

NATURE PROTECTION QUESTIONNAIRE

Wild Birds

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Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds as amended (OJ L 103 25.04.1979 p. 1) as amended

Transposition

A. Which parts of the provisions of the Directive have been transposed?

The Constitution together with various laws, by-laws and international conventions regarding nature conservation make up the legal framework for the conservation and sustainability of biodiversity in Turkey.

Main national legislation with respect to the conservation of wild birds are namely; the Law on Environment No.2872 (Official Gazette: 11 August 1983, no 18132) as amended by the Law No.5491 (Official Gazette: 13 May 2006, no 26167), Law on Terrestrial Hunting No. 4915 (Official Gazette: 11 July 2003 No.25165), Law on the Establishment and Duties of Ministry of Environment and Forestry No. 4856 (Official Gazette: 8 May 2003 No.25102), Statutory Decree on the Establishment of the Authority for the Specially Protected Areas No. 383 (Official Gazette: 13 November 1989 No.20341), Law on National Parks No. 2873 (Official Gazette: 11 August 1983 No.18132), Law on Forests No. 6831 (Official Gazette: 8 September 1956 No.9402), Law on the Protection of Cultural and Natural Heritage No. 2863 (Official Gazette: 23 July 1983 No.18113), Law on Fisheries No. 1380 (Official Gazette: 4 April 1971 No.13799), and their secondary legislation.

B. When is the transposition foreseen for the remaining measures?

Technical studies are being carried including the Project “Capacity Building in the Field of Environment for Turkey, Component 3: Nature (TR0203-03.3)” financed under 2002 EU Pre-Accession Financial Assistance.

Implementation

What has been achieved so far as regards:

- **Establishing the competent authority/ies.**

The competent authority on conservation of wild birds and their habitats is the Ministry of Environment and Forestry. The Ministry of Agriculture and Rural Affairs and the Ministry of Culture and Tourism are responsible as well.

Universities and Scientific and Technical Research Council of Turkey give support to the governmental authorities for scientific studies.

- **Carrying out an assessment of Annex I bird species and regularly occurring migratory species.**

Technical studies on the assessment of Annex I bird species have been carried out under the Project “Capacity Building in the Field of Environment for Turkey, Component 3: Nature (TR0203-03.3)” financed under 2002 EU Pre-Accession Financial Assistance.

- **Identifying and designating special protection areas (SPAs) (Art. 4).**

According to the Article 4 of the Law on Terrestrial Hunting No. 4915, “Wildlife Protection Areas” and “Wildlife Improvement Areas” are designated to conserve the habitats of birds. The “By-law on Wildlife Protection and Improvement Areas” which has been prepared to regulate designation, management, inspection and allowable and banned activities in these areas was put into effect (Official Gazette: 8 November 2004 No. 25637).

Wetlands which are important especially for water birds are taken under conservation and the system and principles of conservation are determined by the “By-law on Conservation of Wetlands” which was published for implementation of “Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)”. In the scope of the Article 24 and 25 of this by-law, “Ramsar Sites” are designated.

Activities for conservation of birds and their habitats are carried out in national parks, nature reserve areas and nature parks which are designated in the scope of the Law on National Parks No. 2873 and Specially Protected Areas¹ which are designated in the scope of Statutory Decree on the Establishment of the Authority for the Specially Protected Areas No. 383.

It is also targeted to conserve bird species and their habitats in several natural sites which are designated in the scope of Law on the Protection of Cultural and Natural Heritage No. 2863.

In addition, technical studies on the assessment and evaluation activities about potential areas which can be designated as SPA are being carried out under the Project “Capacity Building in the Field of Environment for Turkey.”

