

A Brief Legal & Institutional Analysis on Pollution In Black Sea Türkiye's Case

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Abstract

This paper intends to assist those interested in mapping the (potentially extensive) range of Turkish national legislative & institutional measures relevant to control of pollution of the Black Sea environment. It is based on a preliminary work covering relevant regulations on pollution in Black Sea; EU Environmental *Acquis* (already transposed/approximated and expected to be transposed/ approximated); relevant national legislation (key ones on pollution in Black Sea).

In this regard, it firstly focuses on international and regional scales, focusing on Black sea cooperation and the EU requirements. Afterwards, it discusses notable features of national framework in terms of legislative & institutional structures. As a conclusion, it makes an overall evaluation over its findings.

Keywords: Black sea, gap analysis, marine pollution, water pollution, Türkiye.



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1. Introduction

This paper is based on identifying and characterising key relevant Turkish legal&institutional framework for water and marine pollution in Black Sea. While conducting this brief country-specific analysis, it is aimed to involve:

- An identification of specific legislative and institutional features in national framework vis-à-vis international and regional legislation on water, marine, inland, and coastal pollution across the Black Sea region; and
- An assessment of institutional arrangements, as well as institutional capacities.

Thus, it is intended to identify issues and themes to be investigated further and analysed with a view to making practicable recommendations for improvement of environmental outcomes for the Black Sea environment.

In accordance with this aim, it gathers the whole structure with four Annexes which put all relevant regulations of Türkiye on Black Sea pollution in a frame, and list those related to the European Union (EU) *acquis* as already transposed or expected to be transposed in line with the EU *acquis*.

In this respect, it firstly focuses on relevant regulations of Türkiye on Black Sea water&marine pollution at both international and regional scales. Under regional level, as it is essential not only go through Black Sea regional cooperation instruments, but also European Union(EU)

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measures are also taken into account. That is because, although the EU accession process seems to have lost its former importance recently, it still remains a process that should be taken into consideration for Türkiye, especially through the learning and participation processes in EU-financed projects. Then, it discusses notable features of national framework in terms of legislative & institutional structures. In conclusion, it provides an overall assessment based on its research.

2. Relevant Regulations at International and Regional Scales

2.1 International Scale

Under Turkish Environmental Law (TEL), international environmental treaties have become part of the national law having the force of law, if they duly put into effect. If they also involve provisions on rights and freedoms, such provisions would prevail over national law (Art. 90, Turkish Constitution). So, Türkiye's stance on whether or not to become a party to an international agreement has direct effects on its national law. As seen in Annex I, in most of the legal frameworks and institutions related to addressing problems and solutions on Black Sea pollution, Türkiye is part of the process as a signatory or party state. Though there are also treaties to which it is still not party to, they are not much in number.

2.2 Regional Scale

2.2.1 Under Black Sea Regional Cooperation

Türkiye is party to the Bucharest Convention on Black Sea pollution, and most of the relevant protocols, and be part of the plans/programmes (see Annex I). In line with them, it is expected to promote the practice of integrated pollution prevention and control approach on the basis of best available technologies and also environmental practices (Avaz, G. *et.al*, 2008).

2.2.2 In the Scope of EU Requirements

In addition to the Black Sea regional cooperation process, the EU accession process and the necessity of compliance with the relevant EU *acquis* in this process have been also important factors that contribute to Turkey's efforts to protect the water and marine environment and thus to the formation of the national legal and institutional framework for the control of marine pollution in the Black Sea (Savaşan, 2021; 2020a; 2019a). In particular, based on three documents, namely the European Union Integrated Environmental Harmonization Strategy (EUIEHS) (2007-2023);¹ the National Action Plan for EU Accession (2016-2019); and the National Water Plan (2019-2023), it has become clear that, Türkiye has transposed many directives, except the Marine Strategy Framework Directive (MSFD), as relevant to controlling

¹ The EUIEHS (2007-2023), approved by the High Planning Council on 07 February 2007, has been updated for the 2016-2023 period.

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Black Sea marine pollution into national law, with the support of EU's related projects² (see Annex II, III).

2.2.2.1 Bathing Waters Directive (BWD)

Pursuant to the EU Directive, for the management of bathing water quality, there is basically secondary legislation. These are about bathing water quality and the health principles of swimming pools (see Annex-IV).

2.2.2.2 Marine Strategy Framework Directive (MSFD)

The EU Marine Strategy aims to achieve good environmental status for the EU marine waters. Therefore, it requires member and candidate states to develop their own strategies by following an adaptive management approach. These strategies should also be regularly monitored, updated and validated every six years. In line with concerning EU directive, although there have been attempts to develop Türkiye's own national strategy document and prepare an action plan through the Marine Environment Strategy Development Project which was started in 2018, the EU Marine Strategy is still pending for Türkiye, hence regulation on addressing marine pollution in the context of the MSFD still remains an important gap that needs to be filled.

