

**REPUBLIC OF TURKEY  
ISTANBUL SPECIAL PROVINCIAL ADMINISTRATION  
ISTANBUL PROJECT COORDINATION UNIT (PCU)**

**ISTANBUL  
SEISMIC RISK MITIGATION  
AND EMERGENCY PREPAREDNESS PROJECT (ISMEP)**

**ENVIRONMENTAL MANAGEMENT PLAN  
(FRAMEWORK DOCUMENT)**

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## GLOSSARY

<b>ISMEP</b>	Istanbul Seismic Risk Mitigation and Emergency Preparedness
<b>IPCU</b>	Istanbul Project Coordination Unit
<b>AKOM</b>	Disaster Coordination Center of the Greater Municipality of Istanbul
<b>ASK</b>	Civic Coordination Against Disasters
<b>MoEF</b>	Ministry of Environment and Forestry
<b>MoC&amp;T</b>	Ministry of Culture and Tourism
<b>MPWS</b>	Ministry of Public Works
<b>TAEK</b>	Turkish Atomic Energy Commission
<b>EIA</b>	Environmental Impact Assessment
<b>CH</b>	Cultural Heritage
<b>WB</b>	World Bank
<b>EA</b>	Environmental Assessment
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>ICOM</b>	International Council of Museums
<b>ICOMOS</b>	International Council on Monuments and Sites
<b>ICCROM</b>	International Center for the Study of the Preservation and Restoration of Cultural Property, Rome

**ISTANBUL  
SEISMIC RISK MITIGATION  
AND EMERGENCY PREPAREDNESS PROJECT (ISMEP)**

**ENVIRONMENTAL MANAGEMENT PLAN  
(FRAMEWORK DOCUMENT)**

## **1.0 INTRODUCTION**

This report presents the findings and recommendations for the “Istanbul Seismic Risk Mitigation and Emergency Preparedness -ISMEP” project. It covers the analysis of the Environmental Impacts of the Project and provides advises for mitigation measures to minimize the likely negative impacts. It also includes the current practical framework for preservation of Cultural Heritage at the central and local level including the legal background. On these lines the following issues were considered:

- to evaluate no action alternative
- to identify and assess the potential environmental impacts
- to discuss mitigation and preventive measures when and where applicable
- to propose mitigation and monitoring plans
- to ensure compliance with national environmental legislation and World Bank’s Operational Policies and International Standards.
- Thorough review of project related reports

-Consultations at various levels with:

- Project Coordination Unit and World Bank staff
- Central Government Agencies including MEoF, MoC&T, MPWS
- Istanbul Governor’s office
- Provincial Directorates of Ministries of Public Works and Settlement, Health, Education, Environment and Forestry, Culture
- Greater Municipality of Istanbul
- District Municipalities
- Istanbul Water & Sewerage Administration
- AKOM, Disaster Coordination Center of the Greater Municipality of Istanbul
- Regional Preservation Councils for Cultural & Natural Assets, No: 1, No: 2 & No: 3
- National Palaces; Grand National Assembly
- ASK, Civic Coordination Against Disasters
- Boğaziçi University-Kandilli Observatory and Earthquake Research Institute
- Academia

## **2.0 BACKGROUND**

Turkey is one of the most seismically active regions in the World. Two thirds of the country is located on active fault zones where 70% of the population live. Average annual number of earthquakes equal or greater than a magnitude of 5.5 on the Richter scale is 0.76. With this frequency, Turkey rates 6th in the World.

Average number of people died annually due to earthquakes reached 950 and corresponding direct economic costs reached 1 billion US\$ annually, in the last two decades.

In the most recent earthquakes of Izmit and Düzce in August and November 1999, 18,000 lives were lost, 600,000 people were forced to leave their homes and direct costs reached 10-15 billion US\$. More recently, Turkey is experiencing a major policy shift from traditional emergency response and ex-post recovery activities to proactive hazard risk management. This requires concerted efforts for emergency preparedness, risk identification, assessment and mitigation.

İstanbul, the largest metropolitan area in Turkey with a population of over 12.5 million inhabitants, is situated on the North Anatolian Fault. There are serious forecasts of future seismic activities around İstanbul estimating a 7.5 Richter scale earthquake with a probability of 50% in the next 30 years. According to a most probable scenario analysis, human casualties will reach 73,000 deaths and 120,000 severely injured.

In view of the above figures and estimates and especially after the 1999 earthquakes, Istanbul Greater Municipality, and the Government of Turkey are both very determined and committed to initiate a program for a better seismic risk mitigation and emergency preparedness.

After series of consultations with Turkish Government Authorities at the central and provincial level in İstanbul, with local authorities, finance organizations, banks, universities, experts, citizens, the project titled “İstanbul Seismic Risk Mitigation and Emergency Preparedness \_ISMEP\_” have been formulated.

## **2.1 Project**

### *Istanbul Seismic Mitigation and Emergency Preparedness ISMEP*

The overall objective of ISMEP project is to assist the Government of Turkey in mitigating the seismic risk in Istanbul and to further strengthen the capacity for emergency preparedness in order to save lives and reduce social, economic and financial impacts in the event of future earthquakes. The project basically has three components;

1. Strengthening the institutional and technical capacity for disaster management and emergency response,
2. Seismic retrofitting of critical public facilities for higher earthquake resistance
3. Developing a program aimed to reduce vulnerabilities of residential buildings.

## **3.0 ENVIRONMENTAL MANAGEMENT PLAN**

### **3.1 Definition**

Consultants understanding of Environmental Management Plan is based on Annex A O.P 4.01 of the World Bank where it is stated as “ An instrument that details (a) the measures to be

taken during the implementation and operation of a project to eliminate or off set adverse environmental impacts or to reduce them to acceptable levels; and (b) the actions needed to implement these measures.

### **3.2 Potential Environmental Impacts**

#### ***3.2.1 No Action vs. The Project***

If the Project is abandoned, environmental risks will be concordant with seismic risks. An earthquake at a 7.5 Richer scale magnitude will cause collapse of 216,000 housing units in 51,000 buildings and serious damage of 73,000 buildings. The benefits of implementing the project are obvious considering the enormous volume of debris that has to be transported, the time and energy wasted, vast land requirements for debris dump site, loss of property and construction material, and finally the environmental costs of replacement of lost values. The project will structurally strengthen 2.5-3.000,000 m<sup>2</sup> of public buildings. At the minimum these buildings will be saved from collapsing. They will continue providing services after the earthquake, which is vitally important. Lives saved in seismically retrofitted buildings are invaluable.

The project is also expected to move the invisible hand in the market so that individual and corporate awareness is heightened and necessary confidence is built in efforts for better preparedness. Through this process it is hoped that personal savings are mobilized and corporate and public funds are allocated in higher amounts for seismic risk mitigation. Consequently the Project will have both direct and indirect positive impacts on inter alias; public safety, environmental, economic, and social.

#### ***3.2.2 Possible Environmental Issues***

Possible environmental issues related with seismic retrofitting are:

- Creation of public nuisance in the nearby community,
- Disruption of services normally provided,
- Dust and noise,
- Determination and sorting of reusable/recyclable material
- Handling and disposal of asbestos, products containing asbestos (pipes, insulation, etc.)
- Radioactive materials
- Transportation and disposal of debris,
- Impact on buildings with architectural, historical or cultural significance.

### **3.3 Environmental Legislation**

World Bank classified ISMEP Project as category B in regards with Environmental Impact with low risks. Based on this classification, World Bank Operational Directive (OD.04.01) and Turkish Environmental Legislation were reviewed very closely to prepare a comprehensive Environmental Management Plan. On these lines relevant Turkish Environmental Legislation is thoroughly reviewed and their compliance requirements and conditions are assessed to determine mitigation measures to reduce likely negative impacts and required monitoring activities.

The Environmental Framework Law (coded 2872) came into force in 1983, which describes the main issues regarding Environmental Management in Turkey. Since then several Regulations have been enacted and only relevant ones are evaluated through this section.

Since last few years to establish conformity with the EU (European Union) acquis, either new Regulations are been enacted (such as Debris Removal Regulation\_ Section 3.3.5, Regulation of Handling of Asbestos Products\_ Section 3.3.7) or existing Regulations are being revised and updated. Herein after the dates for revisions are clarified and wherever available the latest versions have been studied.

### **3.3.1 Environmental Impact Assessment Regulation**

The legal basis of environmental impact assessment is Article 10 of the Environmental Framework Law (2872/83) which states that « *organizations, corporations, and enterprises whose planned activities have a the potential of causing environmental problems shall prepare an Environmental Impact Assessment Report. By considering all possible effects on the environment, these reports shall specify the ways of treating residues and wastes which may pollute the environment as well as precautions envisaged for minimizing any negative environmental impact*».

The Environmental Impact Assessment Regulation (EIA) was enacted on 7<sup>th</sup> of February 1993. The regulation has been amended since then a number of times. The last updated version of regulation was published at Official Gazette (26939) on 17<sup>th</sup> July 2008. The purpose of Turkish EIA Regulation is to regulate the administrative and technical principles, which will be obeyed during the process of environmental impact assessment.

Neither seismic retrofitting, nor demolishing and rebuilding of public buildings necessitate Environmental Impact Assessment review according to this Regulation. If reconstruction of residential buildings are realized through urban transformation projects including mass housing projects with 200 and more housing units at one site the relevant clauses of EIA regulation are applicable (i.e. screening criteria is applied) .

The responsibility for preparation of the Environmental Impact Statement is with the IPCU, where the approval authority is Ministry of Environment and Forestry. If there will be a need for an EIA in accordance with the above mentioned Regulation, relevant implementation agency will have the responsibility of preparation.

### **3.3.2 Water Pollution Control Regulation**

The “Water Pollution Control Regulation” was prepared and became effective in 4<sup>th</sup> of September 1988. The updated version of regulation which was published at Official Gazette (25687) on 31<sup>st</sup> December, 2004 was amended and published in Official Gazette no. 26786 on 13<sup>th</sup> February 2008. In this regulation, two basic approaches to protect water resources have been adopted. First one of these approaches is the acceptance and treatment of water resources within the framework of an ecosystem and conservation of them in their existing conditions; the second one being the protection and improvement of water quality in accordance with the requirements of the country. Protection of drinking water supply reservoirs through buffer zones and land use restrictions, and control on wastewater discharge practices are two critical aspects of the regulation.

Istanbul Water Supply Reservoir watersheds within the İstanbul Metropolitan Municipality are under the responsibility of İstanbul Water and Sewerage Administration. According to the regulation (ISKI Regulation for the Watersheds of Drinking Water Supply Reservoirs) published by this Administration on 25<sup>th</sup> May 2006, and ammended on 16<sup>th</sup> July 2009, which is compatible with the Water Pollution Control Regulation, if the building under review is in the watershed of a drinking water reservoir of Istanbul Water & Sewerage Administration, then relevant applicable clauses of this Regulation are as follows;

- 0-300m. From the maximum water level of the reservoir, and the 100m on both sides of the streams flowing into the reservoir is defined as the “Absolute Protection Zone” No buildings, except treatment plants, are allowed, land should be expropriated in this zone.
- 300-1000m. No buildings, except treatment plants are permitted
- 1000-2000m. Residential buildings are allowed upto a certain population density. Max population density is 20-80 persons/10,000 m<sup>2</sup> (depending on the special conditions of the cities’ municipalities) . Industries, hospitals, any kind of chemical using facilities are not permitted
- 2000m. to the Basin border. Residential buildings are allowed upto a certain population density. Max allowed population Density is 25-140 persons/10,000m<sup>2</sup>. Specific types of industries might be permitted.

During implementation of the Project, schools and hospitals to be retrofitted should be screened in view of the relevant articles of this regulation.

Regulation of Istanbul Water & Sewerage Administration is in compliance with Water Pollution Control Regulation enacted by MoEF. For the issues not covered in this ISKI regulation, the relevant provisions of MoEF Regulation are applied.

### *3.3.3 Regulation on Assessment and Management of Air Quality*

This first Air Pollution Control Regulation was enacted in November 1986 and set forth limit values to control dust and other emissions to air. The updated version of regulation was published at Official Gazette (25606) on 7<sup>th</sup> October, 2004. On 8<sup>th</sup> June 2008 Regulation on Assessment and Management of Air Quality was put into force and Air Pollution Control Regulation was invalidated. Scraping removal and use of construction material during retrofitting or rebuilding might require control of dust and other emissions. This might necessitate appropriate use of exhaust systems and mufflers for machines and vehicles; screens and tents for the site and trucks and masks for workers. All these will be under the responsibility of the contractor.

The **Exhaust Emission Control Regulation** which was enacted on 8<sup>th</sup> July 2005 was invalidated and a new regulation published in the Official Gazette No. 27190 on 4<sup>th</sup> April 2009, this regulation defines emission levels for different categories of vehicles. This regulation must be taken into consideration during retrofitting works by the contractors in deciding the on the vehicles to be used. There are various regulations passed by the Ministry of Industry and Trade regarding the approval of types of the provisions taken against the air pollutants emmitted from the engines of different vehicles, which are follow ups of EC regulations. All these regulations ought to be closely followed by the contractor.

Annex 3.1 presents standards for permitted ambient levels of pollutants.

### ***3.3.4 Regulation on Assessment and Management of Ambient Noise***

The first Noise Control Regulation was enacted in 1986 and amended in 2006. This regulation was invalidated and the new “Regulation on Assessment and Management of Ambient Noise” was enacted on 7<sup>th</sup> March 2008. This regulation covers the criteria for the noise to which people are exposed, and the vibration which can create damage in the structures. It sets standards for ambient noise limits at railways, airports, industrial zones, construction sites and emission standards for outdoor machinery and equipment. Annex 3.3 presents these standards and the levels suggested in the World Bank Publication *World Bank General Environmental Guideline, World Bank Pollution Prevention Handbook* and Turkish Regulation on Assessment and Management of Ambient Noise.

During construction, the limits set in the Regulation should not be exceeded (70 Leq (dB(A))). The responsibility will be with the contractor where as monitoring and supervision authority will be the Engineer as contracted out.

Provincial Directorate of MOEF and Municipality officer will also be executing on-site controls and measurements.

### ***3.3.5 Debris Removal Regulation***

The technical issues and administrative procedures for handling debris generated through activities of excavation, construction and demolition are set forth in the “Debris Removal Regulation” which was enacted on March 2004, (published in the Official Gazette No. 25406 on 18<sup>th</sup> March 2004). This regulation defines the roles and duties of Governorates, municipalities, the operators of disposal and/or recycling sites; and the obligations of the waste producers.

According to the regulation, during retrofitting of buildings, the construction company (contractor) is expected to:

- Take all necessary measures to mitigate possible environmental impact,
- Sort reusable/recyclable construction materials at the site
- Obtain permits from district municipalities for transporting debris to a disposal site or make contracts with companies who have relevant authorization.

### ***3.3.6 Hazardous Waste Management Regulation***

Hazardous Waste Management Regulation, which was put into force on August 1995, sets forth the rules, for the production, minimization, transportation and disposal and/or destruction of the hazardous wastes. The updated version of this regulation was published at Official Gazette (24458) on 10<sup>th</sup> July, 2001. On 14<sup>th</sup> March 2005 this regulation was invalidated and the new regulation for Hazardous Waste Management was put into force (Official Gazette No. 25406). Since the volume and toxicity will be small (if any) there will be capacity in Istanbul to handle disposal of Hazardous Waste of this Project. Annexes to the Regulation list and describe in detail the hazardous waste items, which cover, inter alia;

- Medical Wastes
- Batteries
- Liquid Fuels,
- Lubricants, Hydraulic Ails,
- Chemicals Such As Anti-freeze, Anti-corrosion Products
- Pesticides & Herbicides
- Asbestos Dust and Fibres
- Radioactive Derivates

Handling medical wastes, asbestos dust and fibres, and radioactive derivates will be discussed in the following sections (3.3.7, 3.3.8, 3.3.9)

The regulation stipulates the procedures (for hospitals) to prepare a management plan for emergency cases. (earthquake, floods, etc.) to be approved by “Emergency Management Unit” under the Governors office. If the hospital to be retrofitted doesn’t have such an emergency plan, Project Coordination Unit should ensure that the plan is prepared and approved by the Governorate before the designs for retrofitting are finalized so that retrofitting will cover any structures that the Plan necessitates.

Before retrofitting construction starts, the contractor needs to determine if any hazardous waste to be handled during the activity in consultation with the Hospital Management and prepare a plan for management of this waste to be approved by the Istanbul Metropolitan Municipality.

According to the regulation dated 11th June 2005, a municipal preservation office was established under Istanbul Greater Municipality to work in cooperation with and consistent with the principles of the Regional Councils. The responsibility of this Preservation, Implementation and Control Office (KUDEB) is limited to small repair and maintenance works of the cultural heritage buildings, such as painting, roofrepairs, repairs of electrical systems etc.

