



# Journal of Applied Sciences

ISSN 1812-5654

**science**  
alert

**ANSI***net*  
an open access publisher  
<http://ansinet.com>

## Development and Implementation of Sea: A Comparative Review of Draft Regulation in Turkey and Germany Experiences

<sup>1</sup>Nuriye Say, <sup>2</sup>Alfred Herberg and <sup>3</sup>Dipl.-Ing. Julia Köller

<sup>1</sup>Department of Landscape Architecture, Faculty of Agriculture, Çukurova University, 01330, Adana, Turkey

<sup>2</sup>Department of Conservation, Development and Sustainable Use of Nature and the Landscape, Federal Agency for Nature Conservation, 53179 Bonn, Germany

<sup>3</sup>Department of Landscape Planning and Environmental Impact Assessment, Berlin University of Technology, Institute of Landscape Architecture and Environmental Planning, 10623, Berlin, Germany

### ARTICLE INFO

#### Article History:

Received: June 30, 2014

Accepted: November 11, 2014

#### Corresponding Author:

Nuriye Say,  
Department of Landscape Architecture,  
Faculty of Agriculture, Çukurova  
University, Adana, 01330, Turkey

### ABSTRACT

SEA can be defined as a systematic process, evaluating the environmental, economic and social results of any suggested policy, plan or programme. Therefore; it has more advantages than project-level environmental assessment. Also, it provides a more holistic approach towards sustainable development. SEA applications have mostly been seen in developed countries; however, they are also important for developing and underdeveloped countries in order to keep with the principles of their sustainable development. Till now, the development process for these countries has worked with an approach aiming more income in the short term. This approach has often caused the environmental factors to be ignored. For this reason, SEA is a part of the foreign aid policy of supranational organizations like the United Nations Development Program (UNDP) or the project support by the World Bank today. In developing countries, one of which is Turkey, international relationships, volunteer institutions and public have shown influential impression on the efforts to develop preventive policies such as SEA and EIA against environmental problems in recent years. However, different problems have emerged during the integration of SEA into the legal systems of countries. This integration process is more difficult than expected for some countries. During the adaptation process into the EU laws, some actions about integration of EU-SEA Directive were taken with the support of the Netherlands Government and a draft SEA regulation was prepared in Turkey. Establishment efforts of an institutional base for the effective utilization of SEA are in progress at the Ministry of Environment and Urbanization and at other institutions. This study has focused on the development of SEA in Turkey and the integration of EU Directive on SEA. The draft SEA regulation framework has been compared with the procedure and experience in Germany.

**Key words:** SEA, Turkey, Germany, EU-SEA directive

### INTRODUCTION

Turkey is in a rapidly developing industrialization and urbanization process for the last 35 years. A continuous development, mainly in industry, energy and tourism sectors, as well as the population of the country and the economy can be seen. It is also a transitional region between Europe and

Asia, with its seashores 8400 km at length. It has a rich biodiversity and includes important habitats owing to its geographical location and the difference in its environmental factors.

In recent years, awareness has risen about environmental issues on the behalf of both the governments and public, which is parallel to the development of Turkey. The environmental

legislation has significantly been developed since 1980. The adaptation process into EU is also a positive factor, contributing to this development.

One of the essential issues in the legislation, project-level environmental assessment, aiming to protect the natural sources and rich historical values, has been practiced in Turkey since 1993. However, it can not be said that EIA on the individual project is sufficient enough to protect the environment. Due to the anxieties on the insufficiency of project-level EA, SEA application seems inevitable as a broadened assessment system.

Related actions and efforts about SEA have been accelerated in Turkey lately. With the support of the Netherlands Government, the Ministry of Environment and Forest prepared the draft framework of the SEA regulations. Nevertheless, how such a wide impact assessment system can be applied has caused some anxieties. Also, in the countries where this system is legally in progress, more effective application opportunities are being searched.

The understanding and process of planning, administrative systems and administrative differences in the countries make the integration of SEA difficult. In line with this, Partidario (1996) and Buckley (1998) mention that the integration of SEA into the political and institutional patterns of the countries is not easy. They add that this mainly stems from the decision making and planning processes in the countries and the differences of subjects in the content of SEA.

The difficulties deriving from the application procedure of SEA which has been included in the agendas of many countries since 1990s can be grouped in two groups. These are:

- Problems, coming from the integration of a broad and holistic evaluation into the legal systems and planning processes of the countries
- The insufficiency of application methods of the SEA on different level

This study analyses the draft SEA regulations-which is quite new for Turkey and compares it with the SEA application in Germany. The SEA has legally been applied in Germany since 2004. This model experiences and the development of institutional base related to the SEA procedure in Germany is analyzed as an example.