2.2.2.3 Maritime Spatial Planning (MSP) Directive

Regarding land-use planning/ development control legislation, there are some major regulations such as the Soil Protection and Land Use Act and the Zoning Act, drawing the framework for creating necessary rules, procedures and principles on the land-use planning system in Türkiye. In addition to them, there is also secondary legislation, i.e., By-law on the Construction of Spatial Plans. Also some other relevant acts like the Acts on the Metropolitan and Town Municipalities, also Coastal Act, and By-Law on the Implementation of the Coastal Act can all be taken into account regarding land-use planning/ development (see Annex IV). In particular, the process of preparation of the Türkiye's Spatial Strategy Plan (TSSP) was shaped within the framework of the decision taken at the Urbanization Council held in 2009. In this process, the spatial strategy plan was included in the planning legislation for the first time in 2011 and the task of preparing the spatial strategy plans was given to the Ministry of Environment, Urbanization and Climate Change (MoEUCC) (Presidential Decree No. 1, Art. 97/d, 102/a). With the amendment made in the Zoning Act in 2018 (Art.5, para.16), the spatial strategy plan is considered as complete with its report and was defined as the plan, "directing the physical development and sectoral decisions by associating the economic, social and environmental policies and strategies with the space, prepared throughout the country and in the regions deemed necessary..."

² These projects are established within the scope of Turkey-EU Financial Cooperation Instrument for Pre-accession (IPA-I, II) in accordance with the Negotiating Position and Strategy Document. For the projects of 2002-2006 Turkey-EU Financial Cooperation, see at: http://www.ab.gov.tr/files/SEPB/cevrefaslidokumanlar/list_of_2002_2006_projects.pdf. For those of 2007-2013 IPA-I; and also IPA II Period (2014-2020), see at: https://www.ab.gov.tr/chapter-27-environment_92_en.html.



In the By-law on Spatial Plans Construction, which entered into force in 2014, the definition of spatial strategy plans, planning principles, and their place in the plan stratification and research topics were also explained. The basic approach to the preparation of the spatial strategy plan was also completed by the Ministry of Environment and Urbanization (MoEU) in 2013 (climate change was added to the name of the Ministry with the Presidential Decree No. 85 published in the Official Gazette No. 31643 dated October 29, 2021). In the last quarter of 2018, in line with the protocol signed between the MoEU and Istanbul Technical University, preliminary preparations and research on the subject were carried out. Subsequently, in 2019-2021, analyses and spatial evaluations were made within the scope of the *Preparation of the Turkey Spatial Strategy Plan (TSSP) Project*. Currently, a draft TSSP (2053) was already completed within that project. However, there is need for more progress and effort in this field from an environmental-oriented perspective, with direct references to environmental/pollution control.³ Under the By-law on Spatial Plans Construction, the following provisions are just relevant: a) reference to “sustainable development” (Art.1); b) relevant provisions regarding environmental plan (Arts.18-20), in which “ecological and economic decisions are evaluated together in accordance with the purpose of sustainable development (Art.19.1c); c) land use integrity is ensured in order to protect the continuity of the natural structure, ecological balance and ecosystem (Art.19.1e); d) land use decisions are made relying on preventive strategy for the sources that cause environmental problems and policies (Art.19.1g) etc; e) specific provisions on Black Sea pollution; f) provisions on the ICZM plans (Arts, 4, 29).

2.2.2.4 Nitrates Directive (ND)

The main provisions of the related By-law (By-Law on Water Protection Against Agricultural Nitrate Pollution) are to identify polluted or threatened waters, to identify nitrate-sensitive areas, to prepare a Code of Good Agricultural Practices, to establish Agricultural Action Plans in Sensitive Areas and to establish a monitoring network and reporting system. The General Directorate of Agricultural Research and Policies carries out a relevant project for the establishment and mapping of a relevant database. Thus, it would be possible for all practices related to the determination of pollution control and management to be monitored and evaluated through an information mechanism relying on a web based system (see Annex II, III).

2.2.2.5 Urban Wastewater Treatment Directive (UWTD)

All relevant regulations have been adopted regarding this Directive; though, there are some provisions that still need to be transposed, such as the specific legal requirement to connect to the sewerage / wastewater treatment network for pre-existing buildings or new buildings; for buildings / occupiers in areas without sewerage network access; or to construct any alternative wastewater treatment system (Annex-II).⁴

2.2.2.6 Water Framework Directive (WFD)

The Directive is mostly transposed into national legislation. Yet further effort is needed for national legislation to fully harmonize with it. In fact, the Framework Water Act is still not

³ See at: <https://mekansalstrateji.csb.gov.tr/>

⁴ For a detailed information on general waste management law and policy in Türkiye, see (Budak, 2021). HPA January 15 2025

fully adopted and secondary legislation is still to be put into action in such a way that will reduce the challenges regarding implementation, compliance and enforcement (Annex-II, III).

2.2.2.7 Horizontal Measures

2.2.2.7.1 Environmental Impact Assessment (EIA)

The relevant By-law of Türkiye on EIA is basically in parallel to the EU *acquis* (By-Law on EIA, OG Date:29.07.2022; No.31907), except for a few problematic areas, such as transboundary impact assessment and public participation in consultations (Türkiye is not party to the related Conventions on Transboundary Environmental Impact Assessment (informally called as Espoo Convention)⁵ and on Accession to Information on Environmental Issues, Public Participation in Environmental Decision-Making and Application to the Judiciary (informally Aarhus Convention).⁶

2.2.2.7.2 Strategic Environment Assessment (SEA)

The EU SEA Directive (dated 27.6.2001 and numbered 2001/42/EC), is one of the first regulations that comprehensively includes the principles and procedures regarding the strategic environmental assessment process and provisions that are largely similar to the Espoo Convention (UN 1991), SEA (Kyiv) Protocol (UN 2003), which is the most important international law text regarding the implementation of SEA. In order to support Türkiye's EIA process within the framework of the EU accession and harmonization process, Türkiye is also expected to ensure that a SEA is made in respect of the plans/programs that form the framework of the projects expected to be involved in these processes in line with this Directive (Gökalp Alıca, 2021).

