Waste management**

Turkey has made good steps as regards transposition of parts of the EU *acquis* in this sector. Alignment has significantly advanced for the waste framework, hazardous waste and sewage sludge directives. Substantial work is planned in the short term as regards further alignment with other waste directives (including the packaging and packaging waste, waste framework, landfill directive, waste electrical and electronic equipment, and shipment of waste). A transposition timetable has been provided for most of the legislation in this field. All the relevant competent authorities have been designated with a lead role to be played by MoEF in this sector. Two pilot waste management plans have been prepared. Some facilities have been established for collecting, sorting and recycling of packaging waste, which is collected separately from other types of waste; however, they do not cover the whole country. Turkey

needs to continue the process of legislative alignment, providing a timetable also for those directives for which technical studies have not yet been initiated. Particular attention needs to be paid to the completing the transposition of the packaging and packaging waste directive, one of the obligations of the EC-Turkey Association Council decisions.

As regards implementation, Turkey needs to prepare the national and regional waste management plans (including for hazardous waste), including carrying out inventory of compliant and non-compliant landfills. A mechanism for collection and processing of data related to waste management needs to be established. Turkey needs to finalise the inventory of equipment containing PCBs/PCTs. With regards to the implementation of both the packaging and packaging waste directive, as well as the waste electrical and electronic equipment directive, Turkey needs to increase the number of collecting and recycling facilities to cover in a balanced way the whole territory of the country. Turkey also needs to undertake awareness raising campaigns in order to inform the public about the required changes in waste management policies and practices. The further work on the implementation of the WEEE Directive will require thorough negotiations with all stakeholders involved, in particular for introducing the producer responsibility requirements. The ELV Directive needs to be transposed as almost no measures have been taken so far.

A major effort would have to be deployed by Turkey for the implementation of the waste *acquis*, which requires the mobilisation of considerable financial resources. Turkey estimates that costs of compliance in the waste sector would amount of over €9 billion. Administrative capacity also needs to be reinforced both at national and regional/local level. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.d. Water quality**

Turkey has achieved some progress in this area through the transposition of most parts of the dangerous substances, urban waste-water, and drinking water and bathing water directives in 2005-2006. The Water Framework Directive has been partially transposed; however several key elements are missing. Work is on-going as regards further alignment with the Water Framework, nitrates, and groundwater directives. Turkey needs to indicate when alignment in this sector will be completed, particularly with regard to the Water Framework Directive and those directives (shellfish, fishwater) for which no information in this respect was provided.

Turkey needs to properly implement the aligned legislation. In particular, Turkey needs to put in place mechanisms for testing all the parameters foreseen by the drinking water directive. As regards the bathing water directive, bathing areas need to be identified and sampling and analysis methods aligned to the requirement of the *acquis*. Turkey needs to work on the identification of vulnerable zones and the preparation of actions plans foreseen under the nitrates directive. As regards the Water Framework Directive, Turkey has identified 25 river basins for which master plans have been prepared, though these plans are not in line with the *acquis* requirements. Turkey has to prepare, consult with the public and adopt 25 river basins management plans wholly meeting the obligations arising from the Water Framework Directive. Additionally administrative structures will require adjustment. International cooperation related to transboundary river basins is ongoing, but needs to be further addressed. Furthermore, the existing monitoring programmes fall short of the obligations of Article 8 and Annex V of Directive 2000/60/EC. No comprehensive assessment on pressures and impacts on fresh and coastal waters and an economic analysis of water uses in accordance with its Article 5 and Annex II and III have been carried out to

date. The register of protected areas is also outstanding. Furthermore, Turkey needs to establish the system of prior investigation and prior authorisation for discharge, disposal or tipping of waste as well as the inventory of authorisation foreseen by the groundwater directive, including the inventory of authorisation. An inventory of discharges of dangerous substances needs also to be established. Work for the designation of the sensitive areas under the urban waste-water directive needs to proceed.

Turkey needs to ensure that relevant infrastructure investments in the water sector (such as dams) are carried out in line with the requirements of the water *acquis*, in particular the obligations of the Water Framework directive, (i.e. its Article 4.7).

A considerable effort will have to be made by Turkey at the stage of implementation since this will require large scale investments, notably related to the construction and/or modernisation of drinking water treatment plants and distribution networks, as well as of urban waste water collecting systems and treatment plants. Particular attention should be paid to water supply in rural areas. Overall investment costs are estimated at over €33 billion. Financing plans need to be prepared and funding secured for the necessary investments. Administrative capacity will need to be reinforced at national, regional, and local level. Turkey needs to pay particular attention to strengthening its monitoring (systems, staff and equipment) and inspection capacities in line with the requirements of the *acquis*. Turkey needs to clarify the allocation of responsibilities between all the involved bodies to avoid gaps and overlaps and ensure good co-ordination. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.e. Nature protection**

Turkey has partially aligned its legislation with the EU *acquis* in the field of nature protection. Though certain elements of the *acquis* are present in the existing Turkish legislation, considerable work needs to be carried out to ensure transposition in particular of the Wild Birds and Habitats directive. Steps have been taken as regards transposition of the wild animals in zoos with subordinate legislation planned by end 2007 in order to complete harmonisation. The directive on seal pups will be transposed by end 2007. Some provisions of the leghold traps regulation, in particular the prohibition of their use, are reflected in Turkish legislation although further work is required to ensure that all relevant elements are in place in particular with respect to establishing an effective monitoring and enforcement system.