### **NECESSITY OF THE SEA APPLICATION IN TURKEY**

In Turkey, EIA has been applied for individual activities since 1993. The positive contributions of these applications for

the protection of the environment can not be ignored. Till today, EIA procedures have been followed for 1096 activities. The EIA regulation has been revised for four times since it was first declared. The main reason of these revisions was the efforts for effective use of the EIA system and the adaptation process into EU laws.

An increasing tendency can be observed about the people's active participation into this process in Turkey. In developing countries, international relationships, volunteer foundations and public present very influential role in developing preventive policies such as EIA and SEA against environmental problems.

SEA and EIA complete each other and they two concepts-constitute the phases of "Integrated Environment Management" (IEM) (Rossouw *et al.*, 2000). When these phases are related to the development tools in Turkey (policy, plan, program and project), it can be seen that only with the application of EIA and integrated environment management can not be provided (Fig. 1).

As the Fig. 1 reveals, within the development process, the decision making process consists of 4 steps for the government activities:

- To determine future-oriented policies
- To achieve plannings parallel to the policies
- To prepare programs in order to fulfil the objectives of the plans
- To prepare projects for the application of these programs

The national development plans<sup>1</sup> which are at the highest stage of the planning hierarchy in Turkey and sectoral planning in these plans include these four activities.

SEA is an assessment system consisting of the first three phases of this development process (policy, plan and program). The project-level environmental assessment is included in the SEA. As can be seen in the Fig. 1, the last phase of the holistic environmental management consists of environmental management activities during after the project application and monitoring/control programs. Therefore; as Von Seht (1999) states EIA at the project level is not satisfactory enough against environmental problems. Also, it can not be said that this is adequate for sustainable development.

In Turkey, other regulations, as well as EIA, in the environmental legislation have a significant role for the protection of the environment. However, although environmental problems decrease, the environment and the nature have still been affected. To exemplify; CO<sub>2</sub> emission from the energy consumption has risen up at the 400% rate in the last 30 years and this increase still continues. In addition to

<sup>1</sup>When the planning hierarchy in the legal system in the Turkey is taken into consideration, it can be seen that the national development plans referring the whole country, have the quality of showing an aim and directing the other physical plans such as urban master plan, environmental plan, implementation plan, tourism development plan. For this reason, development plans can be thought as direct or indirect main reason for the problems derived from governmental activities. These plans, showing the regional and sectoral targets, are a complete list of socioeconomic and political decisions. The national development plans in Turkey are guiding principles for private enterprises and mandatory principles for governmental activities. The content of the national development plans consisted of three planning scales; macro planning where development and macro economic components are determined, Sectoral planning where sectoral plans and programmes are prepared and micro planning where national and sectoral objectives are concretized (Say and Yucel, 2006)

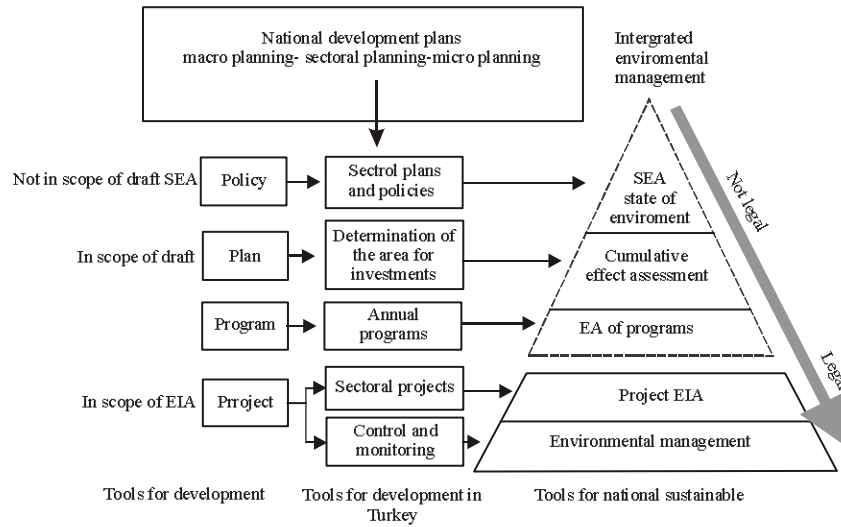


Fig. 1: Relationship of development tools with integrated environment management (Say and Yucel, 2006)

this one, tourism activities negatively influence coast ecosystems. The solid waste problem is at the urgent point in the big cities. Sensitive habitats are negatively influenced in the urban residential areas and their neighbourhood. Shortly; the natural areas are under the negative effect of the developments in all sectors. The SEA application providing a complete approach against continuous environment problems is inevitable.

Along with the sustainable development principles, it is required to analyse the environmental conditions, to do the future-oriented projections and to prepare the preventions in every phase of the decision making process.