In response to this expectation, firstly, with the amendment (Art.7) introduced with Act No. 5491 in 2006, the definition of SEA was included in the Environment Act (Art.10) and it was stated that the procedures and principles related to SEA would be included in a By-law to be issued. Then, the relevant SEA By-law was later published in 2017 (OG Date: 8.4.2017, No:30032).

3. Notable Features of National Framework

3.1 Legislative Framework

Turkish Constitution has many provisions about environmental protection and development, e.g., Art.43-45; Art.56.1; Art.57; Art.63; Art.169-170. Besides, Environment Act establishes the founding basis for Turkish Environmental Law (TEL) which is mainly regulated by public law through administrative acts, actions and regulations (OG Date: 11.08.1983; No.18132).⁷ Complementing the Environment Act, there are also several secondary regulations including a range of different by-laws, many circulars, and others, on different dimensions of

⁵ For countries that are party to the Convention, see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-4&chapter=27&lang=en.

⁶ For countries that are party to the Convention, see: <http://www.unece.org/env/pp/aarhus/map.html>.

⁷ For relevant Turkish legislation, see at: mevzuat.gov.tr; resmigazete.gov.tr.

environmental protection, such as air quality, air & water pollution, environmental impact assessment, pollution control etc.⁸

First and foremost, the Environment Act forbids the discharge of petroleum-derived wastes, sewage, garbage and hazardous wastes in environmental sources, like lakes, streams, or drinking and utility water sources, irrigation and drainage channels (Art.20(1), (n), Environment Act). As pollution made through indirect or indirect ways is forbidden, in cases where there is a possibility of pollution, the concerned parties all are obliged to prevent it. Under TEL, not only the State, but the citizens are also responsible of protecting the environment (Art.3(a), Environment Act). However, in line with the polluter pays principle, the polluter must take all precautions regarding pollution (Art.8, Environment Act); the same rule applies in all processes in the treatment and disposal of waste and in obtaining the required permits (Art.11, para.1, 22, Environment Act).

3.2 Institutional Framework

Fundamental powers, such as taking the necessary precautions regarding environmental law and policies, directing and managing the current system, and taking action against those responsible of the violations, mainly belong to the MoEUCC. The Ministry may allow some of these powers to be used, if necessary, through general directorates in the central organization and through provincial directorates in the local organization (Art. 12, 15, 24, Environment Act). It should exercise its powers in accordance with the relevant By-Laws, such as by-laws on environmental inspection, on EIA and on Environmental Permit and License.

In order to effectively implement the regulatory framework, environmental management units involving environmental experts should also be established by related institutions/firms of which business can result in environmental pollution or damage to the environment (see under Supplementary Item 2 of the Environment Act). All rules, procedures and conditions regarding them who will carry out environmental management services, should rely on the principles and rules of the relevant secondary legislation, i.e., By-law on Environmental Inspection (OG Date:12.06.2021; No.31509); By-law on Environmental Permit and License (OG Date:10.09.2014; No.29115); By-Law on Environmental Management Services (OG Date:30.07.2019; No. 30847).

The By-law on Environmental Inspection (OG Date:12.06.2021; No.31509) which was adopted amending By-law (OG Date:21.11.2008; No: 27061), regulates the rules and procedures, observed by the units of the MoEUCC to supervise the facilities or activities, and the competences of relevant General Directorates, like General Directorates of EIA, of Permit and License, of Inspection; of Environmental Management; of Protection of Natural Assets and Provincial Directorates. The supervision powers of institutions and authorities authorized by other environmental legislation are subject to Art.7 of By-law on Environmental Inspection. Competence certificates of laboratories (both private and public) that will conduct environmental measurements and analyzes are also authorized by the MoEUCC. By-Law on Environmental Measurement and Analysis Laboratories (OG Date:25.12.2013; No.28862), on the other hand, includes rules on conducting environmental measurements and analyses,

⁸ For a list of related legal documents adopted so far, see at: <https://cygm.csb.gov.tr/kanunlar-i-438>.
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qualification certificates are also needed for laboratories (both private and public) authorized by the MoEUCC.⁹

As also mentioned above, in line with the polluter pays principle, those directly or indirectly causing pollution and so environmental damage with their actions/business services should be admitted as responsible for all the costs driven from combating pollution (Art. 2, 3g, Environment Act, see also Art.28-39, By-law on Environmental Inspection). That is, all the necessary expenditure emerging from the pollution in all phases from prevention to responses are got from the polluter, in conformity with the provisions of the Act regarding the public receivables collection (OG Date:28.7.1953; No. 8469). As well as administrative measures, and several administrative fine classification (Art. 20(a-z)), some judicial fines also exist which can be applied according to the Environment Act (Art.26).

While everyone faced with environmental harm can ask for measures or activity suspension; mainly the MoEUCC, but also Directorate General of the EIA or Provincial Directorates, if necessary, can make a decision on the application of those measures (Art. 15, 30(1), Environment Act).

Overall, the present system regarding both reporting and monitoring displays that, the system is mostly designed in conformity with the relevant international®ional requirements. There are several relevant provisions on reporting and monitoring in different secondary regulation, e.g., by-laws on water pollution control (see Art.54); on pollution control emerging from dangerous substances in water and its surrounding (see Art.12-15); on surface and ground waters' monitoring (see Art.16); on the water basins' protection and also management plans' preparation (see Art.12(2,4)); and also communicate on continuous wastewater monitoring systems etc.

