



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT

**Directorate E 1 - International Affairs and Enlargement**

**Statement of DG Environment to conference on water management in  
Turkey**

**European Parliament 18<sup>th</sup> November 2010**

The interest of the European Commission in water management issues in Turkey relates in part to areas of joint concern where Turkey is a party to various conventions which apply to questions of mutual interest.

The conventions of particular concern for water issues are the Barcelona convention on the Mediterranean and the Bucharest Convention related to the Black Sea. Further to these conventions, other multilateral environmental agreements are also relevant, such as the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and the Bern Convention on the Conservation of European Wildlife and Natural Habitats.

The priority for reducing the current high levels of pollution impacting both the Black Sea and the Mediterranean Sea requires that all parties to these conventions improve significantly water treatment from both urban areas and industrial facilities, focusing on water quality management.

Important as the conventions are in seeking to address the urgent environmental concern of these regional seas, the most significant basis for EU interest in water issues in Turkey relates to consideration of the application of Turkey to join the EU. The opening of the environment chapter of these negotiations in 2009 requires attention to be paid to a very broad range of water management and related matters in the process of agreeing the timetable and modalities of Turkish application of EU environment law. Of particular importance with respect to this meeting on the impacts of hydroelectric power plant and dam construction are the water framework directive, the habitats and birds directives and horizontal measures concerning the preparation of plans and projects pursuant to the EIA and SEA directives.

As an applicant country Turkey has not only to agree a timetable for the adaptation of national legislation but also a timetable for implementation which includes demonstrating it has the administrative and other capacity required to meet the requirements of the EU acquis. Depending on the nature of the legislation, the baseline condition in the country concerned and the projected costs of implementation, it has been accepted in most of the recent enlargement negotiations that for some areas of legislation appropriate transition periods for full implementation of legislation are appropriate.

This has been particularly the case for such "big ticket" measures as municipal waste water treatment and obligations under various industrial pollution control and waste management directives. The granting of transition periods has specifically been ruled out in all but the most exceptional circumstances for the nature directive and horizontal directives (EIA/ SEA etc). Following the 2005 negotiating framework, the basis for the Commission's negotiations with Turkey, accession implies the

acceptance by Turkey of the acquis and timely and effective implementation of thereof. In strict legal terms, the current stage of negotiation does not require Turkey as of today to apply EU law. However, Turkey is expected to gradually align its legislation and to become party to relevant international conventions, at the latest, by accession. Progressive alignment with nature protection directives and water legislation are short-term priorities of the Accession Partnership with Turkey.

In line with the IPA Regulations (1085/2006 and 718/2007), the EU can finance projects in candidate countries only if they are compliant with the acquis. Furthermore, in 1998 the Council endorsed the idea that all investments in candidate countries should be in line with the environmental acquis, even though this has not established a legally binding obligation on the candidate country.

In addition, the pursuit of the development of cross-border water cooperation, in line with the Water Framework Directive and international conventions to which the European Union and the Member States are parties, as well as the implementation and enforcement of the Environmental Impact Assessment Directive, are also short-term priorities of the Accession Partnership. These parts of the acquis have been singled out as priorities under the ongoing negotiations with Turkey on the environment chapter. This is the context in which the Commission monitors Turkey's action in this field.

Concretely, the Commission has been encouraging Turkey to adopt the necessary legislation and in this regard we closely monitor the implementation of the Accession Partnership. At the recent Association Council meeting in May 2010, the EU stressed the need for Turkey to pay increased attention to the implementation of the EU requirements as regards the construction of new water infrastructure in Turkey. On the same

occasion, the EU pointed to the importance of the process of identification and selection of Natura 2000 sites.

The Commission is aware that the Republic of Turkey has for many years been proceeding with a policy of dam construction with the purpose of generating hydroelectric power, providing water resources of agricultural irrigation and for river flow regulation including flood control.