The SEA providing a broadened and large scale environmental assessment opportunity is a study that can be applied starting from the first phase of this process. The environmental process and its phases developed by Sadler and Verheem (1996) are shown in the Fig. 1 in details. As can be understood from the figure, the sustainability strategies in the country scale are also supported by physical and economic plans. However, social planning is an issue that should not be ignored for developing countries. As the border of these plans narrows from the country-scale to the local scale, the effect evaluation works show a progress from the Strategic Environmental Assessment to the project-level environmental effect works. In line with this, as the scale of the plans goes up, the scope of the effect assessment works is narrowed but is done in more detailed way.

Among these evaluation works, benefit and cost analysis, risk evaluation and societal effect assessment works are utilized for about both economic targets and physical investments.

### INTRODUCING STRATEGIC ENVIRONMENTAL ASSESSMENT IN TURKEY

With the 1999 Helsinki summit, Turkey has been declared as an EU candidate country. In line with this, the National Program for the Adoption of the Acquis into the European

Union was published in the Official Gazette on 24th March, 2001. In the program below the title of “the environment”, it was promised to adapt to the related legislation about the Strategic Environmental Assessment (SEA). After this date, the efforts and the works about SEA have been accelerated. However, SEA is a very new issue for Turkey, it can be said that there is a significant energy and wish for the integration of this issue in the official institutions.

Within the scope of the MATRA program; developed by the Netherlands government in order to help EU candidate countries in the adaptation process; a project titled as “The Adaptation and Application of the EU Directive on SEA for Turkey” was run by the Ministry of Environment and Urbanization. The aim of this project-completed in 2004 was to prepare a draft SEA regulation in Turkey. In addition, a pilot project to control the draft SEA regulation was prepared on developing tourism in the south of Turkey in collaboration with the Ministry of Culture and Tourism. As a result of this pilot application, the draft regulation was revised.

As well as preparing the draft regulation, one of the aims of the project is to develop the institutional infrastructure about SEA in Turkey. Parallel to this aim, various training programs were also conducted within the scope of the project. At the end of the project, a handbook for the successful application of the SEA regulation was prepared.

### DRAFT SEA REGULATION IN TURKEY IN COMPARISON WITH THE SEA REGULATION IN THE GERMAN ENVIRONMENTAL IMPACT ASSESSMENT ACT (UVPG)

**Scope of the regulation:** The Turkish draft regulation and the German UVPG consist of plan and program. In principle the policies are out of the scope.

Which plans and programs are in the scope of the SEA is determined in different items of the draft SEA regulation and UVPG, respectively.

Table 1: Plans and programs in the scope of the SEA

Turkey	Germany
Listed in the Annex 1 of the regulation (CSB., 2014)	Listed in Annex 3 UVP (BMJV., 2014)
Regional Plans	Plans of transport routes (at federal level)
Territorial (Environmental) plans	Airway transportation plan (airport)
Plans of all scales (1/25.000 and 1/5.000) within the culture and tourism	Flood protection plan
Protection and development regions and tourism centres	Measure programs according to the water management act
Railway transportation master plan	Plans and programs of regional planning (at land and regional level, zoning and local development plans)
Highway transportation master plan	Plans for suitable areas for offshore wind energy within the exclusive economic zone
Airway transportation master plan	Landscape programs, landscape framework plans and landscape plans
Maritime line transportation master plan	Noise action plans
Marina master plan	Clean air plans
Rural development programmes	Waste disposal concepts and plans
Water basins rehabilitation plans and programs	
Plant production development plans and programs	
Basin master plan	

According to this the following mentioned plans and programs are to be applied in SEA (Table 1).

For the plans and programs not included in the Table 1, the Ministry of Environment and Urbanization prefers screening method given in the Turkish draft regulation (Fig. 2) (CSB., 2014). In principle, this procedure corresponds to the procedure according to the German Environmental Impact Assessment Act (UVP) (BMJV., 2014). If a plan or program not listed in UVP in Germany a case-by case examination, undertaken by the authorising agency, shall determine if this plan or program has significant effects on the environment. As a result of this screening and case-by-case examination, the plans and programs which are labelled as “SEA required” are subject to SEA process.

In both countries plans and programs including sole national defence, civil emergency, financial or budgeted plans and programs are not subject of the SEA. Additional plans and program including natural disasters are not in the scope of this regulation.

**Responsibility of the draft sea report preparation:**

According to the Turkish draft regulation, the institution preparing any plan or program in the scope of the draft SEA regulation (authorised institution) is responsible for the SEA report. The report can be prepared within the institution or by another team. The institution in charge should present the SEA report to the Ministry of Environment and Urbanization before the proposed plan or program is confirmed. The Ministry of Environment and Urbanization is responsible for controlling the process (Fig. 3).

Different from the authorized institution, which develops the plan or program, in Germany in addition you have the authorising agency, which finally decides on the plan or program. While the SEA-Process in Turkey is a “stand-alone-procedure”, the German SEA- Process is a piggyback-procedure. That means, the SEA is an integrated part of the permission procedure of the plan or program (Fig. 3).