On environmental liability, the Environment Act is still the only regulation involving directly relevant provisions (Art. 28, Environment Act). In the Civil Code, Obligations Code and some other acts, there are also related/relevant articles which can be applied for environmental liability as well (Art. 730, 737, Civil Code; Articles 49, 66-68, 69- 71, Obligations Code; Art. 14, Biosafety Act; Art.22(4), Turkish Petrol Act); but they are not about environmental liability in a specific and direct manner; and so it is required to make an evaluation over that specific case's conditions to decide on the existence of environmental liability So, it is argued that Türkiye also needs a specific act on environmental liability.

Under criminal law, the Criminal Code (OG Date:12.10.2004; No.25611) is very crucial, as the Code not only incorporates environmental protection among its objectives (Art.1); but also involves a separate category for environmental crimes (Arts.181-184). There are also some others indirectly related to the environmental protection, such as Articles 171-174, Articles 185, 186, 193. In addition to the crimes regulated in the Criminal Code, it is also possible to find two crimes set out in Article 26, Environment Act; and misdemeanors (Art.20, Environment Act). Under Misdemeanor Act (OG Date: 31.3.2005, No.24772 (repeated)). as well, there are some relevant provisions which can be applied for environmental issues, such as Articles 36(1),41(1-6), and 42, 44.¹⁰

⁹ For competent laboratories, see at:<https://elab.cevre.gov.tr/LabSorgu/>.

¹⁰ For the period before 2005, see also (Savaşan, 2020b).

Last but not least, it is also remarkably significant to refer to the resources that are used for being in compliance with the international & regional requirements. In particular regarding water pollution in Türkiye, it is seen that, in addition to the MoEUCC's own resources, projects conducted for improving the harmonization process by the financial cooperation between the EU and Türkiye (called as Instrument for Pre-accession (IPA-I, II)) are highly crucial.¹¹ On the other hand, regarding marine pollution, other than the EU, regional cooperation through the tools of Black sea economic cooperation initiative is quite effective for ensuring the improvement of resources in the required areas. Finally, with respect to the issues like the preparation of spatial & ICZM plans, and land use, developments are generally based on national initiatives. Indeed, the impact of EU or regional cooperation is less visible in this field, in comparison with others, such as water management especially.

4. Conclusion

In conclusion, based on the analysis, it may be argued that, legal & institutional framework is usually in parallel with the EU *acquis* and the requirements of the regional approach adopted under BSC structure. In fact, all explained and analyzed in detail so far acknowledge that Türkiye has made progress in terms of transposing relevant requirements on Black Sea pollution, particularly on water pollution control & management issues. Indeed, legislation on water issues is already under the implementation phase in many aspects. Yet, the legislation regarding marine pollution is still in the development process. There so appears that, to deal with Black Sea pollution, there is a wide scope of legislative & institutional framework in Türkiye, particularly on the water-based aspects of this pollution; but marine pollution, which is perhaps a much more important part, still remains the missing piece of the puzzle (see Annexes I-IV). Additionally, how comprehensive legal & institutional framework a state has is not a guarantee of proper implementation and compliance in practice. Indeed, although to protect the environment has been always on the agenda of Türkiye since almost its foundation, and it still constitutes one of the main foreign policy issues;¹² there has always been difficulty in maintaining the balance between development and environmental protection in Türkiye, and development goals are usually prioritized over environmental concerns due to concerns about economic growth capacity (Savaşan, 2021; Üstün, 2012). So, it is fundamentally essential for the country to make a perspective change in its policies, and thus, to establish a compliance-based system (Chayes and Chayes, 1995; Chayes, Chayes and Mitchell, 1995, 1998; Crossen, 2003; Faure & Lefevre, 1999; Najam *et.al.*, 2006; Raustiala, 2000; Raustiala, and Slaughter, 2002; Savaşan, 2019b), driving from good governance principles (Harman, 2005; Smouts, 1998; Zaelke, Stilwell, and Young, 2005), involving accessibility, accountability, efficiency, participation, predictability, and transparency (Savaşan, -).

Acknowledgement: Intensive research on this paper, relying on a comprehensive literature review, data collection (from dozens of books, a variety of journals, official policy documents (national strategies, plans, reports etc.) and analysis of a huge amount of legislation (including global/regional regulations,

¹¹ For the list of projects completed within the scope of Financial Cooperation in between the EU and Türkiye, of 2002-2006, of 2007-2013 IPA-I; and of IPA II Period (2014-2020), see at:

https://www.ab.gov.tr/chapter-27-environment_92_en.html.

¹² See at: http://www.mfa.gov.tr/turkiye_nin-su-politikasi.tr.mfa.



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EU *acquis*, national legislation (both primary/secondary regulations) was carried out in the context of the World Bank's "Blueing the Black Sea" (BBSEA)- "Turning the Tide of Pollution" Project, which was conducted in close cooperation with the Black Sea Commission (BSC) and the Black Sea Economic Cooperation (BSEC).

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ANNEXES I-IV

Annex I: Relevant Regulations on Pollution in Black Sea
ANNEX II: Relevant EU Environmental Acquis (already transposed/approximated)
ANNEX III: Relevant EU Environmental Acquis (expected to be transposed/approximated)
ANNEX IV: Relevant National Legislation (key ones on pollution in Black Sea).