This programme continues today and has been the subject of frequent complaints to the Commission in light of the commitments made in the context of Turkey application to join the Union. A particular focus of these complaints has been the Ilisu Dam proposal on the Tigris River.

This project is part of a large regional scheme known as GAP, the planning of which commenced in the 1970's. The final decision to proceed with the proposal was made in 2003/2004 and while progress has been limited due to financial support issues, certain preliminary measures have already been undertaken.

There is no question that the project if fully implemented will have a significant impact on the natural environment and cultural resources of international significance with the destruction of valuable habitats and the flooding of many sites of archaeological significance notably the site of Hasankeyf, together with serious disruption to the life of local communities that will be subject to displacement and relocation.

It can however be only a matter of conjecture, had Turkey been a member state of the Union at the time of its development, whether any difference in the final decision would have been made.

The Tigris valley certainly includes sites meriting Natura 2000 designation, and it appears likely that the species destruction as a result of the dam

would have required a reference to the European Commission in application of Article 6 of the Habitats directive as to the presence of alternatives and the overriding reasons of public interest. This is not to ignore the positive environmental element of the project in generating renewable energy, which is not insignificant. In recent years the Commission has accepted the arguments of existing member states that new dam construction can be accepted in such situations, subject to putting in place adequate measures to compensate for the loss of natural assets. This is however only a matter of speculation, as at the time of the decision of this project, Turkey was not a member state and, in fact, accession negotiations had not even started. While, therefore, it appears clear that the development and impact of this project pose serious issues of compliance with the EU environmental law, there can be no question of applying legal obligations retrospectively. This is the line the Commission has constantly taken in responding to representations in this case.

The Commission repeatedly called upon the Turkish authorities to pay increased attention to the implementation of the EU requirements as regards the construction of new water infrastructure. The issuing of permits for numerous new hydroelectric projects without taking due account of the relevant environmental acquis would be in contradiction with these calls. The Commission continues to request the Turkish authorities not to make decision which could be detrimental to the future designation of a coherent Natura 2000 network and to carry out proper EIAs of planned projects, fully in line with the EU standards.

In preparation for this meeting I and colleagues from DG Enlargement and the EU Delegation in Ankara took the opportunity of visiting the area of this project at the invitation of the Turkish Authorities last week. This visit confirmed our assessment of the significant negative environmental impact

of the project. In a meeting with the mayor of Hasankeyft, he stressed to us his continuing opposition, supported by a large majority of the local population, to the project, even at this late date.

The Turkish authorities have stressed to us that within the framework of implementing the project, they are seeking to mitigate as far as possible the environmental and social impacts of the project. Our appreciation was that while these are genuine intentions, the extent and nature of the impacts on the environment and cultural values are such that these mitigation measures will be of little substantive value.

Beyond consideration of the Ilisu project the Commission is aware that a considerable number of hydro power projects have either already been permitted or are in the planning phase. At the time of preparing this presentation the Commission does not possess accurate data as to the exact number of projects or their state of approval. Estimates we have received from different sources report as many as 500 projects approved and potentially a further 1000 in preparation.

In our discussion with the Turkish authorities last week we have verbally requested a detailed statement of the current position and will shortly be submitting a written request for this information as to the location and state of planning of each project.

The reason for this concern relates to the above-mentioned obligation for Turkey to gradually align with the *acquis* and to meet the priorities of the accession partnership, as well as to the 1998 Council conclusion which endorsed the idea that investments in candidate countries should be in line with the environmental *acquis*.

Our particular concern is the cumulative impact of such an apparently high number of projects on the ability of Turkey to make sufficient proposals for

the protection of sites in accordance with the birds and habitats directives. Given the special importance of wetland habitats and river ecosystems under these directives we need to ensure that such a significant potential cumulative impact is properly assessed and considered before individual permits are issued.

It is the intention of the Commission services to raise this issue at the next formal sub-committee reviewing progress on environmental matters in January and we will be happy to inform honourable members of the position following these further investigations and discussions.

Nicholas Hanley

Head of Unit