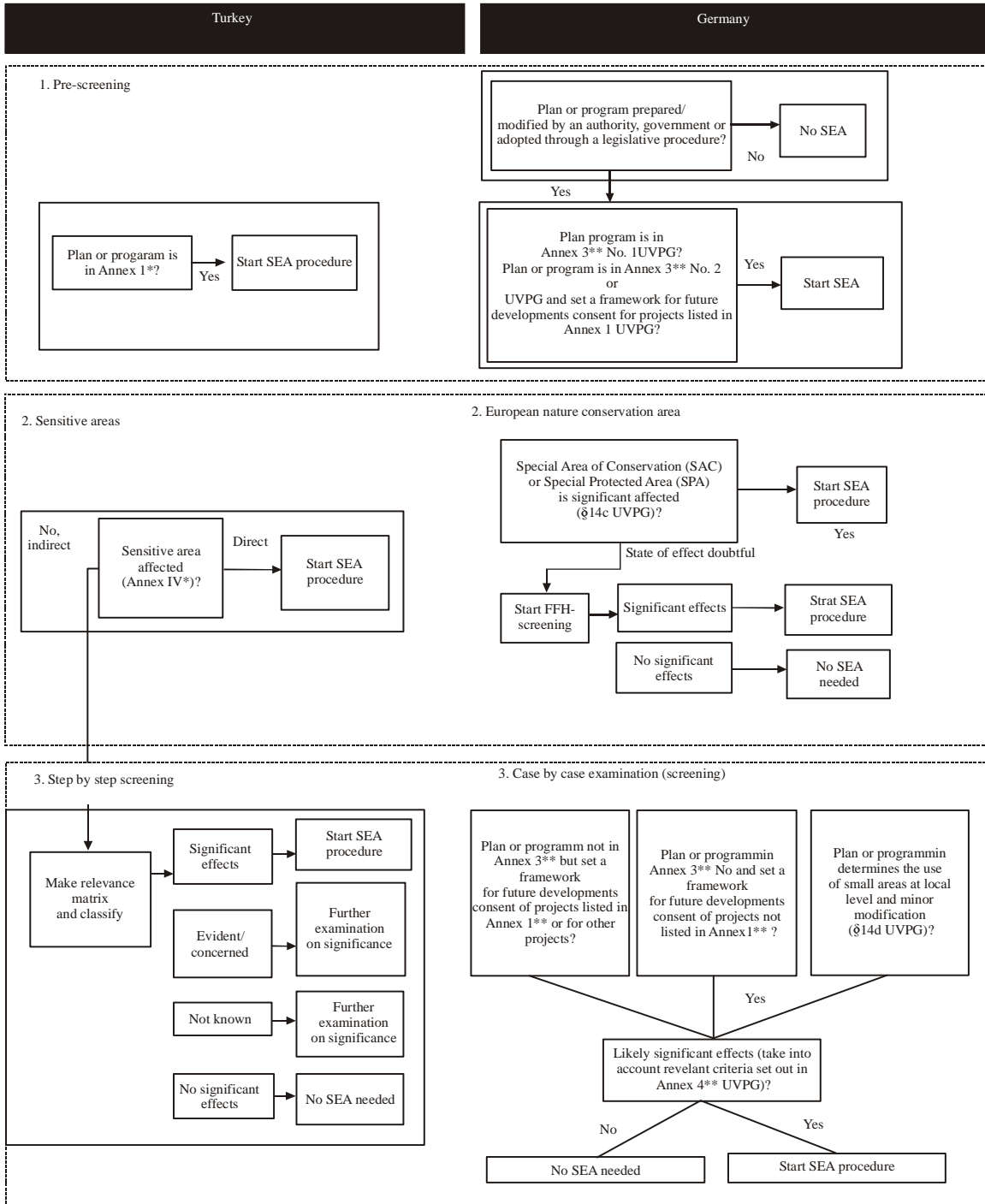
**Draft sea regulation, the sea process:** According to the draft SEA regulation in Turkey, the SEA process is based on 6 phases: Screening, the determination of the scope, the

preparation of the SEA report, quality control, decisionmaking and monitoring. The very similar German regulations were assigned to these six phases. They are given in the Fig. 3 the phases are also explained below.

**Screening:** The screening is decisive for the question, if a plan or program is in the scope of SEA or not. In Turkey the Ministry of Environment and Urbanization is responsible for the screening phase. How the screening is applied is given in the Annex 2 of draft SEA regulation (CSB., 2014). To ease this phase, the plans and programs that SEA will certainly be applied are listed in the Annex 1 of this regulation (CSB., 2014). In Germany the authorising agency for the particular plan is responsible for the decision, whether SEA will be applied on a plan or program or not. Which plans and programs are in the scope of the SEA or not is described in chapter 3, section 1 of UVP ( §§ 14a-14d). As well as in Turkey, to accelerate this phase plans and programs listed in Annex 3 (No. 1 and 2) are in the scope of SEA. A proper screening is only necessary for plans or programs not listed in the mentioned Annex (BMJV., 2014).