- **Establishing measures to ensure that bird populations are maintained at appropriate levels, both inside and outside SPAs (Arts. 2 & 3).**

The protection measures are described in the above mentioned legislation in which several protection statues for birds exist. In addition, “By-law on Protection of Game, Wildlife and Their Habitats” (Official Gazette: 24 October 2005 No. 25976) was prepared based on the Article 4 of the Law on Terrestrial Hunting No. 4915, the Article 10 of Law on Animal Protection No.5199 (Official Gazette: 1 July 2004 No. 25509), Convention of International Trade in Endangered Species of Wild Flora and Fauna (CITES), the Cabinet Decree on Convention on the Conservation of European Wildlife and Natural Habitats (9 January 1984 No. 84/7601), Council Directive on Conservation of Wild Birds and Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora. The aims of the By-law are to protect game, wildlife and their habitats; to regulate the transport, replacement, protection measures, collect and capture, management of wildlife and

¹ These are the areas which are designated in the scope of one of the protocols of Barcelona Convention named as “Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean”.

their illness, harm of species; and to sustain survival of wild life species, their habitats, marking of the species, scientific studies, capturing, handling, rehabilitating the species and management of their habitats.

- **Taking special conservation measures to protect the habitats of Annex I species and regularly occurring migratory species (Art. 4).**

The Article 4 of the Law on Terrestrial Hunting No. 4915 reads that “The natural living environment that allows feeding, accommodation, reproduction and protection of the hunting and wild animals may not be contaminated, the wetlands may not be contaminated or dried or their natural structures may not be changed.” In this Article and also in the “By-law on Wildlife Protection and Improvement Area”; rules, principles and procedures for conservation of these areas are introduced.

The Article 4 of the Law on Terrestrial Hunting No. 4915 also reads that “The ones that must be protected among the hunting animals included in the wild animal species and determined by the Ministry of Environment and Forestry are taken under protection by the Central Hunting Commission and, the wild animals other than the hunting animals and other species are taken under protection by the Ministry of Environment and Forestry by obtaining the consent of the relevant organizations. This resolution is to be published in the Official Gazette. The wild animals that are taken under protection can not be hunted. The wild animals can not be disturbed during their reproduction, feather change and immigration periods, their offspring and eggs can not be collected, their nests can not be destroyed and the mammals may not be disturbed during winter sleep.” In this context, the protected species are determined and protected by the Ministry of Environment and Forestry within the framework of relevant legislation.

Moreover, according to the rules stated in the Article 18 of Law on Terrestrial Hunting No. 4915 “The domestic and foreign wild animals, whose trade is prohibited under the international agreements, to which our country is a party, and the wild animals which are hunted in violation of the hunting principles and procedures, being dead or alive, and their flesh, eggs, furs, leathers, horns and similar parts and their derivatives may not be sold, purchased, transferred and their import and export may not be made.” Relating this subject, the “By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained From them” (Official Gazette: 16 June 2005 No. 25847) was put into effect.

In addition to the above mentioned legislation, the “By-law on Conservation of Wetlands” was entered into force (Official Gazette: 17 May 2005 No. 25818) to conserve the habitats of regularly occurring migratory species, particularly internationally important wetlands. The “By-law on Principles and Procedures for Protection of Game, Wild Animals Together with their Habitats and Prevention of Pests and Disease”(Official Gazette: 24 October 2005 No. 25976) regulates “conservation of game and wild animals and their habitats, displacement of species, placement of species, conservation measures, collection and catching, management of beast of prey, and struggling against their injurious”, and includes provisions about “game and wild animal species, their conservation, conservation areas, habitats, catching, collection, scientific researches, ringing and marking, diseases and punishment”.

The strict protection of species which are under danger or near extinction and their habitats is also stated in the Article 2 of Law on National Parks No. 2873.

- **Establishing a general system of protection for all wild bird species (Arts. 5 & 6).**

The rules of wildlife conservation are determined in the Law on Terrestrial Hunting No. 4915. By the Article 4, the protected areas are declared, and the hunting of the conserved wildlife animals is prohibited. During the period of reproduction, molt and migration, wildlife animals can not be disturbed, as well as collection of eggs and offspring is prohibited. There are the provisions regarding the temporary rules of hunting, the use of these animals' eggs and offspring and combating with harmful ones and also prohibited hunting methods which are determined by the Ministry of Environment and Forestry.

By the Article 14 of the Law on National Parks No. 2873, it is stated that wild life cannot be destroyed, and all types of production, hunting and grazing are banned in the areas which are covered by the provisions of this law.

The By-law on Conservation of Wetlands includes the provisions about wetlands that are important particularly for waterfowls. Also, the "By-law on Principles and Procedures for Protection of Game, Wild Animals Together with their Habitats and Prevention of Pests and Disease" contains provisions about conservation of wild species.