### ***3.3.7 Medical Waste Management Regulation***

This Regulation, published in the Official Gazette No. 25883 on 22<sup>nd</sup> July 2005, invalidates the Medical Waste Control Regulation prepared in Dated 20<sup>th</sup> May 1993. It covers the rules for the seperate collection of the medical wastes, their temporary storage, transportation, and disposal.

Medical wastes are classified according to their features, such as infectious wastes mainly from laboratories, pathologic wastes mainly from operating rooms, and incisiory and perforating equipments. These wastes are to be collected by the relevant health staff when they are made up without mixing with other wastes.

The other wastes of hospitals such as chemical, pharmaceutical, heavy metal containing wastes, x-ray film development wastes are treated according to the Hazardous Waste Management Regulation, The radioactive wastes of the hospitals are treated according to the legislation of TAEK (Turkish Atomic Energy Commission).

The liabilites of the municipalities cover the transportation and disposal of medical wastes either by burning or landfilling or sterilization of them to eliminate the harmful

characteristics. Municipalities can assign this liability to other person or institutions, e.g. in Istanbul, medical wastes are transported to a designated medical waste site of Istanbul landfill area by ISTAC (Istanbul Environmental Management Ind. And Trade Co.)

Before any retrofit or construction of hospital building, the availability of plans of hospitals for medical waste management, the amount of such wastes and the storage facilities need to be checked by the contractor.

The liquid laboratory wastes of hospitals are disinfected by hypochloride, then diluted and pH values are arranged and afterwards discharged into the municipal sewage. In the “ISKI Regulation for the Discharge of Wastewater into Sewerage”, it is stated that the following substances cannot be discharged into the sewerage system:

- abrasive, corrosive substances,
- wastes with pH values less than 6 and higher than 10,
- radioactive substances, and
- hazardous substances.

Consequently, the liquid wastes of hospitals need to be checked for the existence of these substances.

### ***3.3.8 Regulation for Handling of Asbestos Products***

This Regulation was enacted on on 26<sup>th</sup> December 2003, and published in Official Gazette No. 25328. This regulation sets forth the rules mainly for the health and safety of workers handling asbestos products, where the rules for disposal are described in the Hazardous Waste Management Directive.

With regards to the retrofitting activities the Contractor is requested to follow the below mentioned steps;

- Consult the owner/manager of the building, review existing designs and as-built drawings for possible existing material containing asbestos,
- Prepare a plan for handling the asbestos containing material in accordance with the Regulation,
- Take the necessary measures, make necessary arrangements for the transportation and final disposal of asbestos containing material in licenced disposal sites/plants (such as IZAYDAS (company for burning of wastes and residues)).
- Execute the retrofitting activities in accordance with the Plan.

On these lines it is the Contractors’ responsibility to provide the mitigation activities.

### ***3.3.9 Regulation for Radiation Safety***

This Regulation was put into force on March 2000 and sets the rules to be followed for controlling sources, which produce harmful radiation. The updated version of regulation was published at Official Gazette (25598) on 29<sup>th</sup> September, 2004, and it was lastly amended on 3<sup>rd</sup> June 2010 and published in the Official Gazette No. 27600. It is evaluated within this report mainly regarding the radiation producing activities utilized in hospitals.

The main responsible authority in Turkey regarding radiation, as described by the Law is Turkish Atomic Energy Commission (TAEK). Any institution is obliged to provide a license

from TAEK (including the medical institutions and hospitals) before starting to utilize activities and/or equipment producing harmful radiation.

After provision of the license, the same institution is asked to prepare an “Accident and Emergency Plan” again to be approved by TAEK. It is suggested that before designs of hospital retrofitting are initiated, hospital management should be ensured to provide this “Accident and Emergency Plan” so that designs will cover any relevant necessities. Before retrofitting construction is initiated, Consultant/Contractor in coordination with the hospital management needs to review this plan and through consultation with TAEK determine the necessary steps and then implement them.

### **3.3.10 International Conventions**

All relevant International Conventions where Turkey is a party to or signatory have been reviewed. Annex 3.4 provides a list of such Agreements. The only relevant agreement is Ramsar Convention on Wetlands of International Importance Especially as wildlife Habitat (acceded by the Decision of the Council of Ministers dated 15 March 1994). In Turkey there are nine Ramsar sites however none of them is located within Istanbul vicinity.

## **3.4 Environmental Mitigation Plan**

This section presents Environmental Mitigation Plan  
Relevant for all Public and Residential Buildings  
Additional items for Hospitals  
Urban Renewal Projects with housing units than 200.

Mitigation Plan is shown on Table 1 and Monitoring Plan is given in Table 2.

## **3.5 Mitigating Measures For Operation Phase**

It is envisaged that no additional mitigation measure is needed during the operation of retrofitted buildings. However, hospitals need to continue managing their medical wastes in accordance with the Medical Waste Management Regulation and following their plan for Radiation Safety in accordance with the Radiation Safety Regulation.

## **4.0 CULTURAL HERITAGE ISSUES**

### **4.1 National Institutional & Legal Framework**

The Ministry of Culture & Tourism (MoC&T) is the responsible authority for the protection and preservation of cultural resources and assets in Turkey. The General Directorate for Cultural Heritage and Museums is the relevant office within the MoC&T. The directorate has an inventorying system comprising of buildings, sites, areas and artifacts. The current inventorying system of was initiated in 1976 based on the standard formats of the European Council; following the European Heritage Year 1975.

This inventorying system was mainly established to form the basis of the “listed” or

"declared" (officially registered) buildings, sites and areas of Cultural, Historical and Natural significance regardless of date.

These listed Cultural Assets are categorized under the titles of:

1. Historical Sites;
2. Natural Sites;
3. Archaeological Sites;
4. Urban Sites;
5. Combined Sites;
6. Immovable Cultural and Natural Assets (Monuments, Civil Architecture, Religious, Cultural, Administrative, Military, Industrial and Commercial Buildings-Streets, Castles; Cemeteries, Ruins, Tumuli, Monument Trees, Natural Formations (caves, sandbanks, fairy chimneys, lakes, waterfalls etc.)

#### ***4.1.1 Identification of Institutional Stakeholders***

The central and local authorities and public institutions with their responsibilities regarding safeguarding cultural heritage in Istanbul is as follows:

##### **A-Central Authorities in Ankara**

- Ministry of Culture & Tourism
  - General Directorate for Cultural Heritage and Museums
  - Higher Council for the Protection of Cultural and Natural Assets
- General Directorate of Pious Foundations, Prime Ministry
- The Grand National Assembly

##### **B-Local Authorities in Istanbul**

###### **Governmental**

###### **• Regional Authorities of Ministry of Culture & Tourism**

- Regional Preservation Councils for the Protection of Cultural and Natural Assets; (See Annexes 4.1, 4.2, 4.3)
  - No:1, responsible for the historic peninsula and archaeological, natural and urban sites on the European side; (Annex 4.1)
  - No.2, responsible for the archaeological, natural and urban major sites on the Asian side; (Annex 4.2)
  - No:3; responsible for the archaeological, natural and urban on the Bosphorus, coastal and inner land on both sides and the islands. (Annex 4.3)
- Regional Directorate for Cultural Heritage and Museums

###### **• Department of National Palaces, Turkish Parliament**

###### **• Regional Directorate of Foundations, Istanbul**

###### **Municipal Authorities**

- Greater Municipality of Istanbul
- District Municipalities

### **Civil Institutions**

- Chamber of Architects
- Chamber of Civil Engineers

### **Leading Universities, NGO's and Initiatives**

- Istanbul Technical University
- Yıldız Technical University
- Mimar Sinan University
- Boğaziçi University
- Yeditepe University
- The History Foundation
- ÇEKÜL
- TAÇ Foundation

#### ***4.1.2 National Legislation and Institutional Roles & Responsibilities***

All Cultural Assets listed by the MoC&T is legally protected and subject to the 'Act of Law' on 'Protection of Cultural and Natural Assets', No: 2863, date of acceptance 21.07.1983; recently revised as Law No: 5226 valid as of 14.7.2004 / 5226. All unlisted structures or artifacts dated before the 20<sup>th</sup> Century, even unregistered, is automatically subject to the same law. As the Law has been recently revised, some of the new relevant regulations are still under development, expected to be established soon.

The law gives a definition for the movable and immovable cultural and natural assets that are regarded as Cultural Heritage; describes procedures and regulations regarding the preservation of these assets; and identifies the conservation principles and roles & responsibilities of institutions that will be in charge of implementation decisions.  
(See Annex 4.4)

All the necessary measures regarding the preservation of the immovable assets under protection is under the responsibility of the MoC&T. Though the MoC&T lies on top of the authorization and responsibility pyramid, it delegates its mandate to protect movable and immovable assets to various public institutions and bodies. Among them are the Grand National Assembly, the Ministry of Defense, and the General Directorate of the Foundations.

The revised law delegates some of the responsibilities of the Regional Preservation Councils to the Municipalities. The Metropolitan Municipalities, Governorships and District Municipalities will be authorized by the MoC&T, with the condition that they establish offices for preservation & conservation, implementation, and supervision of cultural and natural assets. The offices need to employ experts including fields like history of art, architecture, city planning, archaeology and engineering.

The municipalities are responsible with the territories within their boundaries and contiguous areas and the governorships with the areas outside these boundaries. The offices established in municipalities will also be responsible with auditing the implementation of plans approved by the Regional Preservation Councils. The Regional Preservation Councils will maintain their duties and responsibilities in districts or zones where such offices are not established.

All construction work, conservation & restoration work, excavations & surveys and other implementations within the registered CH areas or on listed buildings & monuments is submit to the approval of the Regional Preservation Council for the Preservation of Natural And Cultural Assets until the establishment of municipal preservation offices. The Regional Councils are bound with the Preservation Principles established by the Higher Council for the Preservation of Natural And Cultural Assets.

After the establishment of municipal preservation offices, only extensive restoration work and structural interventions will have to get the approval of Regional Preservation Councils. Other interventions such as minor repair work and maintenance will get the approval of municipal preservation offices.

The Council requires a set of documents with the applications, determined according to the nature of the site or each individual building. (See Annex 4.5)

#### **4.2 Local Procedures**

Istanbul is a city of significant cultural heritage. 'The Historic Peninsula of Istanbul' is registered in the World Heritage List in 1985. Istanbul, being located on both Asia and Europe, has a spectacular location, overlooking the Bosphorus, the Golden Horn and the Marmara Sea. This unique setting has been the cradle of Roman, Byzantine and Ottoman Empires. Istanbul inherits all the cultural influences and remains of those cultures. The city hosts a group of urban, archaeological & natural sites and numerous individual buildings and monuments of outstanding importance.

The areas, zones, quarters, buildings, monuments that have historical and cultural significance; archaeological remains & natural assets, places etc. are listed, registered or declared as 'Cultural Heritage'. All those assets are subject to the Law No: 2863 recently revised as Law No: 5226, that is also relevant for the city of Istanbul. (See Annex 4. 4) However, cultural heritage in Istanbul is also subject to certain other rules and regulations and plan decisions.

There are three zones in Istanbul distributing the task areas and responsibilities to three Regional Preservation Council for the Preservation of Natural And Cultural Assets.

The lists of territories and sites within the task area and the responsibility of each Regional Councils 1, 2 and 3 are given Annexes 4.1, 4.2 & 4.3 respectively.

The Council requires a list of documents and projects to be submitted according to the degree of the listed heritage and type of intervention foreseen. The standard requirements are shown on the chart in (Annex 4.5).

It is very important to note that, all structural alterations, reinforcements, retro-fittings need to include a structural report with the approval of the Local Municipality, in addition to the standard documents.

As described above, under national legislation, some of the duties and responsibilities of the Regional Councils will be delegated to municipal preservation offices. According to the regulation dated 11th June 2005, a municipal preservation office was established under Istanbul Greater Municipality to work in cooperation with and consistent with the principles

of the Regional Councils. The responsibility of this Preservation, Implementation and Control Office (KUDEB) is limited to small repair and maintenance works of the cultural heritage buildings, such as painting, roof repairs, repairs of electrical systems etc.

### **4.3 World Bank Cultural Heritage Policy**

World Bank is very sensitive in preserving cultural resources and takes great care to ensure that Cultural Heritage assets will not be adversely affected by bank financed projects. The policy of WB regarding Cultural Heritage is clearly indicated under 'Operational Policies', OP 4.11 dated May 2001. (Annex 4.6)

It is stated in the OP 4.11 as:

*1. 'Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices.'*

The Cultural Resources are defined as:

*("cultural resources" (also termed "cultural heritage," "cultural patrimony," "cultural assets," or "cultural property") refers exclusively to physical cultural resources. This includes movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Cultural resources may be located in urban or rural settings, and may be above ground, underground, or underwater.)*

*2. Physical cultural resources are seriously threatened throughout the world, partly as a result of modernization and development. The loss of these resources is irreversible, but fortunately, it is often avoidable.*

*3. The Bank assists countries to avoid adverse impacts on cultural resources from development projects that it finances, or to mitigate such impacts. This policy applies to all components of such projects, regardless of the source of financing.*

In regard with these policies, the Bank requires certain measures to be taken during the preparation and implementation of Bank financed projects.

The proposed project has to address impacts on cultural resources as an integral part of the Environmental Assessment (EA) process. The findings and recommendations of the EA including the Cultural Heritage Impact will determine whether the project provides adequate basis for processing the project for Bank financing.

The cultural resources may not be known or visible, the local inventorying may be inadequate, or the cultural resources may not be listed, registered or declared as 'Protected Heritage' by the laws. It is important that the proposed project's potential impacts on 'all' cultural resources are considered at the earliest possible stages of project processing, regardless of being registered or protected by the local current legislation. However it is also clear that the Bank also requires consideration of the National Legislation and local procedures regarding the preservation of Cultural Heritage.

The projects that are either located in a known cultural heritage site or that involve excavations, demolition, movement of earth, flooding or other environmental changes are

classified as EA Category A or B. The scoping phase of the EA is expected to identify the likely major impacts of the project on cultural resources that will include:

- Information on the relevant requirements of its legislation pertaining to the management of physical cultural resources, including provisions for the management of physical cultural resources encountered during project implementation and operation (referred to as 'chance finds').
- Identification of the physical cultural resources likely to be affected by the project, and assessment of the project's potential impacts on these resources as an integral component of the EA process, in accordance with the Bank's EA requirements.
- Identification of appropriate measures for mitigating effects with project-affected groups in cases where the project is likely to have adverse impacts on physical cultural resources.
- Identification of measures that may range from full site protection to selective mitigation, including salvage and documentation in cases where a portion or all of the cultural resources may be lost.
- Development of a management plan which will include measures for mitigating any adverse impacts, provisions for the management of chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track progress of these activities. The management plan has to be approved by competent authorities and has to be submitted to the Bank for review and approval.

The Bank also foresees to include components to strengthen the local capacity in cases where the current capacity is inadequate to manage physical cultural resources. The Bank may even consider broader capacity building activities as part of its overall country assistance program.

#### **4.4 International Framework**

There has been rising awareness in history and cultural heritage at the start of the past century, along with the realization that it is the duty of mankind to preserve for later generations the works created by generations of the past. The first international discussion regarding the preservation of cultural heritage started at the 'First International Congress of Architects and Technicians of Historic Monuments' held in Athens, 1931. The conclusions of the conference led to the first internationally recognized document on the subject known as 'The Athens Charter for the Restoration of Historic Monuments'. Following this, the principles were resumed in 'Carta del Restauro' in Italy, 1932.

Since then, there has been increasing concern in cultural heritage and numerous international documents, charters, conventions, declarations, agreements and recommendations were developed regarding the preservation of cultural and natural heritage.

The international documents Turkey has recognized; agreements where Turkey is a party or signatory, particularly relevant to this project and their main objectives can be listed as follows:

- **The Venice Charter (1964)** is the first complete internationally recognized document concerning conservation of cultural heritage. Includes definitions for cultural heritage and principles for their preservation and rehabilitation.