The different phases of the screening procedure are shown in Fig. 2 for both countries.

- **Phase-pre-screening:** In Germany SEA is only needed for plans and programs prepared or modified by an authority, government or adopted through a legislative procedure. If the plan or program that is subject to the screening process is included in the Annex 1 of the Turkish draft SEA regulation (CSB., 2014) and in the Annex 3 No. 1 in the German UVP respectively, obligatory SEA is required. Also for plans and programs listed in Annex 3 No. 2 UVP, a SEA is needed (BMJV., 2014). In such cases the plan or program must set a framework for future developments consent of projects listed in Annex 1 UVP is a crucial precondition
- **Phase-sensitive areas:** If the plan or program is not included in the Turkish draft SEA regulation, the next step is to evaluate whether the plan or program has a direct impact on the sensitive areas. These are the areas that



\*Annexes listed in Turkish draft SEA Regulation (CSB., 2014), \*\*Annexes listed in UVPG (BMJV., 2014)

Fig. 2: Screening procedure (CSB., 2014; BMJV., 2014)

should be protected basen on the national or international contracts. The following cases are to distinguish in Turkey:

- A plan or program overlaps with the sensitive area SEA is required

- A plan or program gets in touch with the sensitive area it is required to go on with the third step
- If there is an effect possibility of the plan or program on the sensitive area it is required to go on with the third step

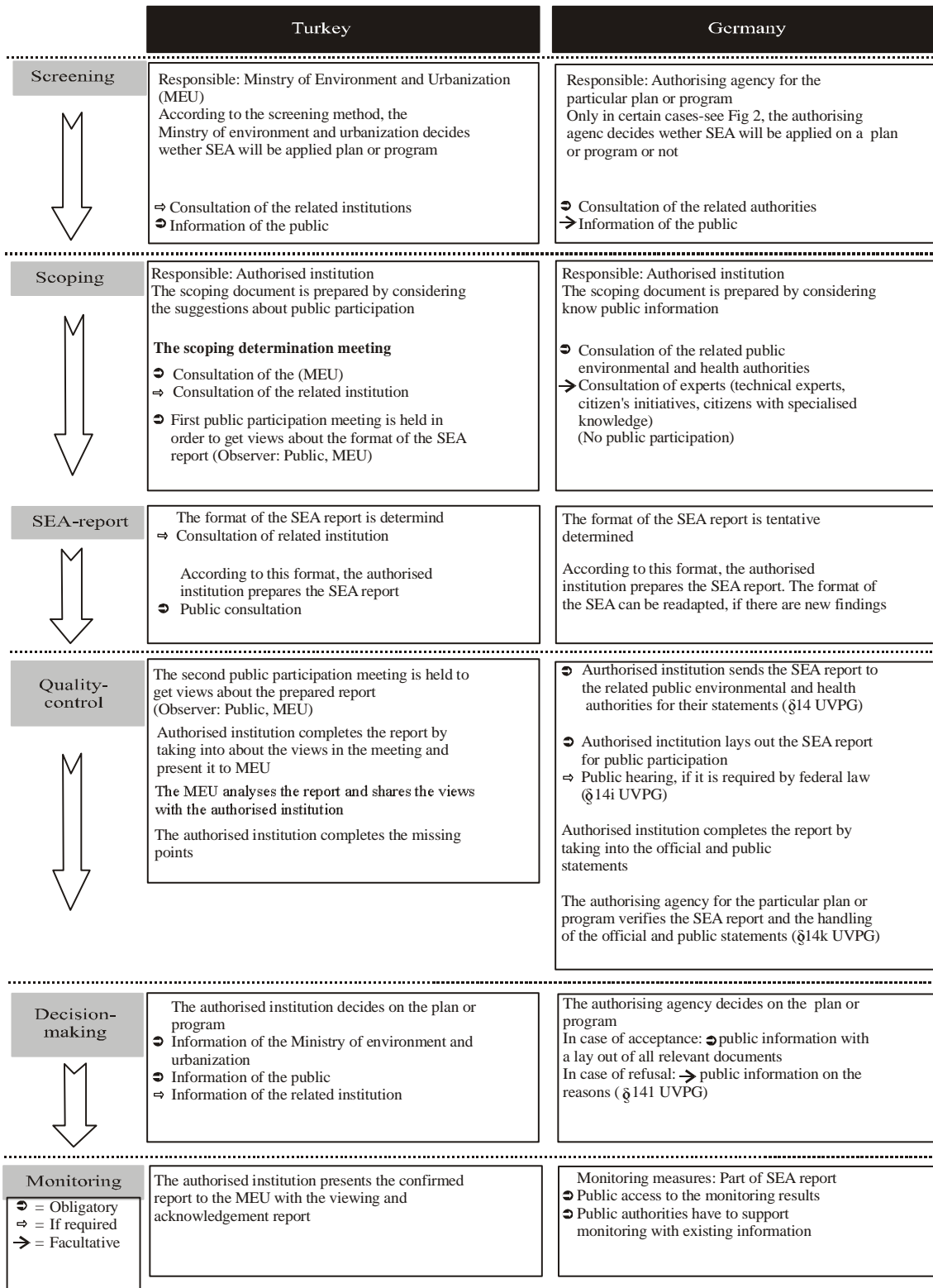


Fig. 3: Phases of the Turkish draft SEA regulation and the German SEA regulation (BMJV., 2014; CSB., 2014)