Annexes (I-IV): Relevant Regulations of Türkiye on Pollution in Black Sea

Each of the following annexes contains relevant regulations intended to assist those interested in mapping the (potentially extensive) range of national legislative measures relevant to control of pollution of the Black Sea environment:

Annex I: Relevant Regulations on pollution in Black Sea;
ANNEX II: Relevant EU Environmental Acquis (already transposed/approximated);
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List of Abbreviations

BAT Best Available Techniques / Technology
BMC Basin Management Committee

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BWD	Bathing Waters Directive
DIPMP	Domestic and Industrial Pollution Monitoring Programme
EC	European Commission
EcoQO Plan	Ecological Quality Objective set out under the Black Sea Commission Strategic Action Plan
EIA	Environmental Impact Assessment
EIAD	Environmental Impact Assessment Directive
EQS	Environmental Quality Standard
EU	European Union
EUND	EU Nitrates Directive
GES	Good Environmental Status (EU Marine Strategy Framework Directive)
LBP	Land Based Pollutants
MoAF	Ministry of Agriculture and Forestry
MoEUCC	Ministry of Environment, Urbanization and Climate Change
MoH	Ministry of Health
MSFD	EU Marine Strategy Framework Directive
NAP	National Action Plan
NGO	Non-Governmental Organisation
NIS	Nitrate Information System
NWIS	National Water Information System
OG	Official Gazette
RBMP	River Basin Management Plan
SAP	Strategic Action Plan
SEA	Strategic Environmental Assessment
SEAD	Strategic Environmental Assessment Directive
UWTD	Urban Wastewater Treatment Directive
WFD	EU Water Framework Directive

ANNEX I: Relevant Global/Regional Regulations on Pollution in Black Sea		TURKIYE's SITUATION		
		Signed	Ratified	Party (Entry into force)
International Treaties ¹³	UN Framework Convention on Climate Change	-	2004-02-24 (accession)	2004-05-25
	UN Convention to Combat Desertification	1996-11-22	1998-02-11	1998-05-16
	UN Biodiversity Convention	1992-06-11	1997-02-14	1997-05-15
	Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)	1979-12-24	1984-02-20	1984-09-01
	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention)	1994-27-09	1996-06-20	1996-12-22

¹³ <https://treaties.un.org/>

	Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)	1993-12-28	1994-05-17	1994-11-13
	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (22 March 1989)	1989-03-22	1994-06-22	
	Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (22 September 1995)		2003-08-27	
	Stockholm Convention on Persistent Organic Pollutants (22 May 2001)	2001-05-23	2009-10-14	
	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (10 September 1998)	1998-09-11	2017-09-21	
Regional Treaties¹⁴	Convention on the Protection of the Black Sea Against Pollution (Bucharest Convention)	1992-04-21	1993-12-07	1994-12-14
	1 Protocol on the Protection of the Black Sea Marine Environment against Pollution from Land Based Sources	1992-04-21	1994-03-29	1994-03-29
	2 Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances (Emergency Protocol)	1992-04-21	1994-03-29	1994-03-29
	3 Protocol on the Protection of the Marine Environment Against Pollution by Dumping	1992-04-21	1994-03-29	1994-03-29
	4 The Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the	2002-06-14	2004-08-12	2011-06-20

¹⁴ <https://www.ecolex.org/>

	Protection of the Black Sea against Pollution			
	Protocol on the Protection of the Black Sea Marine Environment against Pollution from Land Based Sources and Activities	2009-04-17	pending	pending
Others (Plans, Reports, Documents, Papers etc.)	Black Sea Strategic Action Plan - Strategic Action Plan on the Protection and Rehabilitation of the Black Sea,	1996 (Amended in 2002 and Updated in 2009)		
	Black Sea Contingency Plan (to the Emergency Response Protocol)	2003		
	Land Based Sources Pollution National Action Plan for Turkey There is also a Turkish Report submitted to the Ministry of Environment, Urbanization and Climate Change (MoEUCC) for the Black Sea with the title of "National Action Plan on Land Based Pollutants" in the 2004 version prepared within the scope of the same project.	(2004, submitted to UNEP MAP) Not available online		
	-Land Based Sources Pollution National Action Plan for Turkey There is also a Turkish Report submitted to the MoEU for the Black Sea with the title of "National Action Plan on Land Based Pollutants" in the 2015 version prepared within the scope of the same project.	(2015, submitted to UNEP MAP) Not available online		
	Assessment Reports of those projects -The Project on Marine Environment Strategy Development for Turkey -The Capacity Building on Marine Strategy Framework Directive in Turkey Project (MARinTURK))	Not available online		

*** Türkiye is not party to those Treaties:**

- 1982 UN Convention on the Law of the Sea (UNCLOS)
- 1989 Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
- 1991 UNECE Convention on Environmental Impact Assessment in a Transboundary Context (informally called the Espoo Convention)
- 1992 UNECE Water Convention
- 1997 UN Watercourses Convention
- 1998 UNECE Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (informally called the Aarhus Convention)
- 2003 UNECE Protocol on Strategic Environmental Assessment (SEA)

ANNEX II
Relevant EU Environmental Acquis
(Already transposed/approximated)