- **The Amsterdam Declaration (1975)** defines the 'integrated conservation' concept as one of the major objectives of land-use planning involving the responsibility of local authorities and calling for citizen participation. Integrated conservation necessitates adaptation of legislative and administrative measures, appropriate funding, and the promotion of professional methods, techniques and skills in restoration and rehabilitation.
- **The Granada Convention (1985)** for the protection of the 'European Architectural Heritage' concerns the promotion of the architectural heritage in socio-cultural life and as a factor in the quality of life and the economic impact of conservation policies.
- **The Washington Charter of ICOMOS (1987)** for the preservation of historic towns and urban areas complements the Venice Charter.
- **The Council of Europe-Recommendation No: R (89) 5**, concerns the protection and enhancement of the archaeological heritage in the context of town and country planning operations.
- **The Council of Europe-Recommendation No: R (90) 20**, concerns the protection and conservation of the industrial, technical and civil engineering heritage in Europe.
- **The Council of Europe-Recommendation No: R (91) 6**, concerns measures likely to promote the funding of the conservation of the architectural heritage.
- **The Council of Europe-Recommendation No: R (91) 13**, concerns the protection of Twentieth century architecture.
- **The Council of Europe-Recommendation No: R (93) 9**, concerns the protection of the architectural heritage against natural disasters.
- **The Council of Europe-Recommendation No: R (95) 3**, concerns coordinating documentation methods and systems related to historic buildings and monuments of the architectural heritage.
- **The Council of Europe-Recommendation No: R (95) 9**, concerns the integrated conservation of cultural landscape areas as part of landscape policies.
- **The Council of Europe-Recommendation No: R (95) 10**, concerns a sustainable tourist development policy in the protected areas.
- **The Barcelona Declaration (1995)** introduces integrated culture into the dialogue and economic cooperation among the Euro-Mediterranean Partners, including Turkey.
- **The Bologna Declaration (1996)** identifies priorities for cultural heritage development adopted at the Euro-Mediterranean Conference. Issues covered include promotion of heritage as an investment in economic development, considering this activity as a component of economic policies either in public or private investment, and to integrate national and international strategies with regard to tourism, economic planning and regional planning. The sound use of heritage can create employment in many sectors.
- **The Helsinki Declaration (1996)** focuses on the political dimension of cultural heritage conservation in Europe and the accompanying Resolutions. Issues covered include the cultural heritage as an economic asset, the cultural heritage in the process of sustainable development, sustainable strategies for cultural tourism, and the role of the state, public authorities and voluntary organizations.
- **UNESCO World Conference on Cultural Policies, Stockholm (1998)** adopts an 'Action Plan', which incorporates wide-ranging principles and policies. Issues covered include the importance of capacity building & training; interdependence of sustainable development and flourishing of culture; accessibility of heritage as means of employment and source of income.
- **Portoroz, Slovenia Declaration (2001)** focuses the role of voluntary organizations in the field of cultural heritage and accompanying Resolutions. Issues covered include the role

of cultural heritage and the challenge of globalization, and the 'European Heritage Network'.

The leading international body concerning preservation of cultural heritage is UNESCO (United Nations Educational, Scientific and Cultural Organization), followed by The Council of Europe. In parallel to these bodies non-governmental organizations follow such as ICOM (International Council of Museums), ICOMOS (International Council on Monuments and Sites) and ICCROM (International Center for the Study of the Preservation and Restoration of Cultural Property, Rome).

#### **4.5 Comparison**

Various domestic and international legal instruments are devised specifically for the preservation of the cultural assets; alongside those indirectly involve this issue. Turkey has accepted that international legal instruments and norms lie above the hierarchy of laws, presiding over domestic laws, with the amendment to the Article 90 of the 1982 Constitution in 2004. Hence, the arising international frameworks regarding the preservation of cultural heritages are of specific importance to Turkey since then. Moreover, the World Bank is keen to incorporate the protection of cultural assets within the framework of its projects, as observed so far in its institutional practices. In this report, the relevant international and domestic legal documents are cited and described in brief.

Overall, the preservation of cultural assets is important for the economic and social development and sustainability, as well carrying crucial significance for the cultural identity. Local communities preserve and sustain their livelihood with the economic benefits they acquire from the operation of such assets.

**Table 1. MITIGATION PLAN**

Phase	Issue	Mitigating Measure	Cost	Institutional Responsibility
<b>CONSTRUCTION</b>	<p>❖ <b>Air Quality</b></p> <p><i>Dust emissions; during retrofitting or demolition activities would be minor and temporary.</i></p> <p><i>Vehicle exhaust emissions; carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulphur oxides (SO<sub>x</sub>) and fugitive hydrocarbons.</i></p>	<p>Dust prevention measures and good house keeping practices such as water spraying to prevent dust and use of curtains and screening of the construction area.</p> <p>Use of masks, work gloves and clothes by workers.</p> <p>All vehicles delivering dusty construction materials to the site or removing debris will be enclosed and covered to prevent release of dust.</p> <p>Selection and use of vehicles/engines with appropriate emission control technologies and equipment.</p> <p>Maintaining of all vehicles and equipment engines and exhaust systems in order not to breach Regulation limits set for that vehicle/equipment type and mode of operation. (See Section 3.3.3)</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to execute the mitigation measure.</p> <p>Provincial Directorate of MoEF, Police Department and Istanbul Metropolitan Municipality is responsible to supervise the activity</p>
	<p>❖ <b>Noise</b></p> <p><i>Equipment and delivery vehicles used during retrofitting or demolition activities would generate noise. Temporary increases in noise levels along truck delivery routes would also occur.</i></p>	<p>To ensure the use of noise control techniques on noisy equipment such as use of machines equipped with appropriate mufflers also located appropriately</p> <p>To ensure that noise emissions from the site do not result in exceedance of Turkish threshold values. Operating times limited to normal working hours to be determined with due sensitivity to the citizens private life (such as, working on weekends near schools, hospitals, mosques, churches praying times)</p> <p>In the event of nighttime working, working hours will be discussed and agreed with the relevant authorities and after consultation with nearby communities.</p> <p>In case night operations are deemed necessary and the noise levels would be high, public will be informed 1 week in advance.  (See Section 3.3.4)</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to execute the mitigation measure.</p> <p>Provincial Directorate of MoEF is responsible to supervise the activity.</p> <p>Istanbul Metropolitan Municipality is responsible to supervise the activity</p>

<b>CONSTRUCTION</b>	<p>❖ <b>Transportation</b></p>	<p>Use of trucks with covered dumpers</p> <p>Optimal use of alternative roads to prevent disturbance to the visitors and residents.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item</p>	<p>Contractor is responsible to implement the Measure</p> <p>Engineer is responsible to monitor and supervise the activity.</p> <p>Transportation Department of Istanbul Metropolitan Municipality to assist and supervise the Contractor.</p>
	<p>❖ <b>Waste Management</b></p> <p><i>Retrofitting and demolition activities are one of the largest sources of waste.</i></p> <ul style="list-style-type: none"> <li>• <i>Demolition Debris Handling</i></li> <li>• <i>Hazardous Waste Handling</i></li> </ul>	<p>Prepare a plan for handling of Demolition Debris in accordance with the Regulation. (See Section 3.3.5)</p> <p>Get approval of the Istanbul Metropolitan Municipality.</p> <p>Provide storage, transportation and disposal activities in accordance with the Plan.</p> <p>Determine potential hazardous waste to be handled during retrofitting in accordance with the Regulation and in consultation with the owner/management of the Public Building.</p> <p>Prepare a plan for handling these wastes in accordance with the Regulation and in consultation with Istanbul Metropolitan Municipality. (Section 3.3.6)</p> <p>Provide handling, storage, transportation and disposal/destruction activities in accordance with the Plan.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.</p> <p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the mitigation measure.</p> <p>Provincial Directorate of MoEF is responsible to monitor and supervise the activity.</p> <p>Istanbul Metropolitan Municipality is responsible to assist the Contractor, approve the plan and supervise the implementation.</p> <p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the mitigation measure.</p> <p>Istanbul Metropolitan Municipality is responsible to assist the Contractor, approve the Plan and supervise the Implementation.</p>

<b>CONSTRUCTION</b>	<ul style="list-style-type: none"> <li>• <i>Handling Medical Wastes</i></li> </ul> <p>Relevant for retrofitting of hospitals</p>	<p>Hospital Management will make plans regarding the collection, storage, and disposal of medical wastes, and provide the necessary training for the staff in charge.</p> <p>Hospital management will take necessary measures for continuous management of medical wastes during retrofitting activities , if hospital services are continuing. (see Section 3.3.7)</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.</p>	<p>Hospital Management is responsible to prepare and execute the Mitigation Plan.</p> <p>Municipality is responsible for the ultimate disposal of medical wastes.</p> <p>Engineer is responsible to monitor and supervise the activity.</p>
	<ul style="list-style-type: none"> <li>• <i>Handling Asbestos Containing Material</i></li> </ul>	<p>Consult the owner/manager of the building for possible existing material containing asbestos (It is envisaged that design drawings and specification will provide input for this issue.)</p> <p>Prepare a Plan for handling the asbestos containing material in accordance with the Regulation. (See Section 3.3.8)</p> <p>Make the necessary arrangements for ultimate disposal of asbestos containing materials in licenced hazardous waste disposal sites such as IZAYDAS.</p> <p>Execute mitigation measures during retrofitting activities in accordance with this Plan.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the Mitigation Measure.</p> <p>MoEF is responsible to approve the handling plan and supervise its implementation</p> <p>Istanbul Metropolitan Municipality is responsible to monitor and supervise the Activity</p>
	<ul style="list-style-type: none"> <li>❖ <b>Radiation Safety</b></li> <li>• Relevant for Retrofitting of Hospitals</li> </ul>	<p>Hospital Management in accordance with the “Accident and Emergency Plan” of the hospital will prepare a Radiation Safety Plan.</p> <p>Hospital will get approval of TAEK for this plan to be implemented during retrofitting activities.</p> <p>Execute mitigation activities in accordance with this plan. (See Section 3.3.9)</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item</p>	<p>Hospital Management is responsible to prepare and execute the Mitigation Plan.</p> <p>TAEK is responsible to direct, approve and supervise the execution of the plan.</p> <p>Engineer is responsible to monitor and supervise the activity.</p>

<p>❖ <b>Workers health and safety</b></p>	<p>All necessary protective equipments (hard hat, safety belt, protective clothes, gloves, glasses etc.) will be provided to the workers.</p> <p>Proper notification signs will be placed to maintain the security of the public and local people.</p> <p>The personal will be trained in “labor health and occupational safety” issues.</p> <p>The related regulations of Labor Law numbered 4857 such as “Regulation on Occupational Health and Safety”, “Regulation on Health and Safety at Construction Works” and “Regulation on Using of Personal Protective Equipments at Work Places” will be followed.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the Mitigation Measure.</p>
<p>❖ <b>Public Safety</b></p>	<p>Entrance of public to the construction site will be prevented using warning signs &amp; lights, and barriers etc.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the Mitigation Measure.</p>
<p>❖ <b>Urban Renewal Projects with housing units more than 200.</b></p>	<p>Client (Project Implementation Unit) needs to have an EIA report to be prepared.</p> <p>Ministry of Environment to approve the report.</p> <p>Contractor to implement the measures. (See Section 3.3.1)</p>	<p>App. 50.000 U.S \$/EIA Report.</p>	<p>Relevant Implementation Unit to prepare (or have it prepared) an EIA report.</p> <p>MoEF is responsible to approve the report.</p> <p>Designer/contractor is responsible to implement the measures.</p> <p>Istanbul Metropolitan Municipality to supervise the implementation</p>

<b>CONSTRUCTION</b>	<b>❖ Waste Water (Point/Non Point) Handling</b>	<p>To prevent any water pollution due to construction activities contractor will provide facilities for discharge of wastewater and/or spil erosion during construction;</p> <ul style="list-style-type: none"> <li>• Either to city sewerage system (if available) directly, or</li> <li>• Through septic tanks to be constructed in sufficient capacity, and periodically evacuated.</li> </ul> <p>Additional necessary precaution shall be taken to prevent the pollution of nearby water courses by the wastewater resulting from construction activities.</p>	<p>Specifications to be incorporated into bidding and contract document. It is not considered as a separate cost item.</p>	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the mitigation measure.</p> <p>ISKI (Istanbul Metropolitan Municipality Water and Sewerage Authority) to assist and supervise the activity.</p>
	<b>❖ Cultural Heritage</b>	<p>Consider relevant legal steps as mentioned in Section 4.0</p>	<p>No additional cost item.</p>	<p>As defined in the laws.</p> <p>IPCU to coordinate and define the status.</p> <p>Relevant institutions to select the buildings accordingly</p>

**Table 2. MONITORING PLAN**

<b>Phase</b>	<b>What</b> parameter is to be monitored?	<b>Where</b> is the parameter to be monitored?	<b>How</b> is the parameter to be monitored type of monitoring equipment?	<b>When</b> is the parameter to be monitored frequency of measurement or continuous?	<b>Why</b> is the parameter to be monitored (optional)?	<b>Cost</b>	<b>Responsibility</b>
<b>CONSTRUCTION</b>	<b>Air Quality</b>						
	<i>Vehicle Exhaust Emissions</i>	At the Construction Site	Portable Measurement Devices	At the Project Start  After all servicing vehicles	To assure compliance with the Regulation on Assessment and Management of Air Quality in order to mitigate any potential negative environmental effects.	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	Contractor is responsible to execute the Mitigation Measure.
	<i>Dust</i>	At the Construction Site	Visual	Weekly			Istanbul Municipality is responsible to supervise
	(In the case that during retrofitting hospitals still operate partially and dormitories are utilized at schools) At the operating parts of building.	Visual	Continuously	To prevent any possible disturbance and adverse health effects on the residents.	Supervision Engineer is responsible to supervise.		

	<b>Noise</b>	<p>Near the Construction Site</p> <p>(In the case that during retrofitting hospitals still operate partially and dormitories are utilized at schools.) At operating parts of the building.</p>	<p>Portable Noise Meters</p> <p>Auditory</p>	<p>On Daily, Hourly Basis</p> <p>Continuously</p>	<p>To assure compliance with the Regulation on Assessment and Management of Ambient Noise in order to mitigate any potential negative environmental effects.</p> <p>To prevent any possible disturbance and adverse health effects on the residents.</p>	<p>Criteria / specifications to be incorporated into bidding and contract documents.</p> <p>It is not considered as a separate cost item.</p>	<p>Contractor is responsible to execute the Mitigation Measure.</p> <p>Istanbul Metropolitan Municipality is responsible to supervise the Activity</p> <p>Supervision Engineer is responsible to supervise.</p>
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Phase	What parameter is to be monitored?	Where is the parameter to be monitored?	How is the parameter to be monitored type of monitoring equipment?	When is the parameter to be monitored frequency of measurement or continuous?	Why is the parameter to be monitored (optional)?	Cost	Responsibility
<b>CONSTRUCTION</b>	<p><b>Collection of Solid Wastes</b></p> <p><i>Demolition Debris Handling</i></p>	At the Construction Site	In accordance with the plan be prepared.	In accordance with the plan be prepared and volume of debris.	To assure compliance with the Debris Removal Regulation	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the mitigation measure.</p> <p>Provincial Directorate of MoEF is responsible to monitor and supervise the activity.</p> <p>Istanbul Metropolitan Municipality is responsible to assist the Contractor, approve the plan and supervise the implementation.</p>
<p><i>Hazardous Waste Handling</i></p>	At the Construction Site	In accordance with the plan to be prepared.	In accordance with the plan to be prepared.	To assure compliance with the Hazardous Waste Management Regulation in order to mitigate any potential negative environmental effects.			<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the mitigation measure.</p> <p>Istanbul Metropolitan Municipality is responsible to assist the Contractor, approve the Plan and supervise the Implementation.</p>

<b>Phase</b>	<b>What</b> parameter is to be monitored?	<b>Where</b> is the parameter to be monitored?	<b>How</b> is the parameter to be monitored type of monitoring equipment?	<b>When</b> is the parameter to be monitored frequency of measurement or continuous?	<b>Why</b> is the parameter to be monitored (optional)?	<b>Cost</b>	<b>Responsibility</b>
<b>CONSTRUCTION</b>	<i>Handling medical wastes</i>	At the construction and disposal site	In accordance with the plan to be prepared (see Section 3.3.7)	In accordance with the plan to be prepared.	To assure compliance with the Regulation for Medical Waste Management, in order to mitigate any potential negative effects.	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	<p>Hospital Management is responsible for the preparation of the plan.</p> <p>Municipality is responsible for the transportation and disposal of wastes.</p> <p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the Mitigation Measure.</p> <p>MoEF is responsible for the monitoring.</p>
	<i>Handling Asbestos Containing Material</i>	At the Construction and Disposal Site	In accordance with the plan to be prepared. (See Section 3.3.8)	In accordance with the plan to be prepared.	To assure compliance with the Directive for Handling of Asbestos Products in order to mitigate any potential negative environmental effects	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	<p>Engineer is responsible to monitor and supervise the activity.</p> <p>Contractor is responsible to implement the Mitigation Measure.</p> <p>MoEF is responsible to approve the handling plan and supervise its implementation Istanbul Metropolitan Municipality is responsible to monitor and supervise the Activity</p>

	<b>What</b> parameter is to be monitored?	<b>Where</b> is the parameter to be monitored?	<b>How</b> is the parameter to be monitored type of monitoring equipment?	<b>When</b> is the parameter to be monitored frequency of measurement or continuous?	<b>Why</b> is the parameter to be monitored (optional)?	<b>Cost</b>	<b>Responsibility</b>
<b>CONSTRUCTION</b>	<b>Radiation</b>	At the Construction and Disposal Site	In accordance with the plan be prepared. (See Section 3.3.9)	In accordance with the plan to be prepared.	To assure compliance with the Directive for Radiation Safety in order to mitigate any potential negative environmental effects.	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	Hospital Management is responsible to prepare and execute the Mitigation Plan.  TAEK is responsible to direct, approve and supervise the execution of the plan.  Engineer is responsible to monitor and supervise the activity
	<b>Waste Handling</b> <b>Water</b>	Near and at the Construction Site	Observation	Continuous	To mitigate potential negative effects.	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	Engineer is responsible to monitor and supervise the activity.  Contractor is responsible to implement the mitigation measure.  ISKI (Istanbul Metropolitan Municipality Water and Sewerage Authority) to assist and supervise the activity.
	<b>Workers health and safety</b>	At the construction site	In accordance with the related regulations of Labor Law numbered 4857 such as “Regulation on Occupational Health and Safety”, “Regulation on Health and Safety at Construction Works” and “Regulation on Using of Personal Protective Equipments at Work Places”	Continuous	To mitigate potential negative effects.	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	Engineer is responsible to monitor and supervise the activity.  Contractor is responsible to implement the Mitigation Measure.