Germany, as a member of the European Union, has to consider the areas protected by the Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna

(FFH-Directive). If for a plan or program an appropriate assessment according to the Habitat-Directive is required, SEA has to be applied (§ 14c UVPG). As a basic principle SEA is

obligatory, if Special Areas of Conservation (SAC) or Special Protected Areas (SPA) are significantly affected. The following cases are differentiated:

- A plan or program has significant effects on SAC or SPA SEA is required
- Significant effects of the plan or program are possible but state of effects is doubtful FFH-Screening is required. The FFH-Screening is a helpful procedure (by a lower amount of work) in order to clarify if significant effects on these statuses of European Nature Conservation Areas (SAC or SPA) are possible or not. If significant effects within the scope of FFH-Screening are excluded, appropriate assessment is no longer necessary

**Phase-step by step screening:** This step is different in the subject countries. The step by step screening in Turkey provides a general approach for possible impacts. Whether the possible impact is significant or not and whether the dimension of the impact is known should be stated. According to the handbook prepared by the Ministry of Environment and Urbanization, it is suggested to prepare an impact matrix in this step. As a result of this simple analysis, if significant impacts are expected, SEA is required for the plan or program. If the related matrix shows insignificant impact, there is no need to do SEA.

Following the German SEA-legislation, this phase is called case-by-case examination. In this phase proper screening-procedure starts. Case-by-case examination has to be done for plans and programs:

- Not listed in Annex 3 UVPG but set a framework for future development consent of project listed in Annex 1 UVPG or other projects not listed in Annex 1 (BMJV., 2014)
- Listed in Annex 3 No. 2 UVPG and set a framework for future developments of projects not listed in Annex 1 (BMJV., 2014)
- That determines the use of small areas at local level and minor modification of plans and programs listed in Annex 3 UVPG (BMJV., 2014)

The authorising agency decides, considering the relevant criteria set out in Annex 4 UVPG (BMJV., 2014), whether the plan or the program might have significant effects and therefore a SEA is needed.

**Determination of the scope:** The determination of the scope is controlled by the authorised institution. In this step, the scope of the SEA report is shaped. It is suggested to keep in touch with public, the Ministry of Environment and Urbanization and the related institutions. The German SEA-Regulation does not demand general public participation in this phase. However, in pretty complicated, sensitive cases, the authorised institution sometimes offers public participation itself, to minimise public opposition. In both countries the authorised institution collects the obtained results in the scoping document. For this document, the

Turkish Draft SEA Regulation gives a general framework in the Annex 3 of the regulation (CSB., 2014). This framework provides a general approach for the issues to be dealt with in the SEA report. It is not requirement that the scoping document analyses and focuses on these issues in a very detailed way because these issues will be studied in the SEA report very detailed.

The determination of the scope is constituted of four phases.

**Determination of the significant effects:** The effects as a result of the scope determination will be analysed in the SEA report with all details. Some example questions are listed in order to help to identify the significant effects and they are given in the SEA handbook:

- Will there be an important change on the environmental conditions?
- Will the new properties be excluded from the scale with the available environment?
- Will the effect be rare or particularly complicated in the area?
- Will the effect influence a broad area?
- Will there be a potential effect out of borders?
- Will many people be affected?
- Will the receiver surrounding of other types (fauna and flora, trades and foundations) be affected?
- Will the valuable or rare properties or resources be affected?
- Is there a risk of neglecting the environmental standards?
- Will there be a risk of influencing the protected areas, regions or properties?
- Is the possibility for the appearance of the effect high?
- Will the effect be long-term?
- No matter is the effect short-term, will it be permanent?
- No matter is the effect periodical, will it be continuous?
- If the effect is periodical, will it be rare or often?
- Will the effect be non-recycling?
- Will it be difficult to avoid, decrease, repair or make-up the effect?

**Determination of the alternatives:** The possible topic examples in the determination of the scope phase:

- Precautions for the regulations on the goods and service demands
- Recautions to decrease the waste and precautions for the prevention from these
- Different approaches (scenarios) to meet the needs (energy, availability of transfer, the prevention of waste)
- Processes or technologies (energy production with nuclear power plants/electric power plants/wind energy power plants)
- Different scenarios (housing, natural protected areas, industrial zones) for places or routes based on different point of views (economic model, environmental model, landscape model)



- Alternatives for grouping the scenarios, for example; rapid economic growth, the most possible scenario to run etc.

