

Amendments to the Environmental Impact Assessment Regulation

*The Environmental Impact Assessment Regulation (**Regulation**), initially published in the Official Gazette dated 25 November 2014 and amended from time to time, is most recently amended by the amendment published in the Official Gazette dated 26 May 2017 and numbered 30077 (the **Amendment**). The Amendment introduces a number of important changes, which would have an impact on the Environmental Impact Assessment (**EIA**) application process.*

- **Scope of Assessment**

The Amendment introduces two new phases into the scope of the assessment and supervision: (i) application phase; and (ii) pre-construction phase. Prior to this Amendment the application and pre-construction phases were not subject to the monitoring and supervision of the Ministry of Environment and Urbanisation (the **Ministry**) within the scope of the Regulation. Consequently, the following phases of a project are now subject to assessment:

- (a) Application;
- (b) Pre-construction;
- (c) Construction;
- (d) Operation; and
- (e) Post-operation.

- **EIA Report & Assessment**

According to the Regulation, qualified entities were obliged to submit the EIA report (**EIA Report**) to the Ministry, within 18 months following the issuance of the project format by the Ministry. The Amendment shortened the submission period for EIA Report to 12 months and regulated that an additional of 6 months may be granted for the submission of the EIA Report, upon the request of the applicant . The EIA process will be terminated if the EIA Report is not submitted in a timely manner.

The EIA Report is subject to assessment of a committee formed by the Ministry (the **Committee**). The Committee shall review the EIA Report within 10 days following the initial review meeting. The Amendment implements that in case a Committee member fails to express its opinion within 30 calendar days following the initial review meeting, its vote shall be considered as affirmative.

According to the Amendment, the final EIA Report submitted to the Ministry shall be returned to the applicant in case of any deficiency, and the EIA process shall be terminated if such deficiencies are not corrected within 90 calendar days.

The Amendment implements that the Ministry may ask the opinion of relevant competent governmental authorities. Similarly, in case a competent authority fails to provide its opinion within 30 calendar days, it will be deemed as if it has granted its affirmative opinion on the EIA Report.

The Amendment further provides guidance on capacity increase and its impact to the existing EIA Decision. Relevant thresholds, capacity increase amounts, application rules and assessment principles are regulated under the Amendment.

- **Online system: e-EIA**

As per the Amendment, all actions and procedures shall be conducted through the online EIA process management system *i.e.*, e-EIA. Relevant transactions and their implementation through e-EIA are determined by the Ministry and announced at the Ministry's web-site.

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