Turkey needs to continue work on the legislative alignment starting by finalising and adopting the planned Law on Nature Protection which would enable substantial progress in the transposition of the Wild Birds and Habitats directives. Turkey needs to also finalise the technical studies required to prepare for implementation of the leghold traps regulation. Turkey needs to prepare a plan for completion of legislative transposition in this area, including a timetable.

In parallel with the process of legislative alignment, Turkey needs to define and designate Special Protection Areas under the Wild Birds directive, as well as compile the national list of Sites of Community Importance under the Habitats directive, constituting the NATURA 2000 ecological network, speeding up the underpinning scientific work. Work will have to start as regards preparation of the management plans for the designated protected areas. Work will have to continue on the establishment of the required monitoring systems. Turkey needs to pursue preparations for the implementation of the CITES convention, identifying

CITES crossing points, preparing necessary manuals and undertaking training for personnel involved in the implementation.

Turkey's administrative capacity at national, regional and local level requires substantial strengthening. Responsibilities in the field of nature protection need to be clarified and overall co-ordination mechanisms reinforced. Technically specialised staff needs to be recruited and trained. Additional funding for nature protection needs to be secured. In parallel with the process of legislative alignment, Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their strengthening.

### **III.f. Industrial pollution and risk management**

Turkey's level of alignment in this area is low. Some elements are reflected in the current Turkish legislation but in overall terms, transposition is in its initial stages (most notably in the case of IPPC) or has not started (EMAS, Eco-labelling, EPER). According to the information received, some provisions of the LCPs and Waste Incineration directive are contained in the existing Turkish legislation. Substantial work is required to advance legislative alignment and technical studies are under way. As regards Seveso, new draft legislation has been prepared and now needs to be adopted. Turkey needs to prepare a plan for completion of legislative transposition in this area, including a timetable.

As part of putting in place the legislative framework, Turkey needs to identify the number of installations falling under the scope of IPPC, LCP and Solvents directives. The current Turkish system of issuing permits foresees the involvement of a number of bodies at national and local level. With a view to putting in place an integrated permitting system in line with the requirements of the *acquis*, responsibilities of these bodies need to be clearly defined and effective co-ordination mechanisms put in place. As regards LCP, the plan for emissions reduction needs to be finalised. In the case of EPER, Turkey needs to ratify the UNECE-PRTR protocol.

A major effort will have to be made by Turkey for the implementation and enforcement as this will require large-scale investments *inter alia* to adjust the existing installations to the requirements of the *acquis*. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.g. Chemicals**

Turkey's level of alignment with the chemicals *acquis* is low. Existing Turkish legislation contains provisions reflecting some limited elements of the EU chemical *acquis*. However, substantial work is required to reach full alignment. Competent authorities have been defined for each directive and regulation. In parallel with the establishment of an *acquis* compliant legal framework, the institutional set up is also being reviewed. Turkey needs to transpose the legislation in the chemical sector paying early attention to completing alignment with the relevant provisions of the Dangerous Substances directive and the Risk Assessment Regulation, which are obligations of the Customs Union. Turkey needs to prepare a plan for completion of legislative transposition in this area, including a timetable.

Implementation is in its early stages. Turkey needs to carry out the assessment of the national chemical sector and establish the National Chemical Monitoring System. With regard to the POPs regulation, Turkey needs to adopt the prepared draft National Implementation Plan and proceed with the ratification of the Stockholm Convention. Turkey

needs to put in place the legal framework relating to import and export of dangerous chemicals to enable ratification of the Rotterdam Convention. With regard to biocides, Turkey needs to develop the capacity to monitor market compliance, as well as to carry out biocides' authorisation procedures. This will necessitate inventorying their market in order to know which products are not allowed by the *acquis*, as well as which active substances or products they consider indispensable, in order to anticipate the need for exceptional measures at a later stage. As regards the Animals Experiment directive, several elements need to be added to the current Turkish legislation to achieve full transposition.

Administrative capacity in the chemical sectors is insufficient for effective transposition and implementation. In parallel with the process of reviewing the institutional framework, a plan needs to be drawn up for the reinforcement of administrative capacity paying due attention to reinforcing risk assessment procedures through the recruitment and training of toxicologists. In parallel with the process of legislative alignment, Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their strengthening.

### **III.h. GMOs**

Turkey's level of alignment as regards the *acquis* on GMOs is low. Turkey needs to adopt the National Biosafety Law which would advance transposition of the directives on contained use of GMOs and deliberate release of GMOs into the environment. Turkey needs to prepare a plan for completion of legislative transposition in this area, including a timetable.

Though the competent authority has been designated (MARA), substantial work needs to be carried out to put in place the relevant procedures required for the implementation once alignment takes place starting with the establishment of notification procedures, ensuring the undertaking of risk assessments and putting in place an effective inspection and enforcement mechanism, including the definition of penalties applicable in case of infringements. The administrative capacity of MARA needs to be reinforced through the recruitment of additional technical personnel and provision of laboratories to ensure it can properly evaluate the notifications for environment release and marketing of GMOs. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement. The relationship between MARA and the scientific institutions working on GMOs needs to be consolidated. Turkey needs to advance the preparation of the biosafety information exchange mechanism.

### **III.i. Noise**

Turkey has achieved a good level of legislative alignment in this sector through the transposition of the noise directive. It has taken steps as regards implementation by defining the timetable for the identification of relevant areas, preparation of strategic noise maps and action plans. However, Turkey needs to secure the financial resources and to reinforce the administrative capacity required to fully implement the noise *acquis*. Turkey needs to undertake an assessment of the administrative capacity and financial resources required and prepare a plan for their reinforcement.

### **III.j. Forestry**

Turkey has taken steps in this sector and needs to continue its efforts, particularly as regards implementation.