

Yalçın Babalıođlu Boso Avukatlık Ortaklıđı

LEGAL FRAMEWORK OF THE SOIL CONTAMINATION IN TURKEY

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MAIN LEGISLATION IN TURKEY

- The Environmental Law (“**Environmental Law**”) published in the Official Gazette dated 11.08.1983 and numbered 18132; and
- The Regulation on Control of Soil Contamination and Fields subject to the Point Source Contamination (“**Regulation**”) published in the Official Gazette dated **08.06.2010** and numbered 27605.

[(abrogated) Regulation on Control of Soil Contamination published in the Official Gazette dated 31.05.2005 and numbered 25831]

SYSTEM UNDER THE REGULATION

Potentially polluted field or facility
Suspicious field or facility
Polluted field or facility



Cleaning activities

CLEANING ACTIVITIES

- Public authorities may request the contaminating entity to initiate clean-up procedures or take other relevant measures to eliminate or decrease the effects of the soil contamination.
- Alternatively, the public authorities may directly take measures to limit or eliminate the effects of an existing contamination and claim the expenses made for such measures from the contaminator. In addition this the contaminating entity may also subject to civil and criminal liability and/or administrative penalties.

CIVIL LIABILITY

- ARTICLE 28 of the Environmental Law
 - absolute liability principle – wilful misconduct is not required
 - Liability under the general provision of law
 - Prescription period : 5 years

- ARTICLE 37 of the Regulation
 - joint and several liability

ADMINISTRATIVE AND CRIMINAL PENALTIES

- Cessation of the activities – Article 15 of the Environmental Law

- Monetary fines – Article 20 of the Environmental Law
 - Repeat of the relevant unlawful activity
 - Objection right

- Criminal penalties
 - Article 26 of the Environmental Law
 - Articles 181 & 182 of the Turkish Criminal Law

OTHERS

– Article 38 of the Regulation

In case of the change of ownership of a field/facility, the new owner is obliged to comply with the requirements of the Regulation.

– Breach of other contracts

- M&A
- Banking
- IPO
- Reputation

THANK YOU

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