	<b>What</b> parameter is to be monitored?	<b>Where</b> is the parameter to be monitored?	<b>How</b> is the parameter to be monitored type of monitoring equipment?	<b>When</b> is the parameter to be monitored frequency of measurement or continuous?	<b>Why</b> is the parameter to be monitored (optional)?	<b>Cost</b>	<b>Responsibility</b>
	<b>Public safety</b>	At and near the construction site	Observation	Continuous	To mitigate potential negative effects	Criteria / specifications to be incorporated into bidding and contract documents. It is not considered as a separate cost item.	Engineer is responsible to monitor and supervise the activity.  Contractor is responsible to implement the Mitigation Measure.

## 5.0 INSTITUTIONAL STRENGTHENING

The public institutions with their responsibilities are referred in the previous sections in relation to the Environmental Framework Law and it's Regulation. They are;

- Ministry of Environment and Forestry (MoEF),
- Turkish Atomic Energy Commission (TAEK),
- Istanbul Governorate
- Provincial Environment Directorate,
- Istanbul Metropolitan Municipality, and
- Istanbul Water and Sewerage Administration

There is no specific activity suggested to strengthen these institutions to fulfill their responsibilities under ISMEP project. However there will be several mitigation activities to be supervised and coordinated during retrofitting activities. On these lines it is suggested that IPCU either hires private consultant/consultants or ensure that an environmental engineer is hired with in the Supervision Engineer Consultant's team to supervise and monitor these activities. Consultant will supervise and monitor the activities and coordinate with the relevant Institutions. The Terms of Reference and the reporting activities of the consultant need to be defined by the IPCU of the ISMEP project.

The public institutions and major stakeholders regarding Cultural Heritage are referred in Section 4. Concurrently, all the renovation and restoration projects executed need to get an approval of the regional preservation councils that exist all around Turkey. In Istanbul, there are three of such councils, each occupied with preservation projects of the three different regions of the city according to the division of labor among them. All the three councils are located in the historical Süleymaniye Mosque area, inhabiting old Istanbul residential houses. The conditions of these buildings are not appropriate for serving as office premises and they need renovation. Moreover, the lack of maintenance and the insecure conditions cause these buildings to be extremely vulnerable to any kind of disaster and hazard, particularly fire. All the data and projects regarding the historical buildings of Istanbul exist in the archives of these three buildings. The copies of the documents do not exist in electronic form hence, once lost these data are irreplaceable. The data itself requires updating. Nonetheless, the staffs of the councils remain numerically inadequate for meeting the daily tasks required for receiving, assessing, archiving new data and plans brought by various proprietors of the historical buildings. Consequently, there is a long waiting list that the building owners face for having their projects reviewed as the emergency and official cases are given priority.

As can be deducted, these councils face obstacles in functioning, even under normal circumstances. They seem to be far from ready in meeting the emergency conditions requirements in case of a natural hazard, like a major earthquake.

With the new legislation, some of the daily tasks, such as the approval process of certain projects that do not include extensive restoration, are delegated to the municipalities. They are to set up 'cultural heritage offices', which shall be overtaking the approval errands. Nonetheless, up to date, these offices have not been established.

Moreover, even if these offices were to begin functioning now, it is doubtful that they would be efficient in relieving the regional councils from some of the routine tasks, let alone meeting the demands of the preparation process for a major disaster. This is because there is much left in the dark regarding these new offices. During the investigatory meetings conducted, it was not possible to get a date or acquire information about the foreseen workload of these bureaus. Meanwhile, official institutions and other local official and private stakeholders are responsible from the maintenance and preparation of their own buildings for any kind of hazard, as there is no central coordination point assuming responsibility.

## **6.0 LOCAL CONSULTATIONS**

Local Consultations have been executed both for the Environmental Management and Cultural Heritage Management components through personal consultations with the representatives of various stakeholders both from Public Authorities and NGO's.

### **6.1. Environmental Management**

The list of representatives, consulted are given in Annex 6.1 where the agencies they represent, their access information the questions posed and replies are covered in detail.

The major environmental impacts of a retrofitting project as being envisioned by those stakeholders can be outlined as follows,

- Dust,
- Noise,
- Traffic,
- Debris,
- Impacts on water bodies (Ground and Surface) and sewers,
- Health and safety of workers,
- Possible damage to existing infrastructure.

The major recommendations of these stakeholders for a better implementation of the project can be outlined as follows;

- A successful coordination,
- Consultation with the stakeholders throughout the implementation,
- Planning of retrofitting activities not to interrupt services both in schools and hospitals,
- Hiring of competent teams and experts,
- Careful and good quality control and
- Especially training activities through chambers.

In addition for each building to be retrofitted, as a part of project preparation, consultations will be carried out with the neighboring residents which will address any concerns they may have on the environmental matters (dust, noise, traffic) and local cultural issues.

Since the scope of the ISMEP Project will not be changed with the provision of additional finance, no new consultations have been considered necessary.

## 6.2 Cultural Heritage Management

The local consultations has been conducted with various key stakeholders during the preparation of this report. The central and local authorities, other major stakeholders and persons met regarding cultural heritage are given in Annex 7.

The regional authorities of MoC&T, the regional preservation councils in particular and municipal authorities, both on Metropolitan and district level are directly involved in issues regarding cultural heritage. The outcome of consultations regarding the capacities of these institutions and their needs for earthquake preparedness is given in the previous Section 5. Institutional Strengthening.

## 7.0 FINDINGS & RECOMMENDATIONS

Turkey has very well developed environmental and cultural heritage protection legislation in line with international conventions and western standards. Furthermore relevant institutionalization is adequate and all licensing/permitting procedures are well established and approval authorities defined. However the bureaucracy is known to be slow and inefficient and compliance rates are low.

For the sake of environmentally sound and smooth operation of the Project and full compliance with relevant environmental and cultural heritage legislation, rules and responsibilities of all parties are described as follows;

### - *Istanbul Project Coordination Unit:*

i. IPCU should incorporate into all tender documents;  
(Suggested details are given in Section 7.1)

1. The requirements for obtaining relevant approvals, permits/licenses; from district municipalities, Governors offices, Provincial Directorate of Ministry of Environment and Forestry, Ministry of Culture & Tourism, Turkish Atomic Energy Commission, Istanbul Water and Sewerage Administration.
2. Limit values for noise and dust and measures to control them,
3. Obligations of the contractor during transport and disposal of debris,
4. Request for a monitoring and supervision plan.

ii. Coordinate activities for the EMP with,

1. Istanbul Metropolitan Municipality (relevant agencies)
2. Provincial Directorate of MoEF,
3. TAEK, and
4. Supervision Engineer.

iii. Through these activities ensure that EMP is implemented.

### - *Provincial Directorate of MoEF*

Provincial Directorate of MoEF, should;

1. Ensure that all relevant Regulations are implemented,
2. In coordination with the IPCU, Istanbul Metropolitan Municipality and Supervision Engineer, program and monitor the measurement and supervision activities as defined in the EMP.
3. Inform the relevant agencies about any changes, in Regulations and applications and updates.

- ***Istanbul Metropolitan Municipality***

Istanbul Metropolitan Municipality through its relevant agencies (ISKI, Environmental Management Department, Transportation Department and Solid Waste Department), should;

- Ensure that relevant activities as defined in the EMP are executed, through.
- Coordination with the IPCU, Provincial Directorate of MoEF, Supervision Engineer and the Contractor,
- Providing necessary assistance as required,
- Providing approvals for the relevant plans and
- Monitoring and supervising the implementation of the activities.

- ***Contractor:***

The Contractor;

1. Should feel full responsibility meeting requirements of the legislation and mitigation plan,
2. Must obtain all necessary approvals/permits/license for the design, construction, debris transportation and disposal,  
(Note: An enhanced description to be included in the Contract Document is provided in Section 7.1.1)

- ***Engineer (Design and Supervision):***

During design and supervision the Engineer should be obliged to ensure that relevant legislative obligations are met and the mitigation plan is realized based on the monitoring plan. A description of works to be incorporated into the TOR of the Supervision Engineer is provided in Section 7.1.2.

The execution of the retrofitting construction work should be planned to the extent possible in such a manner that services provided in the buildings to be retrofitted are disrupted at a minimum. For this purpose thorough consultation with project-affected parties (school or hospital management) is recommended so that appropriate timing (summer/winter, holidays, semesters) and mode of retrofitting (in blocks, parties/full evacuation; intervention from outside etc.) can be determined.

If the existence of any building under review is violating any law or regulation, this should be checked during initial screening process and the building should be omitted from the list. This issue is depicted most critical with “Protection Zones” in “Water

Pollution Control Regulation” and different categories of heritage protection zones. The initial screening should also check if the building lacks residential permit or not.

It is recommended that following issues be taken into consideration at the design stage to enable better environmental and human health management in case of a future earthquake;

- “Emergency and Accident Plans” for Hazardous Waste Management and Radiation Safety should be reviewed and necessary measures should be integrated to the designs (hospitals),
- Wherever possible landscaped vacant land should be provided adjacent or as a part of hospitals and schools for emergency purposes,
- Standby capacities for water, wastewater, solid waste and electricity services need to be provided for hospitals and schools in the forms of;
  - Water storage facilities for water service
  - Package Treatment plant for wastewater services
  - Incineration Plants or extra storage capacities for solid waste,
  - Generators for electricity.
- All of those facilities should be insulated to resist shock loads resulting from a possible earthquake.

In addition it is also recommended that

- Retrofitting of hospitals and schools should be programmed to enable continuation of the services. Where;
  - For retrofitting of schools summer months can be preferred.
  - Retrofitting of hospitals should be executed, if possible, without interrupting the whole services (in a phased programme)
  - Temporary mobile facilities can be utilized during retrofitting of hospitals, which can also be used during emergency cases.

## **7.1 Contractor’s and Supervision Engineer’s Responsibilities (Enhanced)**

This section will provide the recommended details to be incorporated into Supervision Engineers TOR and Contractor’s tender documents to ensure implementation of mitigation measures as depicted within this report.

### ***7.1.1 Contractor’s Responsibilities***

The construction works shall be carried out with a view to minimize the adverse impacts on both the physical environment and the nearby settlement areas. The current environmental regulations (including specific measures below) will be obeyed by the contractor.

During the construction activities the following mitigation measures shall be taken for the issues specified below.

### ***Air Quality***

#### ***1. Dust prevention;***

The following mitigation measures will be executed by contractor to keep “Ambient Particulate Matter under 300 ppm as a maximum 24hr mean within the 100m (or alternative location agreed to by the supervision engineer and IPCU) vicinity of the construction site.

- Dust prevention measures and good house keeping practices such as water spraying to prevent dust and use of curtains and screening of the construction area.
- Use of masks, work gloves and clothes by workers.
- All vehicles delivering dusty construction materials to the site or removing debris will be enclosed and covered to prevent release of dust.
- Special measures might be required for the hospitals to protect the health of patients and staff in parts of buildings that are still under operation.

#### ***2. Vehicle exhaust emissions***

The Exhaust Emission Control Regulation which was enacted on 8<sup>th</sup> July 2005 was invalidated and a new regulation published in the Official Gazette No. 27190 on 4<sup>th</sup> April 2009, this regulation defines emission levels for different categories of vehicles. This regulation must be taken into consideration during retrofitting studies. There are various regulations passed by the Ministry of Industry and Trade regarding the approval of types of the provisions taken against the air pollutants emitted from the engines of different vehicles, which are follow ups of EC regulations. All these regulations ought to be closely followed by the contractor.

To achieve these limits contractor will;

- Select and use vehicles/engines with appropriate emission control technologies and equipment
- Maintain all vehicles and equipment engines and exhaust systems in order not to breach the aforementioned limits set for that vehicle/equipment type and mode of operation.

### ***Noise Prevention***

The following mitigation measures will be executed by the contractor to keep noise levels under 70 Leq (dB (AD)) within the 100m (or alternative location agreed to by the supervision engineer and IPCU) vicinity of the construction in accordance with the Noise Control Regulation.

- To ensure the use of noise control techniques on noisy equipment such as use by machines equipped with appropriate mufflers also located appropriately.
- Operating times limited to normal working hours to be determined with due sensitivity to the citizens private life (such as working on weekends, near schools, hospitals, mosques, churches, praying times).
- In the event of nighttime working, working hours will be discussed and agreed with the relevant authorities and after consultation with nearby communities.

## ***Waste Management***

### ***1. Demolition Debris Handling***

Contractor is expected to implement the following rules for demolition debris handling;

- Prepare a plan for handling of Demolition Debris in accordance with the “Debris Removal Regulation 18<sup>th</sup> March 2004”.
- Get approval of the Istanbul Metropolitan Municipality for the plan.
- Provide storage, transportation and disposal activities in accordance with the plan.

### ***2. Hazardous Waste Handling***

Contractor is expected to implement the following rules for handling hazardous waste;

- Determine potential hazardous waste to be handled during retrofitting in accordance with the “Hazardous Waste Management Regulation\_”March 2005” and in consultation with the owner/management of the Public Building.
- Prepare a plan for handling these wastes in accordance with this regulation and in consultation with Istanbul Metropolitan Municipality.
- Provide handling, storage, transportation and disposal/destruction activities in accordance with the plan.

### ***3. Handling Medical Wastes***

Contractor is expected to consult the hospital management about the medical waste management plan prepared by management.

- Not to interfere with the plan
- Take the necessary measures to prevent the likely contacts of workers with the medical wastes.
- Take all the precautions to prevent mixing of medical and other wastes.

### ***4. Handling Asbestos Containing Material***

Contractor is expected to implement the following rules for handling asbestos containing material.

- Consult the owner/manager of the building for possible existing material containing asbestos (it is envisaged that design drawings and specifications will provide input for this issue).
- Prepare a plan for handling the asbestos containing material in accordance with the “Regulation for Handling of Asbestos Products\_December2003”.

- Take the necessary measures, make necessary arrangements for the transportation and final disposal of asbestos containing material in licenced disposal sites/plants (such as IZAYDAS (company for burning of wastes and residues)).
- Execute mitigation measures during retrofitting activities in accordance with this plan.

### ***Transportation***

Contractor in consultation with the Transportation Department of Istanbul Metropolitan Municipality is expected to determine routes of transportation for;

-*Demolition Debris;*

Hazardous and Asbestos Containing Waste, also in accordance with the relevant plans and,

-*Construction material (concrete, stone, steel, etc.);*

To prevent disturbance to the resident, roads and regular traffic management in addition contractor is also expected dumpers of the trucks to be covered during transportation.

### ***Waste Water (Point/Non point) Handling***

Contractor is expected to provide facilities for discharge of wastewater produced and/or soil erosion during construction;

-either to the city sewerage system (if available) directly, or

-through septic tanks to be constructed in sufficient capacity, and periodically evacuated.

Additional necessary precaution shall be taken to prevent the pollution of the nearby water courses by the wastewater resulting from construction activities.

### ***Reporting Responsibilities of the Contractor***

Contractor is expected to frequently inform the supervision engineer regarding EMP related issues, in addition to the environment related section to be included in the progress reports.

#### ***7.1.2 Supervision Engineer's Responsibilities***

Supervision Engineer by hiring an:

Environmental Engineer within his team will ensure that all mitigation measures proposed within the Environmental Management Plan of this report are. Implemented by the responsible parties. On these lines Environmental Management Plan Report should be an Annex to the Terms of Reference of the consultant.

- Supervision Engineer is also expected to provide coordination between the contractor and other responsible authorities, such as;
  - Istanbul Metropolitan Municipality (relevant directorates)
  - Provincial Directorate of MoEF and
  - TAEK.

- Supervision Engineer will provide monthly reports to IPCU in regards to activities for implementing the EMP.
- In the case of new updates or changes in regulations or applications Supervision Engineer may suggest changes to the EMP and with the approval of the IPCU ensure implementation of such changes.
- Supervision engineer is expected to submit frequent environmental monitoring reports to IPCU, and inform IPCU regarding EMP compliance or non-compliance of the contractor, and the necessary actions to be taken.