No.	EU <i>acquis</i> to comply with	Object /Purpose	National Key Legislation(s)	Key Institution
1.	EU WFD Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ----- ----- Directive 2008/105/EC of The European Parliament and of The Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council ----- ---Directive 2013/39/EU of The European Parliament and of The	Achieving the objectives of relevant international agreements, aiming to prevent and eliminate pollution of the marine environment	By-Law on the Protection of Water Basins and the Preparation of Management Plans (OG 17.10.2012; No: 28 444) By-law on Preparation, Implementation, and Follow-Up of Basin Management Plans (OG 17.10.2012; No:28444) Communique on Establishment, Duties, Working Principles and Procedures of Basin Management Committees (OG 20.05.2015; No: 29361) Water Management Coordination Board, established by 2012/7 numbered Prime Minister's Circular	Ministry of Agriculture and Forestry (MoAF)
	By-law on Surface Water Quality Management (30.11.2012; No: 28483)- Directive 2008/105/EC; Directive 2013/39/EU		MoAF	
	By-Law on the Monitoring of Surface and Groundwaters (11.02.2014; No: 28910)		MoAF	

	Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy		By-Law on Determination of Sensitive Water Masses and Areas Affecting These Masses and Improvement of Water Quality (26.12.2016; No: 29927)	MoAF
			By-Law Control of Water Use in Irrigation Systems and Regulation on Reducing Water Losses (16.02.2017; No: 29981)	MoAF
			By-Law on The Protection of Drinking Water Basins (28.10.2017; No: 30224)	MoAF
			By-law on Preparation, Implementation and Monitoring of the Flood Management Plans (12.05.2016; No: 29710)	MoAF
	2006/118/EC Directive on the protection of Groundwater against pollution and deterioration	To prevent and control groundwater pollution, complementing the provisions preventing or limiting inputs of pollutants into groundwater already contained in Directive 2000/60/EC, and thus aims to prevent the deterioration of all bodies of groundwater.	By-Law on the Protection of Groundwater Against Pollution and Deterioration (23.12.2016; No: 29927)	MoAF
	98/83/EC Directive on Water Intended for Human Consumption	To protect the water quality and so human health from the adverse effects of any sort of water contamination	By-Law Amending the Regulation on Water Intended for Human Consumption (07.03.2013; No: 28580)	Ministry of Health (MoH)
2.	Bathing Waters Directive Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of	Management of bathing water quality; by complementing	By-Law on Bathing Water Quality (09/01/2006; No: 26048) By-Law on the Health Principles of Swimming Pools (06.03.2011; No: 27866)	MoH& Ministry of Environment,Ur

	bathing water quality and repealing Directive 76/160/EEC	Directive 2000/60/EC		banization and Climate Change (MoEU CC)
3.	Urban Wastewater Treatment Directive Council Directive of 21 May 1991 concerning urban waste water treatment (91 /271 /EEC)	Protecting the environment from the adverse effects of the waste water discharges	<ul style="list-style-type: none"> -By-Law on Urban Wastewater Treatment (08.01.2006; No: 26047) -By-Law on Determination of Sensitive Water Masses and Areas Affecting These Masses and Improvement of Water Quality (23.12.2016; No: 29927) -By-law on Wastewater Collection and Disposal Systems (06.01.2017; No:29940), 2 Annexes on Technical Bases -By-law on the Methods and Principles to be Followed in Determining The Tariff For Wastewater Infrastructure and Domestic Solid Waste Disposal Facilities -By-law on the Procedures and Principles to Be Followed When Wastewater Treatment Plants Benefit From Incentive Measures According To Article 29 of The Environment Act - Wastewater Treatment Plants Technical Procedures Communiqué -Continuous Wastewater Monitoring Systems Communiqué (OG 22.03.2015, No.29303) - Communiqué on Sensitive and Less Sensitive Water Areas of By-Law on Urban Wastewater Treatment 	MoH& MoEUC C& MoAF
4.	EU Nitrates Directive 91/676/EEC Directive on the Protection of Waters Against Pollution Caused by Agricultural Nitrate	Reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution	<ul style="list-style-type: none"> -By-Law on Water Protection Against Agricultural Nitrate Pollution (OG Date: 18.02.2004; No: 25377) -By-Law Surface Water Quality (30.11.2012; No: 28483) -By-law on the Identification and Protection of Sensitive Water Bodies and of Areas Affecting 	MoAF

			Those Bodies (23.12.2016; No: 29927)	
	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	Ensuring registration, evaluation, authorisation and restriction of chemicals; promoting alternative methods for the evaluation of the substances in this process; and enhancing competitiveness and innovation, to guarantee high level protection of human health and environment	By-law on Registration, Evaluation, Authorization and Restriction of the Chemicals (23.06.2017; No: 30105)	MoEUCC
	Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC	Environmental and human health protection against negative effects of persistent organic pollutants (POPs)	By-law on Persistent Organic Pollutants (25.03.2021; No: 31434)	MoEUCC
5.	Environmental Impact Assessment Directive- Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance	Evaluation of the environmental effects of related/relevant public and private projects which are likely to have environmental impacts	By-Law on Environmental Impact Assessment (25.11.2014; No: 29186) By-Law on Environmental Impact Assessment (12.06.2021; No.31509)	MoEUCC
6	Strategic Environmental Assessment Directive-Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)	Evaluation of the environmental effects of related/relevant plans and programmes which are likely to have	By-Law on Strategic Environmental Assessment (08.04.2017; No: 30032)	MoEUCC

