



BILATERAL MEETING

Chapter 05- PUBLIC PROCUREMENT

Country Session: The Republic of TURKEY
28 November 2005



SCREENING CHAPTER 05 PUBLIC PROCUREMENT

AGENDA ITEM IX: ENVIRONMENTAL ASPECTS OF PUBLIC PROCUREMENT

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Provisions concerning environmental aspects are legislated mainly in;

- ✓ **Constitution**
- ✓ **environmental legislation**
- ✓ **public procurement legislation**



The Constitution of the Republic of Turkey mentions that;

- ❖ *everyone has the right to live in a healthy, balanced environment*

- ❖ *it is the duty of the state and citizens to*
 - ✓ improve the natural environment
 - ✓ protect the environmental health
 - ✓ prevent environmental pollution



According to the Article 10 of Environment Law regarding “Environmental Impact Assessment”:

- ✓ entities and companies which may cause environmental problems because of the acts they are planning to achieve, must prepare an “Environmental Impact Assessment Report”; in this report, possibilities to make wastes harmless and measures should be remarked taking account of all the impacts to environment
- ✓ principles relating to in which types of projects EIA will be asked, the scope and the entity to approve the EIA has been arranged by regulation



According to Article 5 of PPL;

✓ in accordance with the related legislation, for the works requiring an Environmental Impact Assessment (EIA) Report, a positive EIA report must be obtained before the initiation of procurement proceedings



According to Art. 10 of PPL;

✓ contracting entities have authority to ask for certificates granted by quality control institutions accredited in accordance with the international rules, certifying the conformity of the subject of the contract in question with the relevant specifications and standards



Secondary Legislation on Public Procurement about Environment

- ❖ *Art. 45 of Regulation on Implementation of Services Procurement*
- ❖ *Art. 40 of Regulation on Implementation of Goods Procurement states that:*
 - ✓ if the subject of the contract requires submission of a certificate related to environment management system, entities may ask for this certificate
- ❖ *Art. 4 of Regulation on Implementation of Works Procurement states that:*
 - ✓ EIA report must be obtained before the tender.



Related to the phase of execution of the contract there are provisions in;

- ✓ **general specification for services**
- ✓ **general specification for works**
- ✓ **standard contracts**



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