## **7.2 Other Recommendations**

It is also recommended that whenever a building is suggested to the selection committee for retrofitting the following features of the building should be checked,

- Location in accordance to the Master Plan of Istanbul,
- Building License,
- Location in accordance to the Water Pollution Protection Zones as determined and defined by Istanbul Water and Sewerage Administration
- Availability of Building Design and and As-Built Drawings,
- Availability of an Emergency Plan, in consultation with the District Municipality and Istanbul Metropolitan Municipality, and
- Protection status in accordance with the Cultural Heritage Protection Framework.

## **7.3 Findings & Recommendations Regarding Cultural Heritage**

Component B, of the ISMEP Project proposes retrofitting of selected high priority public buildings.

The exact list of buildings to be retrofitted will be eventually determined.

For all the buildings selected, retrofitting designs will need to be prepared prior to construction works. This will require two stages of successive contracts: first, design works; and second, the construction along with the supervision contract.

Some of the buildings selected might be of historic value whether registered or not. Considerable number of selected buildings may not have any historic value, but may be situated in a zone having historical and cultural significance. The retrofitting designs for those buildings will be subject to the approval or review of Preservation Councils.

The registered historical buildings will need a series of documents and sets of drawings, to present to the council.

Buildings that are located in historic, cultural, natural or archaeological sites might need additional experts like archaeologists and conservationists to be employed on site or for the supervision services. The contractor may be obliged to recruit such experts throughout the implementation. On special cases, there may be a need to include such experts in the supervision team.

All these required documents and services, need to be specified before the tender stage for design, implementation and supervision. This will be the responsibility of the IPCU. The standard set of documents required from the Preservation Council is given in Annex 4.5. However, it is highly advised that IPCU checks the requirements

for each case, to make sure every needed document or service is included in the tender documents.

It is also probable that in some cases there will be less requirements than expected. Some retrofitting projects may foresee minor interventions that may not require full set of documents, like full measured drawings or restitutional drawings. Some intervention proposals, on the contrary, may arise the need for additional specialist reports. For non-historic buildings located in archaeological sites, any underground activity requiring digging may be subject to the control of the Istanbul Archaeological Museum.

It should be remembered that each case is different and a general approach on steps to follow may not be sufficient.

It is highly advised that the IPCU establishes an initial contact with the Preservation Councils at the early stages of the project, even before the list of selected buildings is determined. This will be helpful in establishing an overall understanding of the ISMEP Project within the Council and it will be instrumental in evaluating the applications as a part of a whole, rather than individual cases. It is important to note that due to the great number of applications and low staff capacity of the Councils, there is a long waiting period to receive the approvals. However, there are exceptions and the ISMEP Project is one of them. The Councils give priority to certain cases and these projects are reviewed without delay. The ISMEP Project cases will have triple priority, as they are: 1. Government owned buildings; 2. Buildings used for public service, i.e. hospitals & schools; 3. Emergency cases needing retrofitting for an expected major natural disaster, the earthquake.

Provided that this mutual understanding is established between the IPCU and the Councils, the Councils will inform the IPCU, on the documents and services required for each case, to be included in their tender documents. In cases where the design stage requires highly skilled expertise work, the IPCU may consider to hire individual consultant(s) to write the TOR's for the expertise work and to prepare the specs for tender documents. Same applies for the expertise work that will be required during the implementation and supervision stages.

The IPCU will include all these obligations required by the council to the relevant contract TOR's, prior to the tender stage.

Such collaboration between the IPCU and the Councils will also be helpful for the screening process of the selected projects from the Cultural Heritage point of view. IPCU will be able to find out whether the building under review has violated any law or regulation in the past or not, i.e. illegal annexes or wings, inappropriate alterations etc. Such cases will be dropped, to avoid future legal complications. IPCU will also have all the information that will help the screening process and will be able to decide on eliminating extremely complicated cases that will require more time than ISMEP Project can bear; or, to include exemplary Cultural Heritage buildings that need retrofitting, not only for disaster preparedness, but also to demonstrate good practices of sustainable use of heritage.

The crucial points to be checked by the IPCU is given in Annex 7.3 as a practical quick reference.

# **ANNEXES REGARDING ENVIRONMENT**

## ANNEX 3.1

**TABLE 1: Levels of Pollutants in Ambient Air as Given in Turkish Regulation on Assessment and Management of Air Quality**

Pollutant	Average Duration	Limit Value for Transition Period (2009-2014)	Target Value (after 1.1.2014)
SO <sub>2</sub>	1 hr	900 µg/m <sup>3</sup>	
	24 hr	400 µg/m <sup>3</sup>	250 µg/m <sup>3</sup>
	Winter period	250 µg/m <sup>3</sup>	125 µg/m <sup>3</sup>
	Annual mean	150 µg/m <sup>3</sup>	
NO <sub>2</sub>	24 hr	300 µg/m <sup>3</sup>	
	Annual mean	100 µg/m <sup>3</sup>	60 µg/m <sup>3</sup>
Particulate matter	24 hr	300 µg/m <sup>3</sup>	100 µg/m <sup>3</sup>
	Winter period	200 µg/m <sup>3</sup>	90 µg/m <sup>3</sup>
	Annual mean	150 µg/m <sup>3</sup>	60 µg/m <sup>3</sup>
CO	24 hr	30 µg/m <sup>3</sup>	10 µg/m <sup>3</sup>
	Annual mean	10 µg/m <sup>3</sup>	
Pb	Annual mean	2 µg/m <sup>3</sup>	1 µg/m <sup>3</sup>
NO <sub>2</sub>	1 hr	200 µg/m <sup>3</sup> (18 times a year)	100 µg/m <sup>3</sup>
	Annual	40 µg/m <sup>3</sup>	20 µg/m <sup>3</sup>
NO <sub>x</sub>	Annual	30 µg/m <sup>3</sup>	
Benzene	Annual	5 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>

## ANNEX 3.2

**Table II.a Turkish Ambient Noise Standards for Construction Activities**

Type of Activity (construction, demolishing, repair work)	L <sub>daytime</sub> (dBA)
Building	70
Road construction	75
Other sources	70

**Table II.b Turkish Standards for Ambient Vibration Created in Construction Sites**

	Max. Allowable Vibration (mm/sec)	
	Continuous vibration	Intermittent vibration
<b>In residential areas</b>	<b>5</b>	<b>10</b>
<b>In industrial and trade zones</b>	<b>15</b>	<b>30</b>

**Table II.c Noise Levels in Inside Receiving Media given in Turkish Noise Management Regulation**

Uses		Closed Window L <sub>eq</sub> (dBA)	Open window L <sub>eq</sub> (dBA)
Cultural Facilities	Theatre, movie theatre, conference halls	30	40
Health Facilities	Hospitals, polyclinics, elderly houses	35	45
	Treatment rooms	25	35
Education facilities	Classrooms	35	45
Touristic facilities	Rooms in hotels, motels	35	45
Public Institutions	Offices, labs	45	55
Residential buildings	Bedrooms	35	45
	Livingrooms	45	55

**Table II.d Standards For Ambient Noise**

(World Bank General Environmental Guideline-World Bank Pollution Prevention Handbook)

<b>Receptor</b>	<b>Daytime (07:00-22:00)</b>	<b>Nighttime (22:00- 7:00)</b>
<i>Residential; institutional</i>	55	45
<i>Industrial; commercial</i>	70	70

## **ANNEX 3.3**

### **List of International Agreements and Conventions on Environment Related Issues**

- European Culture Convention (acceded by Law no. 6998 and published in the Official Gazette dated 17 June 1957 and no. 9635)
- UN International Convention for the Protection of Birds, ratified and published in the Official Gazette No. 12480 on 17<sup>th</sup> December 1966.
- Barcelona Convention on the Protection of the Marine Environment and the Coastal Region of the Mediterranean ratified on 12<sup>nd</sup> June 1976.
- World Heritage Convention on the Protection of World Cultural and Natural Heritage, ratified and published in the Official Gazette No. 17670 on 20<sup>th</sup> April 1982.
- Geneva Convention on Long-Range Transboundary Air Pollution (acceded by the Decision of the Council of Ministers dated 21 January 1983 and published in the Official Gazette dated 23 March 1983 and no.17996).
- Paris Convention on the Protection of the World Cultural and Natural Heritage (acceded by Law no. 2658 published in the Official Gazette dated 4 February 1983 and no.17959)
- Bern Convention on protection of Europe's Wild Life and Living Environment (acceded by the Decision of the Council of Ministers dated 9 January 1984 and published in the Official Gazette dated 20 February 1984 and no. 18318).
- Vienna Convention on the Protection of the Ozone Layer (acceded by Law no. 3655 published in the Official Gazette dated 20 June 1990 and no. 20554).
- Convention on the Prevention of Pollution of Marine Environment by the Ships (MARPOL 73/78), ratified on 24<sup>th</sup> June 1990.
- Turkey has become a party to Ramsar Convention on Wetlands of International Importance Especially as Wildfowl Habitat (acceded by the Decision of the Council of Ministers dated 15 March 1994 and published in the Official Gazette dated 17 May 1994 and no.21937).
- Bucharest Convention on the Protection of Blacksea Against Pollution, ratified on 15<sup>th</sup> January 1994.
- Basel Protocol on Transboundary Movements of Hazardous Wastes and Their Disposal (published in the Official Gazette dated 15 May 1994 and no. 21935)

- Dumping Protocol, Prevention of Pollution of Backsea by Dumping from Ships, ratified on 29<sup>th</sup> March 1994.
  
- Montreal Protocol on Substances That Deplete the Ozone Layer (and sub. Amendments)(acceded by Law no.4118 published in the Official Gazette dated 12 July 1995 and no.22341).
  
- UN (Rio) Convention on Biological Diversity (ratified by Law no. 4177 published in the Official Gazette dated 27 December 1996 and no.22860).
  
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) (acceded by Law no.4041 and published in the Official Gazette dated 20 June 1996 and no.22672)
  
- Turkey has signed and adopted the resolutions taken at the Strasbourg and Helsinki Ministerial Conferences on the Protection of Forests in Europe, and established a National Follow-up Committee consisting of experts responsible for technical coordination of each resolution. Necessary studies on adjusting the accepted criteria and indicators for sustainable forest management to national forestry issues are being conducted.
  
- Turkey signed the United Nations Convention on Biological Diversity in 1992 and ratified it in 1997.
  
- The Convention on Combating Desertification was signed in 1994 and ratified in 1998.
  
- Protocol on the Protection of Mediterranean from Land-based Pollution, first ratified on 18<sup>th</sup> March 1987, and revized protocol was signed in 2002.
  
- Floransa Convention – European Landscape Convention was ratified and published in the Official Gazette No. 25181 on 27<sup>th</sup> July 2003.
  
- Izmir Protocol on the Prevention of Pollution from the transboundary Movement and Disposal of Hazardous Wastes , ratified on 3<sup>rd</sup> December 2003.
  
- UN International Framework Convention on Climate Change, Turkey bacame a party on 24<sup>th</sup> May 2004.
  
- Protection of Biodiversity and Landscape in Blacksea Region, ratified on 12<sup>th</sup> August 2004.
  
- Kyoto Protocol, ratified on 26<sup>th</sup> August 2009.
  
- Stockholm Convention on the Non-degredable Organic Pollutants, ratified on 12nd January 2010.

## ANNEX 6.1

Interviewed	Date and Hours	Duty	Telephone	E-mail	Address
Mahmut SÜMER	29.12.2004 Hours: 11.00	Greater Istanbul Municipality, Head of Environmental Protection and Control Division	0 216 449 47 47	msumer@ibb.gov.tr	Istanbul Büyükşehir Belediyesi Kasım Sok. 34010 Merter/İSTANBUL
Mesut PEKTAŞ	29.12.2004 Hours: 12.30	Greater Istanbul Municipality, Head of AKOM	0216 449 44 00	akom@ibb.gov.tr	Kemberburgaz Cad. Sular İradesi Mevkii Nurtepe- Kağıthane/İSTANBUL
Necdet BERBER	29.12.2004 Hours: 12.30	Greater Istanbul Municipality, Director of AKOM	0212 32117 39	akom@ibb.gov.tr	Kemberburgaz Cad. Sular İradesi Mevkii Nurtepe- Kağıthane/İSTANBUL
Aynur ULUĞTEKİN	29.12.2004 Hours: 12.30	Consultant for General Director of ISKI	0212 588 38 00	augerzile@iski.gov.tr	İnkılap Cad. No: 34 34410 Aksaray/İSTANBUL
Hamit YIDIRIM	20.12.2004 Hours: 14.30	Consultant for AKOM of Greater Istanbul Municipality	0216 386 50 70	hamit.yildirim@turk.net	Tophanelioğlu Cad. No:62 K 3-4 Altunizade/İSTANBUL
Cemal GÖKÇE	29.12.2004 Hours: 15.30	Chamber of Civil Engineers, Head of Istanbul Branch	0212 248 36 42 0212 247 96 57	imo@imoistanbul.org.tr	Halaskargazi Cad. No:35/1 Harbiye/İSTANBUL
Örgen UĞURLU	24.12.2004 Hours: 15.00	Chamber of Environmental Engineers, Secretary of Istanbul Branch	0212 245 89 15 0212 245 89 16	cmoistanbul@cmo.org.tr	İstiklal Cad. Koçtuğ Han No:386 K:2 Tünel Beyoğlu/İSTANBUL
Mücella YAPICI	24.12.2004 Hours: 11.00	Chamber of Architects, Member of Disaster Committee	0212 227 6910	mimarist@mimarist.org.tr	Yıldız Sarayı Dış Karakol Binası Barbaros Bulvarı 34349 Beşiktaş /İSTANBUL
Aziz YENİYOL	08.02.2005 Saat:13.30	Director of Pertevniyal High School	0212 635 20 72 0212 635 20 73 0212 635 20 75	-	Atatürk Bulvarı Aksaray/İSTANBUL
Sadettin KILIÇTAŞ	08.02.2005 Saat: 11.30	İ.Ü Çapa Science and Health Faculty Secretary and Hospital Director	0212 414 21 04	-	İ.Ü Çapa Tıp Fakültesi Çapa/İSTANBUL
Zeki HASGÜR	21.01.2005 Saat:14.00	Consultant for Earthquake Foundation	0212 2853840	zhasgur@srv.ins.itu.edu.tr	İTÜ İnşaat Fakültesi 34469 Maslak/İSTANBUL

### Questions:

1. What do you think about your roles and responsibilities in frame of current legislations? Are you satisfied from these roles and responsibilities?
2. Would you like to obtain new roles and responsibilities? Are there any necessities for new roles and responsibilities?
3. What are the most important environmental effects of reinforcement projects?