		environmental effects		
7	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) Chapter II (Article 23)	Regulating the procedures and principles for the environmental inspections, qualifications of the inspectors, and obligation of the industrial enterprise to establish environmental management department/to employ environmental consultants, within a period from the initiation of the activity or operation of the facility to the end of the activity or the facility's closure	Amending the By-law on Environmental Inspection (21.11.2008; No: 27061) - DONE New Version: By-law on Environmental Inspection (12.06.2021; No.31509) - With the new regulation, the title of Environmental Audit Officer was changed to Environmental Auditor. - To become an Environmental Auditor, it is necessary to take part in the environmental units of the Ministry and Provincial Directorate, to graduate from engineering, architecture or science faculties of universities, to have completed environmental auditor education and to participate in at least 15 environmental audits as an environmental auditor candidate. - The conditions for becoming an Environmental Volunteer were also updated and the conditions were limited to not being banned from public services and to participating in the environmental volunteer training organized by the ministry.	MoEUC C
8	EU Marine Strategy Framework Directive Directive 2008/56/EC of The European Parliament And Of The Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy	Developing ecosystem-based marine strategies Establishing a framework to achieve good environmental status in the marine environment	NONE	----- ----- -----

ANNEX III
Relevant EU Environmental Acquis
(Expected to be transposed/approximated)

1. Primary Legislation

No	EU acquis to comply with	Object and Purpose	Key National Legislation (To be enacted/ amended)	Key Institution	Current Situation
1.	EU WFD-Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	Acting in line with the objectives of relevant international agreements, aiming to prevent and eliminate marine environmental pollution	Water Framework Act (Act on Waters (No.831), OG Date: 10.05.1926; No.368)	MoAF	Planning to be adopted till 2023 at latest (NWP, 2018)
2.	Env. Liability Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability about the prevention and remedying of environmental damage	Establishing a framework of environmental liability, to prevent and remedy damage to the environment	Env. Liability Act	MoEU CC	Not available
3.	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds	Avoiding pollution or deterioration of habitats	Act on Conservation of Biodiversity	MoAF	-Draft submitted for 4 times to Turkish Grand National Assembly (TGNA)
4.	EU Marine Strategy Framework Directive	Establishing a framework to achieve good environmental status in the marine environment Developing ecosystem-based marine strategies	Relevant Act, by-laws, communiques	Not available	Not available

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2. Secondary Legislation

No	EU acquis to comply with	Object and Purpose	Key National Legislation (To be enacted/ amended)	Object and Purpose	Key Institution
1.	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	Achieving the objectives of relevant international agreements	Communiqué on Implementation of the By-law on Control of Loss of Water in the Drinking Water Supply and Distribution Systems	Ensuring the management of supply and distribution systems Reducing the loss of water	MoAF
			By-law on Preparation, Implementation and Monitoring of the Flood Management Plans	Mitigating the negative effects of floods on human health, environment, cultural heritage and social and economic activities, through flood management plans	MoAF
			Amending the By-law on Monitoring of Surface Waters And Ground Waters (OG: 11.02.2014/28910)	Following the finalisation of the specific pollutants list to be identified for Türkiye, rearranging the list of chemical monitoring parameters	MoAF
			Communiqué on Surface Waters, Ground waters, Sampling Sediments and Biological Sampling	Ensuring standardization in sampling re water quality monitoring	MoAF
			Communiqué on Biological Monitoring	Determining the procedures and principles for national biological monitoring studies	MoAF

			Communiqué on Hydromorphological Monitoring	Determining the procedures and principles for national hydromorphological monitoring studies	MoAF
			By-law on Surface Water Quality Management	Transposing the environmental quality standards and specific pollutants identified for Türkiye; aligning the water quality classification methodology; updating the priority substances list; integrating the priority substances to environmental quality standards	MoAF
			By-law on the Quality of Irrigation Water and Reuse of Waste Water	Monitoring the quality, preventing the overuse, identifying the measures to be taken to improve the quality, regulating the principles and procedures on the quality criteria required for the reuse of waste water particularly for the purpose of irrigation	MoAF

2	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds	Tackling with habitats pollution or deterioration	Relevant by-laws, communiques		MoAF
3	Bathing Waters Directive	Improving the quality of the environment an human health by complementin g Directive 2000/60/EC.			MoAF
4	Urban Wastewater Treatment Directive Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment	Coping with adverse effects of the wastewater discharges.	By-law on the Identification and Protection of Sensitive Water Bodies and of Areas Affecting Those Bodies (23.12.2016; No: 29927) Directive 91/676/EEC;2000/60/E C		MoAF
5	Regulation (EC) No 166/2006 of the European Parliament and of the	Establishing an European Pollutant Release and Transfer Register	By-law on Pollutant Release and Transfer Register	Establishing the infrastructure for E-PRTR in Türkiye ----- -----	MoAF

	Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC	(E-PRTR) with publicly accessible electronic database in line with UNECE Protocol on Pollutant Release and Transfer Registers And facilitating public participation in environmental decision-making		The Draft Regulation on Pollutant Release and Transport Registration, prepared within the scope of relevant project has been opened for comment on the website of the General Directorate of EIA, Permission and Inspection.	
6	Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals	Establishing national decision-making processes concerning the export and import of hazardous chemicals; and thus preventing the possible damage by certain hazardous chemicals on human health and the environment	By-law on Export and Import of Hazardous Chemicals		MoAF