**Preparation of the scoping document and the organization of the scope determination meeting:** According to the framework given in the Turkish Draft SEA Regulation the authorized institution should send the scope determination report-which is prepared according to the framework in the Draft SEA Regulation to the participants at least 15 days before the meeting. The representatives of the authorised institution and the representatives of the Ministry of the Environment and Urbanization attend the meeting. If required, the authorised institution can invite universities, institutes, occupational organizations, non-governmental organizations and public representatives to the meeting. In this meeting, the content of the plan/program and its significant environmental effects are taken into account and:

- The additional issues to include in scoping document
- Some points in the quality control of the SEA report and the public participation are discussed and decided

**Counselling to public about the scope of the SEA:** During the scope determination phase, it is required to organize a public participation meeting by the authorised institution. The representatives of the Ministry of the Environment and Urbanization should attend this meeting as observers. In addition to this, the representatives of the related institutions and the public should be invited. These are the university representatives, research and expert institutes, occupational organizations and non-governmental organizations.

The German SEA Regulation (Article 14f UVPG German) requires as a result of the Scoping phase a tentative decision on the scope, the level of detail of the information included in the environmental report, the methods for collecting and assessing data. Besides these general requirements there is no obligatory specification for the arranging of the Scoping report. One finds the following contents of scoping documents in practice (Koppel *et al.*, 2004; Peters and Balla, 2006):

- Rough description of the frame setting and testable plan contents with their essential working factors under consideration of possible alternatives
- Examination area, as far as it distinguishes itself from the planning area
- Data and information bases, data collecting parameters and data collecting methods for the description of the likely significant effects
- List of the likely significant effects to be examined
- Measures and standards for the assessment
- Methodical indications for the forecast and assessment of environmental impacts
- First indications for possible or suitable measures for a monitoring

- Indications for the structure and completeness of the environmental report
- Indications for the avoidance of duplication assessments, this means for environmental impacts which were already assessed on other levels or shall be examined only in a later planning process

To describe and decide this content, in principle, it is necessary to answer the same questions as described upon for the determination of the significant effects as well as for the specification of the relevant alternatives in Turkey. In Germany it remains leave to the good practice to ask these technically required questions.

Unlike the Turkish Draft SEA regulation the German SEA regulation does not provide any general public participation in this phase. Only the environment and health authorities as well as experts are involved.

**Preparation of the report:** In line with the determined scope and the public's point of views, the authorised institution prepares a format and is responsible for preparing the report according to this format. The authorised institution can have the report prepared by a team within the institution or out of the institution. This corresponds to the situation essentially in Germany. The processing by the authorised institution is carried out in simpler cases, though, as a rule. So some communes work out simple SEA-Documents in the form of check lists. The technical processing of more effortful environmental assessments is allocated to experts in most cases.

**Preparation of the report:** In line with the determined scope and the public's point of views, the authorised institution prepares a format and is responsible for preparing the report according to this format. The authorised institution can have the report prepared by a team within the institution or out of the institution. This corresponds to the situation essentially in Germany. The processing by the authorised institution is carried out in simpler cases, though, as a rule. So some communes work out simple SEA-Documents in the form of check lists. The technical processing of more effortful environmental assessments is allocated to experts in most cases.

**Quality control:** There are two quality control mechanisms in the SEA. The first is to consult with the public about the SEA report and to evaluate the public's perspectives. The second is the analysis by the Ministry of the Environment and Urbanization. After the public's views are taken into consideration, the authorised institution finalizes the draft SEA report and presents it to the Ministry of the Environment and Urbanization. The Ministry analyses the report according to the points below:

- Is the information given in the SEA report enough and appropriate to decide on the plan or program?
- Is the SEA process followed appropriately?

The quality of the environmental report also shall be guaranteed by a public participation. A public hearing<sup>2</sup> is only necessary, though, when it is required by Federal law. In all other cases the public participation also can confine itself to a written form without it coming to a contact between the citizens and the authorised institution. The SEA-Documents are checked by the authorising agency in Germany. This agency checks mainly formal points of view, e.g., whether the legal standards as well as the contents fixed in the Scoping phase were processed and whether used divergent methods are coordinated or plausible. They also verify whether the contributions brought during the public hearing were taken into account.

**Decision making:** After the report is analysed, the Turkish Ministry of the Environment and Urbanization shares its own perspectives with the authorised institution. Following the quality control phase, the authorised institution presents its decision related to the report. The public and the Ministry are informed about the related point of views. The acknowledgement report is also given to the Ministry. It is required to present this report to the Ministry of the Environment and Urbanization. Also, the report should be accessible for the public and the related institutions that participate in the SEA process.