<b>Interviewed</b>	<b>Roles and Responsibilities?</b>	<b>New Roles and Responsibilities?</b>	<b>Requirements?</b>	<b>Important Environmental Effects?</b>	<b>Other comments?</b>
Mahmut SÜMER	The department co-ordination with local polices audit and if it is required punishment is being applied.	Relationship between competence and responsibilities should be well balanced. The municipality should have authority on some related subjects.	There is no need to introduce new personals and equipment. If it is required, services are provided by universities. The personal should be trained regularly. There is a need a new regulation to balance competence and responsibilities.	1. Dust, 2. Noise, 3. Traffic, 4. Debris	<ul style="list-style-type: none"> <li>If there is a complaint, it is taken into consideration urgently.</li> </ul>
Mesut PEKTAŞ	Co-ordination of relevant municipality departments and other related institutions before/in/after natural disaster to minimise possible hazard.	It is good enough.	There is no any requirement.	-	-
Necdet BERBER	Co-ordination of relevant municipality departments and other related institutions before/in/after natural disaster to minimise possible hazard.	It is good enough.	There is no any sound requirements.	-	-

<b>Interviewed</b>	<b>Roles and Responsibilities?</b>	<b>New Roles and Responsibilities?</b>	<b>Requirements?</b>	<b>Important Environmental Effects?</b>	<b>Other comments?</b>
Hamit YILDIRIM	Municipality provide construction permission. Also the municipality control and audit constructions.	For retrofitting project a new department should be established within the GoI.	All of relevant personals, technicians and engineers should need to be trained.	<ol style="list-style-type: none"> <li>1. Chemicals,</li> <li>2. Workers' health,</li> <li>3. Noise,</li> <li>4. Groundwater,</li> <li>5. If the building is covered, the effect will not be important.</li> </ol>	<ul style="list-style-type: none"> <li>• All of materials that will be used in construction must be controlled.</li> <li>• The contributions of the relevant chambers will be useful.</li> <li>• There must be a co-ordination between related institutions.</li> </ul>
Örgen UĞURLU	There is no any role and responsibilities in the decisions making procedure.	Chamber of the Environmental Engineer should be in decision-making process as decision maker. In addition there should be auditing responsibilities of the chambers.	There is a need to new regulations for new roles and responsibilities. In addition there is personals and equipment requirements.	<ol style="list-style-type: none"> <li>1. Noise,</li> <li>2. Dust,</li> <li>3. Debris,</li> <li>4. Traffic,</li> <li>5. Damage of infrastructure</li> </ol>	<ul style="list-style-type: none"> <li>• For public involvement questionnaire should be used.</li> </ul>
Cemal GÖKÇE	There are no any roles and responsibilities in the decisions making procedure. Only the chambers control project, If there is an agreement with municipality.	The chambers should organize training programs and members must take this courses. The Chambers should qualified its members not their products.	The current legislation should be changed.	<ol style="list-style-type: none"> <li>1. Traffic,</li> <li>2. Noise,</li> <li>3. Debris,</li> <li>4. Dust</li> </ol>	<ul style="list-style-type: none"> <li>• The chamber continuously organizing training activities.</li> </ul>

<b>Interviewed</b>	<b>Roles and Responsibilities?</b>	<b>New Roles and Responsibilities?</b>	<b>Requirements?</b>	<b>Important Environmental Effects?</b>	<b>Other comments?</b>
Mücella YAPICI	There are no any roles and responsibilities. Opinion of the chamber is not taken into consideration in spite of the chambers is an official institution.	Chamber of the Architects should be in decision-making process as decision maker.	Architects who will work in retrofitting projects should be trained. Also the chamber should need consultancy service.	<ol style="list-style-type: none"> <li>1. Debris,</li> <li>2. Noise,</li> <li>3. Dust</li> </ol>	<ul style="list-style-type: none"> <li>• We believe that retrofitting of life area concept must be introduced.</li> <li>• Retrofitting project should be prepared by a team that consist of relevant professions.</li> <li>• There is a panel organization about retrofitting of historical city, in July, in Istanbul during UIA 2005 Congress.</li> <li>• There is a disaster committee working on preparation big cities for earthquake. Also this committee are organizing various symposiums for this purpose.</li> </ul>
Aziz YENİYOL	-	-	-	<ol style="list-style-type: none"> <li>1. Traffic,</li> <li>2. Noise,</li> <li>3. Dust,</li> </ol>	<ul style="list-style-type: none"> <li>• Retrofitting works must be done in summer</li> </ul>
Sadettin KILIÇTAŞ	-	-	-	<ol style="list-style-type: none"> <li>1. Traffic,</li> <li>2. Noise,</li> <li>3. Dust,</li> <li>4. Debris,</li> </ol>	<ul style="list-style-type: none"> <li>• Every department of the hospital should be retrofitted separately,</li> <li>• Services must work without interruption,</li> <li>• There should be a co-ordination between contractors and hospital directorate. Hospital directorate must be informed about working program to take necessary prevention at the right time.</li> </ul>

Interviewed	Roles and Responsibilities?	New Roles and Responsibilities?	Requirements?	Important Environmental Effects?	Other comments?
Zeki HASGÜR	-	-	-	<ol style="list-style-type: none"> <li>1. Debris,</li> <li>2. Traffic,</li> <li>3. Noise,</li> <li>4. Dust</li> </ol>	<ul style="list-style-type: none"> <li>• Safety Engineer must work in retrofitting works.</li> <li>• Building should be covered to prevent potential negative effects</li> <li>• Engineers must be trained.</li> <li>• Retrofitting works is a team works,</li> <li>• Retrofitting project should not effect commercial facilities in negatively and if it is possible, retrofitting works should be finished in short time.</li> </ul>

Note: In addition for each building to be retrofitted, as a part of project preparation, consultations will be carried out with the neighboring residents which will address any concerns they may have on the environmental matters (dust, noise, traffic) and local cultural issues.

# **ANNEXES REGARDING CULTURAL HERITAGE**

## ANNEX 4.1

### List of Territories and Sites within the Task Area and the Responsibility of Istanbul Regional Council for the Preservation of Cultural & Natural Assets No: 1

	<b>SITE DECISION</b>	<b>PLAN DECISION</b>
FATİH	With the 12.1995 dated, no. 6848 Decision: <b>Urban and Historical Site</b>	No Conservation Plan Transition period construction conditions determined with the 2.8.1995 dated, No. 6898 Decision.
EMİNÖNÜ	With the 12.7.1995 dated and no. 6848 Decision: <b>*Grade 1 Archeological Site</b> <b>*Urban and Archeological Site</b> <b>*Urban and Historical Site</b>	No Conservation Plan Transition period construction conditions determined with the 2.8.1995 dated, no. 6898 Decision.
BEYOĞLU	With the 7.7.1993 dated and No. 4720 Decision: <b>*Urban Site</b>  With the 22.3.1995 dated and No. 6482 Decision: <b>*Historical Site (Docks)</b>  <b>The Atatürk Culture Center (AKM) Protection Site</b>	No Conservation Plan Transition period construction conditions determined with the 29.9.1993 dated, no. 4954 Decision.
EYÜP	With the 15.1.1977 dated and No. 9591 Decision: <b>*Urban Site</b>	Approved with 18.11.1978 dated and No. 10741 Decision, in 1/500 scale: <b>*Eyüp Conservation Implementation Plan</b> Approved with 7.10.1992 dated and No.4095 Decision: <b>*Eyüp Mosque and Center, their environs Conservation Implementation Plan</b> Approved with 2.3.1994 dated and No. 5387 Decision: <b>*Included in the Site Plan:</b>
BAKIRKÖY	No site decision.	Approved with the 27.6.1990 and No. 1869 Decision <b>*Yeşilköy 'Village' Conservation Plan</b>
	With 1.9.1999 dated and No. 11103 Decision: <b>*Grade 2 Natural Site (Florya Atatürk Forest)</b>	No Conservation Plan
ŞİŞLİ	No Site.	
ZEYTİNBURNU	With 1.9.1999 dated and No. 12850 Decision: <b>*City Walls Buffer Zone Site</b>	
GÜNGÖREN	No Site	
ESENLER	No Site	
BAĞCILAR	No Site	
BAHÇELİEVLER	No Site	
KAĞITHANE	No Site	
GÖKTÜRK DISTICT	No Site	

## ANNEX 4.2

### List of Territories and Sites within the Task Area and the Responsibility of Istanbul Regional Council for the Preservation of Cultural & Natural Assets No: 2

#### A. Archaeological Sites

1. Maltepe, Başbüyük, Mağarabayır & Fındıkbayır Tepe;  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 29.11.1994/3616-3617
2. Pendik, Kaynarca, Pendik Mound  
declared as: 1. & 2. degree Archaeological Site  
issue date/no of declaration: 06.04.1993/3054
3. Samandıra, Remains of the Damatrys Palace & Bath Ruins  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 26.07.1996/4226
4. Silivri, Center, Necropolis Zone  
declared as: 3. degree Archaeological Site  
issue date/no of declaration: 18.09.1997/4593
5. Silivri, Mimar Sinan Bridge and surroundings  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 21.03.2002/6311
6. Çatalca, İnceğiz Village, Necropolis of Maltepe  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 10.05.1994/3456
7. Silivri, Anastasius Walls  
registered zone: 50 m band flanking the Walls as shown on sheets 20 J-I;  
20 J-II; 21 J-III; 21 J-IV  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 06.04.2000/5558  
(including areas previously declared as 1. degree Archaeological Site on  
04.12.96/4335 and areas previously declared as 3. degree Archaeological  
Site on 25.11.99/5409, is changed as 1. degree Archaeological Site)
8. Çatalca, Anastasius Walls  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 24.11.1995/39928 (previous declaration  
on 12.11.1977/10139)
9. Küçükçekmece, Altınşehir, Ispartatakule- Firuzköy-Kayabaşı Area  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 10.07.1991/2700

10. Rregion Site  
declared as: 1. & 2. degree Archaeological Site  
issue date/ no of declaration: 15.09.1973/3212  
issue date/no of Conservation Implementation Plan: 28.09.1993/3212
11. Küçükçekmece, Town Center  
declared as: 3. degree Archaeological Site  
issue date/no of declaration: 01.03.1994/3387
12. Küçükçekmece, Yarımburgaz Cave, Baruthane & Resneli Osman Farm  
Location  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 1607.1991/2700
13. Şile-Domalı (Sahilköy), Göztepe Location  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 07.02.2001/5950-28.06.2001/6098
14. Silivri-Kurfalı Village  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 16.01.2002/6254
15. Pendik-Kurna Village, Tepecik Tepe Location, Tumulus as marked on  
sheet19, parcel 742  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 06.11.2002/6484
16. Silivri, Selimpaşa District, Selimpaşa Mound as marked on sheets  
20-21-22-23, parcels 1429-1437-1432  
declared as: 1. degree Archaeological Site  
issue date/no of declaration: 07.04.2004/6920

## **B. Urban Sites**

1. Maltepe Fishermen's Village  
issue date/no of Urban Site declaration: 26.03.1991/2640  
issue date/no of Conservation Implementation Plan: 23.01.1997/4377
2. Kartal, Town Center  
issue date/no of Urban Site declaration: 10.04.1997/4469
3. Silivri, Ancient Selymbria, Town Center  
issue date/no of Urban Site declaration: 28.09.1993/3216
4. Silivri, Selimpaşa  
issue date/no of Urban Site declaration: 10.12.1991/2773  
issue date/no of Conservation Implementation Plan: 21.07.1992/2902
5. Kadıköy, Traditional Market Area  
issue date/ no of Urban Site declaration: 13.09.1991/3623  
issue date/no of Conservation Implementation Plan: 13.05.1993/5802
6. Kadıköy, İbrahimağa  
issue date/no of Urban Site declaration: 21.03.1995/3721  
issue date/no of Conservation Implementation Plan: 11.06.1998/4841
7. Kadıköy, Rasimpaşa  
issue date/no of Urban Site declaration: 19.04.1994/3436  
issue date/no of Conservation Implementation Plan: 12.12.1996/4344  
revision to the Conservation Implementation Plan: 05.06.1998/4840
8. Çatalca, Kaleiçi (Citadel) District  
issue date/no of Urban Site declaration: 14.11.1995/1566  
issue date/no Conservation Implementation Plan: 14.11.1995/1566

### C. Natural Sites

1. Tuzla, Büyük & Küçük İçmeler  
declared as: Natural Site  
issue date/no of declaration: 14.01.1992/2787  
revised as: 1.& 2. degree Natural Site  
issue date/no of declaration: 30.09.1999/5316  
  
Büyük İçmeler  
1. degree Natural Site: Sheet 21, parcels 3749  
2. degree Natural Site: sheet21, parcels 3749, 4106, 4108, 4103 and 4107  
  
Küçük İçmeler  
1. degree Natural Site: Sheet 21, parcels 1429 and 1391  
2. degree Natural Site: sheet21, rest of parcels 1429 and 1391
2. Tuzla, Areas North of Büyük İçmeler  
declared as: 3. degree Natural Site; sheet 21, parcels 37790, 1405, 3789,  
partially 1409 and 1413  
issue date/no of declaration: 30.09.1999/5317
3. Tuzla, Kamil Abduş Lake and Environs  
declared as: 1. & 2. degree Natural Site  
issue date/no of declaration: 26.01.1993/3019-16.07.1997/4535  
issue date/no of Conservation Implementation Plan 1/5000:16.07.1997/4535
4. Silivri, Büyük ve Küçük Kokmuş Lakes  
declared as: 1. & 2. degree Natural Site  
issue date/no of declaration: 14.10.1999/5349
5. Kartal, Dragos Hill and Vicinity  
declared as: 1., 2. & 3. degree Natural Site  
issue date/no of declaration: 11.11. 1999/5385
6. Kadıköy, block 309, parcel 2  
issue date/no of declaration:20.12 1975/8781
7. Pendik, sheet 93, block 673, parcels 1, 2, 3, 4, 5 and 6; block 868, parcel 2;  
block 775, parcels 1, 2, 3.  
declared as: 1. degree Natural Site  
issue date/no of declaration: 07.10.1999/5346
8. Kadıköy, sheet 106, block380, parcels1-6  
declared as: Natural Site  
issue date/no of declaration: 20.10.1979/11458

9. Kadıköy, block 1149, parcel 8  
declared as: 3. degree Natural Site  
issue date/no of declaration: 27.04.2000/5589
10. Kadıköy, sheet 172, block 620, parcel 39  
declared as: Natural Site  
issue date/no of declaration: 13.05.1977/9780  
revised as: 3. degree Natural Site as of 27.06.2002/6397
11. Küçükçekmece and Avcılar  
Interior & Exterior Sandbanks and Soğuksu Farm  
declared as: Natural Site  
issue date/no of declaration: 13.11.1976/9509  
issue date/no of Küçükçekmece Conservation Implementation Plan:  
28.09.1993/3212  
issue date/no of Avcılar Conservation Implementation Plan:  
04.09.1997/4566
12. Kartal-Yakacık, sheets 109/2, parcel 7; sheet 109, block 2576, parcel 2  
DDY Hospital (Hospital of State Railways)  
declared as: 2. degree Natural Site  
issue date/no of declaration: 26.09.2002/6451
13. Kadıköy-Acıbadem, block 1340, parcels 4, 5, 6  
declared as: 3. degree Natural Site  
issue date/no of declaration: 16.10.2002/6470
14. Kadıköy, sheet 9, block 5, parcel 1, Yoğurtçu Green Park  
declared as: 1. degree Natural Site  
issue date/no of declaration: 25.12.2002/6529
15. Aydos Mountain falling into the territory of Pendik-Kartal-Sultanbeyli  
Provinces  
declared as: 1. degree Natural Site  
issue date/no of declaration: 14.10.1999/5348; 16.06.2000/5670

## **D. Combined Sites**

1. Tuzla, Sakız Island, parcel 4709  
declared as: 1. degree Archaeological & Natural Site  
issue date/no of declaration: 17.11.1992/2972-26.01.1993/3019
2. Tuzla, İncirli (Glykeria) Islandsheet 39, parcels 2417, 2418  
declared as: Archaeological & Natural Site  
issue date/no of declaration: 27.12.1994/3642
3. Tuzla, Town Center  
declared as: Urban Site & 3. degree Archaeological Site  
issue date/no of declaration: 23.02.1993/3022-16.04.1998/4762  
Conservation Implementation Plan is underway
4. Şile, Town Center  
declared as: Urban & Natural Site  
issue date/no of declaration: 28.01.1992/2796 (including Urban Site, Natural Site & Impact Zone Conservation Implementation Plan)  
issue date/no Urban Site Conservation Implementation Plan: 02.09.1992/2934  
Revision for the Natural Site & Impact Zone: 03.05.1994/3453  
Revision for the Natural Site & Impact Zone: 12.04.2001/6001
5. Şile, Doğancılı and Alacalı  
declared as: 1. degree Natural Site & 1. and 2. degree Archaeological Site  
issue date/no of declaration: 11.12.1997/4667
6. Bayrampaşa, Ferhatpaşa Farm  
declared as: 1. degree Natural Site & 2. degree Archaeological Site  
issue date/no of declaration: 19.11.1994/3603-02.02.1996/4025
7. Tuzla, Ancient Pier & Surroundings  
declared as: 1. degree Archaeological & Natural Site  
issue date/no of declaration: 16.04.1998/4761
8. Çatalca, İkigöz and Kocakuyu Caves  
declared as: 1. degree Archaeological & Natural Site  
issue date/no of declaration: 24.11.1995/3928
9. Çatalca, İnceğiz Village, Umurtepe Location  
declared as: 1. degree Natural Site & 2. degree Archaeological Site  
issue date/no of declaration: 21.08.1997/4540-05.02.1998/4701
10. Kadıköy, Hasanpaşa  
declared as: Urban Site & 1. degree Natural Site  
issue date/no of declaration: 19.04.1994/3437  
issue date/no of Conservation Implementation Plan: 11.06.1998/4841

11. Şile, Ağva District  
declared as: 1. degree Archaeological & Natural Site  
issue date/no of declaration: 13.04.2001/5572
  
12. Keçikalesi remains located on the Sultanbeyli side of the Aydos Mountain  
falling into the territory of Pendik-Kartal-Sultanbeyli Provinces  
declared as: 1. degree Archaeological & Natural Site  
issue date/no of declaration: 16.06.2000/5670

## **ANNEX 4.3**

## ANNEX 4.3.1

### List of Territories and Sites within the Task Area and the Responsibility of Istanbul Regional Council for the Preservation of Cultural & Natural Assets No: 4.3.1