3. Others (Plans, Reports, Documents, Papers etc.)

No.	Name	Object and Purpose	Key Institution	Current situation
1	River Basin Management Plans	Converting the Basin Protection Action Plans to River Basin Management Plans in accordance	MoAF	In progress

		with the WFD; and enhancing the national capacity during this process		
2	National Monitoring Network	Establishing the National Monitoring Network in accordance with the WFD	MoAF	In progress
3	Water Resources Modelling Strategy, Roadmap and Modelling Action Plan (MODEP)	Planning the modelling study until 2023 for the management of water resources in Türkiye at level of basins with regard to quantity and quality, in accordance with the WFD	MoAF	In progress
4	Revision of the National Implementation Plan for WFD	Determining the details regarding the procedures, institutional structure and schedule for the implementation of the WFD	MoAF	In progress

ANNEX IV
Relevant National Legislation
(Key ones on Pollution in Black Sea)

RELEVANT TOPICS	Primary legislation	Secondary legislation		
WATER POLLUTION			1	By-law on Water Pollution Control (OG 31.12.2004; No: 25687)
			2	By-law on Control of Pollution Caused by Dangerous Substances in Water and Its Environment (26.11.2005; No: 26005)
			3	By-Law on Water Protection Against Agricultural Nitrate Pollution (OG Date: 18.02.2004; No: 25377)
			4	By-law on Urban Wastewater Treatment (08.01.2006; No: 26047)
			5	By-law on Wastewater Collection and Disposal Systems (06.01.2017; No:29940)
			6	By-Law on the Protection of Water Basins and the Preparation of Management Plans (17.10.2012; No: 28 444)
			7	By-law on Preparation, Implementation, and Follow-

					Up of Basin Management Plans (17.10.2012; No:28444)
				8	By-law on Surface Water Quality Management (OG 30.11.2012; No: 28483)
				9	By-Law on Determination of Sensitive Water Masses and Areas Affecting These Masses and Improvement of Water Quality (26.12.2016; No: 29927)
				10	By-law on Registration, Evaluation, Permission and Restriction of Chemicals (23.06.2017; No: 30105)
				11	By-Law on the Protection of Groundwater Against Pollution and Deterioration (23.12.2016; No: 29927)
				12	By-Law on Determination of Sensitive Water Masses and Areas Affecting These Masses and Improvement of Water Quality (26.12.2016; No: 29927)
				13	By-Law Control of Water Use in Irrigation Systems and Regulation on Reducing Water Losses (16.02.2017; No: 29981)
				14	By-Law on The Protection of Drinking Water Basins (28.10.2017; No: 30224)
				15	By-Law on Bathing Water Quality (09.01.2006; No: 26048)
				16	By-Law on the Health Principles of Swimming Pools (06.03.2011; No: 27866)
				17	By-law on Persistent Organic Pollutants (25.03.2021; No: 31434)
MARINE POLLUTION	1	The Law on the Approval of the Convention on the Protection of the		1	By-Law on Bathing Water Quality (09/01/2006; No: 26048)

		Black Sea against Pollution and its Additional Protocols (14.12.1993; No: 21788)			
	2	Act on the Emergency Response and Compensation of Damages in Pollution of the Marine Environment with Oil and Other Harmful Substances (No. 5312) (OG 11.03.2005; No:25752)		2	Communique on the Shore Facilities Mandatory Financial Liability Insurance for Marine Pollution (OG 25.04.2018; No: 30402)
	3	Act on Conservation of Cultural and Natural Property (No. 2863) (23.07.1983; No:18113)			
LAND USE/PLANNING	1	Soil Protection and Land Use Act (19.07.2005; No: 25880)		1	By-law on Spatial Plans Construction (OG Date:14.06.2014; No.29030)
	2	Zoning Act (09.05.1985; No: 18749)		2	By-Law on Control of Soil Pollution and Point Source Contacted Fields (08.06.2010; No: 27605)
	3	Metropolitan Municipality Act (No.5216) (23.07.2004; No: 25531)		3	By-Law on Soil Pollution Control and Point Source Contacted Fields Communique on Qualification Certificate (17.06.2011; No:27967)
	4	Municipal Act (No.5393) (13.07.2005; No: 25874)			
	5	Act on the Establishment of Metropolitan			

		Municipalities and Twenty Seven Districts in Fourteen Provinces and Amending Some Acts and Decisions (No.6360) (06.12.2012; No: 28489)			
	6	Coastal Act (No. 3621) (OG Date: 17.04.1990; No. 20496)		4	By-Law on the Implementation of the Coastal Act (03.08.1990; No. 20594)
INSPECTION (Monitoring, reporting, enforcement)	1	Turkish Environment Act (No.2872) (11.08.1983; No.18132)		1	By-Law on Environmental Impact Assessment (12.06.2021; No.31509)
	2	Turkish Criminal Code No. 5237 (12.10.2004; No.25611)		2	By-Law on Strategic Environmental Assessment (8.4.2017, No:30032)
	3	Misdemeanors Act No. 5326 (31.3.2005; No. 25772 (repeated))		3	By-Law on Environmental Permits and Licenses (10.09.2014; No.29115)
	4	Act on the Right of Access to Information (9.10.2003; No. 4982)		4	By-law on Monitoring of Surface Waters and Ground Waters (11.02.2014; No: 28910)
	5	Act on the Collection of Public Receivables, No. 6183 (28.7.1953; No. 8469)		5	By-law on Preparation, Implementation and Monitoring of the Flood Management Plans (12.05.2016; No: 29710)
				6	By-Law on Qualification of Environmental Measurement and Analysis Laboratories (25.12.2013; No.28862)
				7	By-Law on Environmental Management Services (30.07.2019; No. 30847).