**Monitoring:** The authorised institution is responsible for giving the finalized and confirmed version of the plan or program and the monitoring report to the Ministry. The aim of the monitoring report is to identify the unexpected significant effects which are possible to emerge during the application of the plan or program and to prepare solutions for these effects in a very short time. The related regulation requires that it is vital to follow the plan or the program in order to control the important environmental effects and other unexpected effects in the very first phases. In addition, it is essential to decrease the effects.

## DISCUSSION

The understanding and the process of planning, administrative and institutional structure in countries cause this system to require different methods and processes changing from one country into another. Therefore, when the limited applications in different countries are analysed regarding the same issue, it is seen that different application methods are developed basing on the main principles of the SEA.

Some important differences compared with the German SEA-Regulation consist in the Screening procedure and the general public participation, e.g., in the Scoping phase. The reasons for the different Screening procedures are due to the different legal conditions in the two countries, e.g., EU Legislation. In the question of public participation in the

Scoping phase the Turkish Draft SEA-Regulation goes on considerably than the German SEA-Regulation. Another relevant difference is the relation between the authorised institution and the control authority. The Turkish Ministry of the Environment and Urbanization will be included in the decision preparation intensively, however, does not decide on the approval of the plan in the end. On this point the authorising agency has a formally considerably stronger position in the German SEA-Regulation. It decides on the approval of the plan. Whether this, however, leads to a better perception of the control tasks must remain open in this place. In Turkey, an important willingness is observed basically at the Ministry of Environment and Urbanization, then in all institutions in order to apply SEA and to form the required infrastructure. It is required to start the necessary institutional infrastructure for the effective application of the SEA process.

The draft regulation clarifies how this process should be worked. However, there are still some question marks in some issues and they need clarification.

For instance:

- The quality and adequacy of the team responsible for preparing the SEA report?
- How should the required infrastructure preparations be followed in the institutions dealing with the plans and programs in the SEA scope?
- The quality of the team responsible for quality control and analysis of the reports in the Ministry of Environment and Urbanization?
- What qualities should be searched for the team preparing the SEA reports out of the institutions?
- How will the contribution of the public be? How will the point of views as a result of the meetings be evaluated?

When the draft regulation is applied, the points above will be solved. According to the Article 15 in the regulation, when it is required by the Ministry, some communiqués can be declared in line with the application of the regulation. It will be possible to organize additional regulations for the missing or unclear points.

## REFERENCES

- BMJV., 2014. Gesetz über die Umweltverträglichkeitsprüfung. Bundesministerium der Justiz und für Verbraucherschutz, Berlin. <http://www.gesetze-im-internet.de/uvpg/>.
- Buckley, R., 1998. Strategic Environmental Assessment. In: Environmental Methods Review: Retooling Impact Assessment for the New Century, Porter, A.L. and J.J. Fittipaldi (Eds.). Army Environmental Policy Institute, Atlanta, GA., pp: 77-86.

<sup>2</sup>A public hearing in the German administration law means, that the authority listens to suggestions of third persons concerned are made. It does not have to obtain any position in this hearing. Some federal states go on here and stipulate a general public participation or recommend this at least

- CSB., 2014. Stratejik çevresel degerlendirme yonetmeligi taslagi. Cevre ve Sehircilik Bakanligi, Ankara. [http://www.csb.gov.tr/dosyalar/images/file/Taslak\\_Stratejik\\_CED\\_Yonetmelik.docx](http://www.csb.gov.tr/dosyalar/images/file/Taslak_Stratejik_CED_Yonetmelik.docx).
- Koppel, J., W. Peters and W. Wende, 2004. Eingriffsregelung, Umweltvertraglichkeitsprufung, FFH- Vertraglichkeitsprufung. UTB., Ulmer, Stuttgart, ISBN-13: 978-3825225124, Pages: 269-277.
- Partidario, M.R., 1996. Strategic environmental assessment: Key issues emerging from recent practice. *Environ. Impact Assessment Rev.*, 16: 31-55.
- Peters, H.J. and S. Balla, 2006. Gesetz uber die Umweltvertraglichkeitsprufung: Handkommentar. 3 Auflage. Nomos Verlag, Baden.
- Rossouw, N., M. Audouin, P. Lochner, S. Heather-Clark and K. Wiseman, 2000. Development of strategic environmental assessment in South Africa. *Impact Assessment Project Appraisal*, 18: 217-223.
- Sadler, B. and R. Verheem, 1996. Strategic Environmental Assessment: Status, Challenges and Future Directions. Ministry of Housing, Spatial Planning and the Environment of the Netherlands, The Hague.
- Say, N.P. and M. Yucel, 2006. Strategic environmental assessment and national development plans in Turkey: Towards legal framework and operational procedure. *Environ. Impact Assessment Rev.*, 26: 301-316.
- Von Seht, H., 1999. Requirements of a comprehensive strategic environmental assessment system. *Landscape Urban Plan.*, 45: 1-14.