<b>NATURAL SITE</b>		
Northern Side of Istanbul, the Black Sea Belt Natural Site	Sarıyer and Beykoz (Partially) Çavuşköy and Bahçeköy Districts	15.11.1995/7755
Abbasağa Park Natural Site	Beşiktaş	01.03.2000/11484
Validebağ Natural Site	Üsküdar	12.03.1977/9728
Reşitpaşa	Sarıyer (Within the Bosphorus Site)	
<b>NATURAL AND HISTORICAL SITE</b>		
Bosphorus Natural and Historical Site	Beşiktaş, Üsküdar, Sarıyer, Beykoz (Partially)	14.12.1974/8172
Yıldız Palace Natural and Historical Site	Beşiktaş	09.02.1995/7296
Ihlamur Kiosk and its Environs Natural and Historical Site	Beşiktaş	13.02.1976/8913 11.06.1985/1152
Karacaahmet Cemetery Natural and Historical Site	Üsküdar	03.05.1991/3180
<b>NATURAL AND URBAN SITE</b>		
Büyük and Küçük Çamlıca Natural and Urban Sites	Üsküdar	11.01.1991/2759 16.01.1998/9665
Marmara Islands Natural and Urban Sites	Büyükada, Heybeliada, Burgazada, Kınalıada, Sedef Adası	31.03.1984/234
<b>URBAN SITE</b>		
Ortaköy Mosque and its Environs Urban Site	Beşiktaş	25.07.1986/2447
Valide-i Atik Mosque and its Environs Urban Site	Üsküdar	02.04.1992/4482
Rum-i Mehmet Paşa Mosque and its Environs, and Ayazma Mosque and its environs Urban Site	Üsküdar	22.08.1996/8587

## ANNEX 4.3.2

### List of Territories and Sites within the Task Area and the Responsibility of Istanbul Regional Council for the Preservation of Cultural & Natural Assets No: 4.3.2

#### BEŞİKTAŞ

PROVINCE-SUBPROVINCE-LOCATION	SITE TYPE	REGISTRATION NUMBER-DATE	TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO	COUNCIL APPROVAL DECISIONS DATE-NO	MUNICIPALITY APPROVAL DECISIONS DATE-NO	APPLICATION
İstanbul-Beşiktaş-Front View Area	Bosporus Site Zone, Front View Area: Natural and Historical Site	14.12.1974-8172		24.06.1983-15175 (In 1/5000 and 1/1000 scales)	1/5000: 22.07.1983 1/1000: 22.07.1983	PLAN
İstanbul-Beşiktaş-Rear View Area	Bosporus Site Zone, Rear View Area: Natural and Historical Site	14.12.1974-8172		20.05.1993-5813 (In 1/5000 scale) 23.12.1993-6297 (In 1/1000 scale)	1/5000: 18.06.1993 1/1000: 10.12.1993	PLAN
İstanbul-Beşiktaş-Ortaköy Mosque and Environs	Ortaköy Mosque and Environs: Urban Site Zone	25.07.1986-2447		23.01.1987-3164 (In 1/500 scale)	1/5000 (Ortaköy-Balmumcu) Decision to Halt the Implementation)	PLAN
İstanbul-Beşiktaş Yıldız Palace	Yıldız Palace: Natural and Historical Site Zone	09.02.1995-7296				PLAN
İstanbul-Beşiktaş Abbasağa Park	Abbasğa Park: Natural Site Zone	01.03.2000-11484				COUNCIL OPINION
İstanbul-Beşiktaş İhlamur Kiosk and Environs	İhlamur Kiosk: Natural and Historical Site Zone	13.02.1976-8913				COUNCIL OPINION
		11.06.1985-1152				COUNCIL OPINION
İstanbul-Beşiktaş						

## ÜSKÜDAR

PROVINCE-SUBPROVINCE-LOCATION	SITE TYPE	REGISTRATION NUMBER-DATE	TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO	COUNCIL APPROVAL DECISIONS DATE-NO	MUNICIPALITY APPROVAL DECISIONS DATE-NO	APPLICATION
İstanbul-Üsküdar-Front View Area	Bosporus Site Zone, Front View Area: Natural and Historical Site	14.12.1974-8172		24.06.1983-15175 (In 1/5000 and 1/1000 scales)	1/5000: 22.07.1983 1/1000: 22.07.1983	PLAN
İstanbul- Üsküdar - Rear View Area	Bosporus Site Zone, Rear View Area: Natural and Historical Site	14.12.1974-8172		17.09.1992-5144 (In 1/5000 and 1/1000 scales)	1/5000: 17.11.1992 1/1000:17.11.1992	PLAN
İstanbul- Üsküdar – Büyük ve Küçük Çamlıca	Büyük ve Küçük Çamlıca: Natural and Urban Site Zone	11.01.1991-2759 16.01.1998-9665				
İstanbul- Üsküdar- Valide-i Atik Mosque and Environs	Valide-i Atik Mosque and Environs: Urban Site Zone	02.04.1992-4462	16.01.1998-9665 07.05.2002-12886	16.04.1997-9264 (In 1/1000 scale)	1/1000:10.07.1998	PLAN
İstanbul- Üsküdar- Rum-i Mehmet Mosque and Environs Ayazma Mosque and Environs	Rum-i Mehmet Mosque and Environs Ayazma Mosque and Environs: Urban Site Zone	22.08.1996-8587			1/1000:14.08.1998	PLAN
İstanbul- Üsküdar- Harem, Salacak ve Şemsi Paşa	Harem, Salacak ve Şemsi Paşa: Natural Site Zone	12.03.1977-9728				
İstanbul- Üsküdar- Karacaahmet Mezarlığı	Karacaahmet Mezarlığı: Natural and Historical Site Zone	03.05.1991-3180				
İstanbul-Üsküdar- Validebağ	Validebağ: Grade 1 Natural Site Zone	16.07.11088				

## BEYKOZ

PROVINCE-SUBPROVINCE-LOCATION	SITE TYPE	REGISTRATION NUMBER-DATE	TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO	COUNCIL APPROVAL DECISIONS DATE-NO	MUNICIPALITY APPROVAL DECISIONS DATE-NO	APPLICATION
İstanbul- Beykoz: Front View Area	Bosporus Site Zone, Front View Area: Natural and Historical Site	14.12.1974-8172		24.06.1983-15175 (In 1/5000 and 1/1000 scales)	1/5000: 22.07.1983 1/1000: 22.07.1983	PLAN
İstanbul- Beykoz - Rear View Area	Bosporus Site Zone, Rear View Area: Natural and Historical Site	14.12.1974-8172		21.11.1991-3905 (In 1/5000 scale and 1/1000 scale)	1/5000: 13.09.1991 1/1000:13.09.1991	PLAN
İstanbul- Beykoz - Partial	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755		21.11.2001-12602 (In 1/5000 scale) 14.10.2003-14079 (In 1/1000 scale)	1/5000: 14.05.2002 1/1000:15.06.2004	PLAN
İstanbul- Beykoz- Partial	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755	<b>14.12.1995-7809</b> <b>06.06.1996-8287</b> <b>05.05.1998-9936</b> <b>20.08.1996-8409</b>	With the 21.11.2001 dated, No: 12601, information and documents are requested. (The plan approval is not achieved)		
İstanbul- Beykoz- Riva	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755		12.08.1998-10254 (In 1/5000 scale) 12.08.1998-10255 05.12.2000-11992 17.10.2000-11873 (In 1/1000 scale- in parts) The remainder is ready for the inspection of the Council	(Governorship Approval) 1/5000:22.10.1998 1/1000:10.04.2001 29.09.2001	PLAN

<b>PROVINCE-SUBPROVINCE-LOCATION</b>	<b>SITE TYPE</b>	<b>REGISTRATION NUMBER-DATE</b>	<b>TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO</b>	<b>COUNCIL APPROVAL DECISIONS DATE-NO</b>	<b>MUNICIPALITY APPROVAL DECISIONS DATE-NO</b>	<b>APPLICATION</b>
İstanbul- Beykoz - Polonezköy (Natural Park)	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755		29.04.2003-13647 (1/10000)		PLAN AND COUNCIL OPINION
İstanbul- Beykoz- Çavuşbaşı District	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755	<b>14.12.1995-7809</b> <b>06.06.1996-8287</b> <b>05.05.1998-9936</b> <b>20.08.1996-8409</b>	1/5000: Under the inspection of the Directorship		

## SARIYER

PROVINCE-SUBPROVINCE-LOCATION	SITE TYPE	REGISTRATION NUMBER-DATE	TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO	COUNCIL APPROVAL DECISIONS DATE-NO	MUNICIPALITY APPROVAL DECISIONS DATE-NO	APPLICATION
İstanbul-Sarıyer - Front View Area	Bosporus Site Zone, Front View Area: Natural and Historical Site	14.12.1974-8172		24.06.1983-15175 (In 1/5000 and 1/1000 scales)	1/5000: 22.07.1983 1/1000: 22.07.1983	PLAN
İstanbul- Sarıyer - Rear View Area	Bosporus Site Zone, Rear View Area: Natural and Historical Site Zone	14.12.1974-8172		21.04.1999-10884 (In 1/5000 scale) 26.02.2002-12772 (In 1/1000 scale)	1/5000: 25.06.1999 1/1000: Not approved	PLAN
İstanbul- Sarıyer - Partial	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755	<b>11.03.2003-13555</b> <b>20.06.1996-8375</b> <b>02.04.2002-12839</b>			
İstanbul- Sarıyer Kilyos	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755	<b>05.09.2000-11805</b> <b>02.04.2002-12839</b> <b>04.08.2002-12952</b>			

<b>PROVINCE-SUBPROVINCE-LOCATION</b>	<b>SITE TYPE</b>	<b>REGISTRATION NUMBER-DATE</b>	<b>TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO</b>	<b>COUNCIL APPROVAL DECISIONS DATE-NO</b>	<b>MUNICIPALITY APPROVAL DECISIONS DATE-NO</b>	<b>APPLICATION</b>
İstanbul- Sarıyer-Zekeriyaköy and Uskumruköy	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755		09.10.2002-13218 28.07.2003-13933(1/1000)	1/5000: 21.01.2003 1/1000:20.10.2003	PLAN
İstanbul- Sarıyer-Bahçeköy District	İstanbul Northern Part-Black Sea Belt: Natural Site Zone	15.11.1995-7755	<b>14.12.1995-7809</b> <b>06.06.1996-8288</b> <b>20.06.1998-8410</b> <b>20.05.2003-13711</b>			

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<b>PROVINCE- SUBPROVINCE- LOCATION</b>	<b>SITE TYPE</b>	<b>REGISTRATION NUMBER-DATE</b>	<b>TRANSITION PERIOD CONSTRUCTION DECISIONS DATE-NO</b>	<b>COUNCIL APPROVAL DECISIONS DATE-NO</b>	<b>MUNICIPALITY APPROVAL DECISIONS DATE-NO</b>	<b>APPLICATION</b>
İstanbul-Adalar (All)	Marmara Islands: Natural and Urban Site	31.03.1984-234	16.05.1984-291 17.10.1985-1515  11.02.1998-9775 30.09.1998-10432	25.06.1992-4832 (In 1/5000 scale)	1/5000: 30.06.1994	PLAN

## ANNEX 4.4

**This is a summary of the Law No: 2863, revised as Law No: 5226 providing an outline of the overall text and more detailed précis or full translations of the relevant articles. The final part of the law that comprises of the articles that are no longer affect and explanatory addendums incorporated over time into the full-text of the law are omitted, except for Annex 2, which is relevant for this project.**

**Law No: 2863 (Different from the No: 5226 Law on the Preservation of Cultural and Natural Assets and the Law for Making Changes in Various Law)**

**Law on the Preservation of Cultural and Natural Assets No: 2863**

**Date of Approval: 21/7/1983**

Date and number of the Official Gazette, in which this law is printed: 23/7/1983, 18113

**Law No: 5226**

**Law on the Preservation of Cultural and Natural Assets and the Law for Making Changes in Various Law No: 5226.**

**Date of Approval: 14/7/2004**

**Date and number of the Official Gazette, in which this law is printed: 27.7.2004, 25535**

### **Part 1- General Judgments**

#### **Aim:**

**Article 1:** The aim of this law is to determine the definitions regarding the immovable and movable cultural and natural assets, organize the acts to be taken and procedures to be done, and designate the foundation and duties of the organization, which will be adopting the necessary decisions for application and in principle.

#### **Scope:**

**Article 2:** This law comprises of the issues regarding the immovable and movable cultural and natural assets that must be protected, and the duties and responsibilities of the natural and legal persons.

#### **Definitions and Abbreviations:**

**Article 3:** This article defines the following, according to the law:

- a-1) Cultural assets
- a-2) Natural assets
- a-3) Sites
- a-4) Safeguarding; Protection & Preservation
- a-5) Conservation Area
- a-6) Evaluation (Assessment)
- a-7) Ruins
- a-8) Conservation Development Plan
- a-9) Environmental Arrangement Plan
- a-10) Management Areas
- a-11) Site Management Plans
- a-12) Buffer Zones

#### **Article 4: The need to inform:**

This article rules that those who have found or possess any information about the existence of movable and immovable cultural goods are responsible with informing the nearest possible Museum Administration, or the local authorities.

**Article 5: The quality of being state property:**

This article denotes that all the immovable and movable cultural and natural assets are also considered as state property, except for the property of the foundations.

**Part 2- The Immovable Cultural and Natural Assets that must be protected:**

**Article 6: Definitions:** This article lists and defines the immovable cultural and natural assets. The listing provided is summarized as follows:

- a) The natural assets that must preserved and the immovables constructed before the end of the 19<sup>th</sup> century.
- b) The immovables that are constructed after the aforementioned date, but are deemed as worthy of preservation by the Ministry of Culture & Tourism.
- c) The immovable cultural assets, which are in the site zones.
- d) The zones and buildings that have played a historical role in the national history, the National Struggle, and the foundation of the Republic.

**Article 7: Determination and Registration:** This article describes the determination and registration process of the immovable cultural and natural assets.

**Article 8: The authorization to make decisions regarding the Conservation Areas:** This article names the regional preservation councils as entitled to take the decision whether a site is under protection and whether construction and installation of facilities may be done in areas under protection.

**Article 9: The prohibition on illegal intervention and usage:** According to the principles maintained by the Higher Preservation Council, physical and constructional interventions except for those approved by the regional councils cannot be made concerning the cultural and natural sites, conservation areas, and individual assets. The aforementioned property cannot be opened to usage, neither their usage purposes be altered. Extensive repairs, constructions, intervention in maintenance facilities, survey drillings, partial or total destruction; burning, excavating or similar interventions are categorized as constructive and physical interferences.

**Article 10: Authorization and method:** This article bestows the responsibility to take the necessary measures regarding the preservation of the immovable assets under protection upon the Ministry of Culture & Tourism. Though the Ministry of Culture & Tourism lies on top of the authorization and responsibility pyramid, it delegates its mandate to protect movable and immovable assets to various public institutions and bodies. Among them are the Grand National Assembly, the Ministry of Defense, and the General Directorate of the Foundations. The Metropolitan Municipalities, Governorships and District Municipalities authorized by the Ministry of Culture & Tourism are to found offices for preservation & conservation, implementation, and supervision, in which experts of fields like history of art, architecture, city planning, archaeology and engineering.

The municipalities are responsible with the territories within their boundaries and contiguous areas and the governorships with the areas outside these boundaries.

The aforementioned bureaus are responsible with auditing the implementation of plans approved by the regional councils.

**Article 11: Rights and responsibilities**

This article defines the rights and responsibilities of the owners of the immovable cultural and natural assets.

**Article 12: The financial supporting of repair of the immovable cultural and the share of contribution:**

In order to support the cultural and natural assets under possession of natural and legal persons; the Ministry of Culture devotes a certain amount of its budget to financial contributions.

**Article 13: The prohibition of selling or transfer of ownership:** The immovable cultural and natural assets under the possession of the Treasury and other state institutions and organs, can neither be sold nor their possession be transferred to natural and legal persons without the permission of the Ministries of Culture and Tourism.

**Article 14: Usage:** This article places the rights of usage of immovable cultural and natural assets under the authorities of the Ministries of Culture and Tourism.

**Article 15: Expropriation:** This article defines the conditions of expropriation of the immovable cultural and natural assets.

**Article 16: The prohibition on illegal constructions:** This article rules that it is banned to make constructions without obtaining the required licences, permits or permissions in the sites of immovable cultural and natural assets.

**Article 17: The preservation & conservation principles of transition period in sites and the conditions of use, and the Conservation Development Plan:** If a site is declared as under protection, the implementation of existing plans with any kind of scale is halted. Until a Conservation Development Plan is compiled, the preservation principles and the conditions of use are determined by the regional council. If the plans are found appropriate by the preservation regional councils, they are sent to relevant administrative units. These units reply back with listing the cons of the plan, and the regional councils make the final decision. The environmental arrangement plans of archaeological sites are made, commissioned, and approved by the Ministry.

**Article 18: Construction principles:** The categorizations of the immovable cultural assets that need to be preserved are determined by the regional councils after the application of the owners.

When restitution, measured drawings, and restoration of the registered immovable cultural assets are to be made, the presence of restoration architects or architects is mandatory.

This article also specifies the measures to be taken if the aforementioned principles are violated.

**Article 19: The responsibility of the owners to give permission:** The owners of such assets are responsible with facilitating and permitting the experts authorized by the Ministries of Culture and Tourism.

**Article 20: Transport of the immovable cultural assets:** The immovable cultural assets are to be protected in their original places. Under special circumstances, they can be transferred under the conditions specified by the Ministries of Culture and Tourism.

**Article 21: Exceptions and exemptions:** This article lists the exemptions and exceptions applied to the immovable cultural and natural assets; such as exemption from taxation.

**Article 22:** Removed in 1987.

### **Part 3: The movable cultural and natural assets that need to be protected:**

**Article 23: Definition:** This article defines and lists the movable cultural and natural assets that need to be protected.

**Article 24: Administration and surveillance:** This article frames the conditions for the administration and surveillance of movable cultural and natural assets.

**Article 25: Acquisition by the museums:** This article specifies under what conditions and with what kind of procedures the movable cultural and natural assets are acquired by the museums.

**Article 26: Museums, private museums, and collectioners:** This article describes the responsibilities and duties of museums, private museums, and collectioners, as well as the Ministry of Culture and Tourism with respect to each other.

**Article 27: The commerce of cultural assets:** This article lists and frames the conditions for the commerce of the movable cultural assets.

The following articles aim to organize the commerce of movable cultural goods through bringing certain limitations.

**Article 28: The ban naming the place of your residence as your work address**

**Article 29: The control of the commercial centers and warehouses**

**Article 30: The necessity to inform**

#### **Old coins**

The following article is devoted specifically to coins.

**Article 31:** This article is removed in 1987.

**Article 32: The prohibition on taking abroad**

**Article 33: Bringing from abroad**

## **Article 34: Copying**

### **Part 4: Research, surveying, excavating and searching for treasures**

**Article 35: The permission to research, surveying, and excavation:** Only the Ministries of Culture and Tourism can issue to the permission for such acts. The article then goes onto explaining specifically how and under what circumstances these permissions are taken.

**Article 36-The excavations to be done within the owners of the properties:** The excavations, conducted with the purpose of finding cultural assets within their property of immovable cultural assets are subject to special permissions and frameworks.

**Article 37: The procedure of the excavation permission:** This article specifies the special procedures under which the permissions are given.

**Article 38: Whether the permission is transferable:** This article rules that these permissions cannot be transferred.

### **Article 39: The nullification of the permission for research, surveys, and excavations**

### **Article 40: The time spans of the permissions for research, surveys, and excavations**

**Article 41: Transfer of the assets found in the excavations:** All the movable cultural and natural assets found in the excavations must be transferred to the museums specified by the Ministries of Culture and Tourism. The fossils and skeletons found in such excavations can be donated to universities or other institutions specialized in natural history etc.

The following articles elucidate the details regarding limitations over the research, surveys, and excavations

### **Article 42: The liability to compensate damages**

### **Article 43: The right of publication**

### **Article 44: Expenditures**

### **Article 45: Preservation and landscape reorganization**

### **Article 46: Temporary or permanent suspension of research, survey, and excavation**

### **Article 47: Transfer of the facilities**

### **Article 48: Those taking part in the research, survey, and excavation**

### **Article 49: The prohibition on permission for research, survey, and excavation**

**Article 50: Searching for treasures:** This article rules that the permission to search for treasures is issued by the Ministries of Culture and Tourism.

**Part 5: The foundation, duties, authorities and methods of functioning of the Higher and Regional Preservation Councils for the Preservation of Cultural and Natural Assets**

**Article 51:** This article lists the specific duties of the Higher and Regional Preservation Councils for the Preservation of Cultural and Natural Assets. There are three main tasks of this Council:

- a) To determine the principles to be applied in the preservation and the restoration of the immovable cultural and natural assets that need to be protected.
- b) To maintain the necessary coordination among the regional preservation councils.
- c) Evaluating the general problems occurring during implementation and helping the Ministry through providing information.

**Article 52:** This article is removed in 1987.

**Article 53: Membership to the Higher Council:** This article lists the members of the Higher Council that will be representatives of the bodies cited here.

**Article 54: The qualities of the representatives:** This article specifies the qualities that these representatives.

**Article 55: Termination, duration of the membership to the regional and higher councils, and the financial compensation package**

**Article 56:** This article is removed in 1987.

**Article 57: The duties, authorities and the working methods of the Regional Preservation Councils:** This article lists the duties of the regional councils as follows:

- a) Registering the cultural and natural assets determined by the Ministry.
- b) Categorizing the aforementioned cultural assets.
- c) Determining the transition construction conditions of the site zones in three months after their registration.
- d) Inspecting the conservation development plans as well as all the changes implemented upon them and taking necessary decisions.
- e) Determining the preservation & conservation areas of the immovable cultural and natural assets that need to be protected.
- f) Registering the immovable cultural and natural assets that have lost their qualities to exist as such and remove their registration.

g) Taking decisions aimed towards implementation regarding the immovable cultural and natural assets.

**Article 58: Formation of the regional councils:** This article specifies among whom the members of the regional councils can be selected.

**Article 59:** This article is removed in 1987.

**Article 60:** This article is removed in 1987.

**Article 61: The obligation to obey the decisions:** All the public bodies, institutions, natural and legal persons, municipalities have to abide by the decisions of the Higher and Regional Preservation Councils. After the decisions are issued, challenges can be submitted in the following 60 days.

**Article 62: The daily allowance and per diem of the members of these councils.**

**Article 63: Regulations regarding the councils.**

**Part 6: Gratifications and punishments to be given to those who have found the cultural assets.**

The following articles frame how those finding out and informing properly the authorities will be rewarded and those who are failing to do so after their discovery are to be punished.

**Article 64: Gratifications.**

**Article 65: Punishments.**

**Article 66: Faking the documents, making false declarations.**

**Article 67: Those betraying the obligation to inform or the limitations placed regarding the commerce of the cultural assets.**

**Article 68: Those who betray the limitations placed on taking such assets abroad.**

**Article 69: Those who block and reject controls**

**Article 70: Regarding private property.**

**Article 71: Defying the obligations regarding explorations, excavations and drills.**

**Article 72: Regarding the public personnel.**

**Article 73: Regarding the private museums and collectioners.**

**Article 74: Regarding those conducting unauthorized research, surveys and excavations.**

**Article 75: Augmentation of the punishments.**

## **Part 7: Other Provisions and the removed articles that are no longer in use.**

**Annex article 2: Site management, museum administration and monumental assets council:** In the archaeological sites, site management units are installed. If the place is a national museum, museum administration takes over. In cases of monumental assets, monumental councils are founded.

For the preservation of the urban sites and their buffer zones, their evaluation and development, various municipalities concerned would be involved, under tutelage of the metropolitan municipality, given that the issue concerns more than one municipality. If the preservation issue concerns only one municipality, then the municipality in question is involved. In other cases, the Ministry prepares or commissions a preliminary plan.

With the aim of maintaining coordination in the urban sites and their related environs, a site manager is named by the Ministry. As a part of the management plan, a coordination and supervision committee is set up, led by the site manager.

Similar procedures apply to museum management and immovable cultural assets councils. The Ministry determines authorized persons taking part in management and councils in charge.

# ANNEX 4.5

## REQUIRED DOCUMENTS REGARDING APPLICATIONS TO THE COUNCIL

REQUIRED DOCUMENTS (*)	REASON OF APPEAL										
	Appeal Document	Group of Protection	Repair and Maintenance Appeal	Extensive Repair (***)			Functional Change	Joinder and Allotment	Housing Authorization	Tax Exemption	
				Approved RLV	Restitution and Restoration Approval						
Application (In cases of applications other than the owner(s) Procuration)	X	X	X	X	X	X	X	X	X	X	X
Photograph Album (**)	X	X	X	X	X	X	X	X			X
Ownership Documents (land register or other)	X	X	X	X	X	X	X	X	X	X	X
Cadastre				X	X		X				X
Reconstruction State	X		X	X	X	X	X				X
Cadastral Plot	X	X	X	X	X	X	X	X			X
Present Plot	X	X	X	X	X	X	X	X			X
Reconstruction Plan	X	X	X	X	X	X	X	X			X
Site Plot											X
Municipal Council Decision							X				
Referenced Sketch				X	X	X	X				
Leveled Section				X	X	X					X
Construction Plan				X	X	X					
Document of Registration of the Bureau of the Architect (Current Year)				X	X	X					X
Measured Drawing and Technical Report					X	X					
Restoration Project and Technical Report					X	X					
Technical Report Denoting Congruity with the Approved Project								X			
Preliminary Project and Technical Report (with drawings showing also the surroundings)											X
CD with Project Designs				X	X						X

\*The originals of the documents, the notary approved versions, or the versions approved by the related establishments; on the plans and maps, the citation of the approval date and the plan name.

\*\*Adequate number of photographs that presents the plot and its environs; in addition if there are any other registered buildings in the plot, the interior and the exterior photographs of the building and its detailed photographs. (with the album in which the shooting directions are marked).

\*\*\*The measured drawing restitution, and the restoration projects must be prepared according to the **05.11.1999 dated Number 660 Keynote Decision**; the projects which are for future application, such as the preliminary project, restoration project should be communicated through the related municipality together with the situation opinion of the municipality regarding the reconstruction situation. Moreover, all the projects submitted to the Council must be in the CD format.

## ANNEX 4.6

# Operational Policies

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## PHYSICAL CULTURAL RESOURCES

### Introduction

1. Physical cultural resources<sup>1</sup> are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices.
2. Physical cultural resources are seriously threatened throughout the world, partly as a result of modernization and development. The loss of these resources is irreversible, but fortunately, it is often avoidable.
3. The Bank assists countries to avoid adverse impacts on cultural resources from development projects that it finances, or to mitigate such impacts. This policy applies to all components of such projects, regardless of the source of financing.

## CULTURAL RESOURCES AND ENVIRONMENTAL ASSESSMENT

4. The Bank requires the borrower to address impacts on cultural resources in projects proposed for Bank financing as an integral part of its Environmental Assessment (EA) process<sup>2</sup>. The Bank advises the borrower on the Bank's EA requirements, and reviews the findings and recommendations of the EA to determine whether they provide an adequate basis for processing the project for Bank financing.
5. Given that cultural resources may not be known or visible, it is important that a project's potential impacts on cultural resources are considered at the earliest possible stages of project processing.

## SCREENING

6. During environmental screening, projects that are either located in a known cultural heritage site or that involve excavations, demolition, movement of earth, flooding or other environmental changes should be classified as EA Category A or B. The procedures of the cultural resources component of EA, as set out in this policy, apply to both Category A and B projects.

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<sup>1</sup> For the purposes of this policy, "cultural resources" (also termed "cultural heritage," "cultural patrimony," "cultural assets," or "cultural property") refers exclusively to *physical* cultural resources. This includes movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Cultural resources may be located in urban or rural settings, and may be above ground, underground, or underwater.

<sup>2</sup> See OP4.01, *Environmental Assessment*.

## **SCOPING**

7. As part of the initial, scoping phase of the EA, the borrower, in consultation with the Bank and project-affected groups, identifies the likely major impacts, if any, of the project on cultural resources. This phase should normally include a preliminary on-site inspection of physical cultural resources.
8. The findings of the scoping phase form the basis for the Terms of Reference (TOR) for the cultural resources component of the EA. The TOR normally specifies that a further on-site investigation of physical cultural resources be included in the baseline data collection phase of the EA.

## **CULTURAL RESOURCES COMPONENT OF THE ENVIRONMENTAL ASSESSMENT**

9. The borrower informs the Bank of the relevant requirements of its legislation pertaining to the management of physical cultural resources, including provisions for the management of physical cultural resources encountered during project implementation and operation (hereafter referred to as ‘chance finds’).
10. The borrower identifies physical cultural resources likely to be affected by the project, and assesses the project’s potential impacts on these resources as an integral component of the EA process, in accordance with the Bank’s EA requirements.<sup>3</sup>
11. Where the project is likely to have adverse impacts on physical cultural resources, the borrower consults with project-affected groups to identify appropriate measures for mitigating these impacts as part of the EA process.
12. These measures may range from full site protection to selective mitigation, including salvage and documentation where a portion or all of the cultural resources may be lost.
13. The borrower develops a management plan which includes measures for mitigating any adverse impacts, provisions for the management of chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track progress of these activities. The management plan is approved by competent authorities and submitted to the Bank for review and approval.

## **CONSULTATION**

14. As part of the EA process, the borrower consults with competent authorities, project-affected groups and, where appropriate, relevant experts, in documenting the presence and significance of physical cultural resources, assessing potential impacts, and exploring mitigation options.

## **DISCLOSURE**

15. The findings of the cultural resources component of the EA are disclosed as part of, and in the same manner as, the EA report, except where the borrower, in consultation with the Bank, determines that such disclosure would jeopardize the safety or integrity of the cultural resources involved.

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<sup>3</sup> See OP4.01, *Environmental Assessment*.

## **EMERGENCY RECOVERY PROJECTS**

16. This policy normally applies to emergency recovery projects processed under OP8.50, *Emergency Recovery Assistance*. However, when compliance with any requirements of this policy would prevent the effective and timely achievement of the objectives of an emergency recovery project, the Bank may exempt the project from such a requirement. The justification for such exemption is recorded in the loan documents.

## **SECTOR INVESTMENT LOANS AND FINANCIAL INTERMEDIARY LOANS**

17. The cultural resources aspects of EAs for subprojects under sector investment loans (SILs) and financial intermediary loans (FILs) are addressed as part of the EA process.<sup>4</sup>

## **CAPACITY BUILDING**

18. When the borrower's capacity is inadequate to manage physical cultural resources that are affected by a Bank-financed project, the project normally includes components to strengthen that capacity.
19. Given that the borrower's responsibility for cultural resources management extends beyond individual projects, the Bank may consider broader capacity building activities as part of its overall country assistance program.

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<sup>4</sup> As set out in paragraphs 9 and 11 of OP4.01.

## ANNEX 7.3

### Check List for the Buildings to be Retrofitted

There will be good number of buildings to be structurally reinforced in the Project. It is highly probable that some of these buildings will be cultural heritage buildings or located in cultural heritage zones. The following will provide a quick reference to find out which procedures will be awaiting the case:

#### 1. Check whether the building is a Cultural Heritage Asset:

##### a. Is the building identifiable with one of the definitions under article 3 of Law: 2863?

Such as:

- The building is registered as a listed cultural asset.
- The building is built before the end of the 19th century.
- The building has a significant place in National History, or staged important historical events and/or hosted Atatürk, founder of the Republic.

The owner institution: Ministry of Health, in the case of hospitals; and, Ministry of Education in the case of schools, should have this information noted down in the building registration files. However, it is best to double check with the relevant Preservation Council. This will be done by the IPCU.

#### Check the registration grade, if the building is registered as a cultural asset.

- Grade 1
- Grade 2
- Grade 3

The registration grade of the building determines the degree and type of interventions permitted, i.e. Interior alterations, change in plan layouts, functional changes, façade alterations, changes in color, structural changes etc.

#### 2. Check whether the building is located in Cultural Heritage Areas:

##### a. Is the building located in a zone declared as a 'Registered Conservation Area' as identified in Law: 2863?

Such as:

- The area is registered as a Urban Site
- The area is registered as an Archaeological Site (Grade 1, 2 or 3 depending on significance, intensity, visibility etc. of remains)
- The area is registered as a Natural Site (Grade 1, 2 or 3 depending on uniqueness, significance in location, hosting endangered flora and fauna etc.)
- The area is registered as a Historic Site (locations where important historical events took place)
- The area is registered as a combined zone of two or more of the above.

If the area where the building is located is under one or more of the categories above:

In additions to these check whether:

- The building is located in a zone where a Conservation Development Plan is effective.
- The building is located in Bosphorous.
- The building is located in a buffer zone.

If the area where the building is located is identifiable with one or more of the above:

**Check the ‘Principal Conservation Decisions’ set by ‘The Higher Council for Preservation of Cultural Assets’.**

The Higher Council for Preservation of Cultural Assets’ of the MoC&T, sets a series of ‘Principal Conservation Decisions’ for each type of registered site. These decisions are effective as Law Articles and can be obtained from the relevant ‘Preservation Council’.

There is also a set of such decisions for the Bosphorous and some of the buffer zones. This information will be obtained by the IPCU or consultant(s) recruited by the IPCU, depending on the specialized expertise and workload needed to write the ToR’S or tender documents.

**Check whether there is an effective ‘Conservation Development Plan’ in place.**

If there is a Conservation Development Plan effective, than the ‘Conservation Plan Decisions’ will also be relevant in addition to ‘Principal Conservation Decisions’ set by the ‘Higher Council for Preservation of Cultural Assets’.

These decisions are noted down in the plan and can be obtained from the relevant ‘Local Municipality’ and/or ‘Preservation Council’.

This information will be obtained by the IPCU or consultant(s) recruited by the IPCU, depending on the specialized expertise and workload needed to write the ToR’S or tender documents.