In addition to these, activities such as land planning and species protection action plans to protect species are undertaken in accordance with the provisions of international conventions to which Turkey is a Party, namely International Convention on Conservation of Birds (Paris Convention, Official Gazette: 17 December 1966 No. 12460), Convention on Protection of Mediterranean Against Pollution (Barcelona Convention, Official Gazette: 31 October 1980 No. 19404), Convention on Conservation of European Wild Life and Habitats, (Bern Convention, Official Gazette: 20 February 1984 No. 18318), Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, Official Gazette: 17 May 1994 No. 21937)

- **Establishing a system of authorisations for any derogation (Art. 9).**

The Article 4 of the Law on Terrestrial Hunting No. 4915 lays down the provisions on that: "In case it is determined that the wild animals which are not under protection have reproduced up to a number that will be harmful for the agricultural areas or breeding and wild animals or that they carry any epidemics, the Ministry of Environment and Forestry may permit the hunting of a certain number of wild animals in compliance with the principles and procedures to be determined in line with the common report to be prepared by the provincial directorates of the Ministry of Environment and Forestry and the Ministry of Agriculture and Rural Affairs within these areas."

Besides, by the Article 11 of "By-law on Principles and Procedures for Protection of Game, Wild Animals Together with their Habitats and Prevention of Pests and Disease", principles and procedures for "Application and Permission for Catching or Collection from Nature" are regulated.

- **Establishing measures to ensure that hunting of Annex II species does not jeopardize conservation efforts (Art. 7).**

The law regarding hunting in Turkey is the “Law on Terrestrial Hunting No. 4915”, which was put into force in 2003 in compliance with the relevant international conventions and EU directives. In this law, specific provisions for hunting are clearly defined and also a commission about hunting, Central Hunting Commission was established. In the regular meetings of the commission hunting bird species, seasons, and required measures are determined in presence of the representative scientists. By means of the provisions of the Law and the resolutions of the Commission, necessary measures are taken not to jeopardize the conservation efforts.

By the Article 12 of Law on Terrestrial Hunting No. 4915; in cases where the number of hunting animal species decrease too much that the continuity of their generation is under threat within the hunting year, the Ministry of Environment and Forestry is authorized for prohibiting hunting for a period of time in the hunting grounds where hunting is free and to re-permit it whenever necessary. The principles related with these issues are determined by the Ministry of Environment and Forestry.

- **Prohibiting certain types of capture/killing (Art. 8).**

According to the Article 6 of Law on Terrestrial Hunting No.4915, hunting should be performed by obtaining the hunting certificate and hunting permission; by using the guns, instruments and trained animals which are permitted by the laws and in accordance with the hunting plans or the resolutions of the Central Hunting Commission. According to the provisions of the Article 6:

- Hunting with poison is prohibited.
- Automatic, semi-automatic, pump and similar hunting rifles without grooves and air rifles and pistols, whose chambers are not limited so as to accommodate two bullets may not be used in hunting.
- The land, air and floating vehicles other than the ones whose place of use and characteristics are to be determined by the Central Hunting Commission within the scope of struggle and other than the trained animals may not be used in hunting.
- Devices emitting sound, magnetic wave, light, living baits, traps and magnetic wave emitting devices, the use of which in hunting are prohibited by the Central Hunting Commission, and similar instruments and tools may not be held and sold in the markets and commercial stores.
- Hunting lodges may not be established other than the ones whose features are determined by the Central Hunting Commission and hunting may not be performed at those hunting lodges.

- **Establishing an effective inspection and enforcement system.**

Inspection and enforcement system on hunting including the measures for protection of habitats is established based on the provisions of the Law on Terrestrial Hunting No. 4915 and by-laws referring to this law. Section 6 of the law includes the Articles (the Article 20 to 30) concerning “Follow up of Crimes and Penalties”.

Within the framework of the “By-law on Principles and Procedures for Selection, Education, Duties and Responsibilities of Voluntary Wildlife Wardens (Official Gazette: 3 April 2004 No. 25511) published in the scope of Law on Terrestrial Hunting No. 4915, voluntary wildlife wardens can be appointed to help officials of Ministry of Environment and Forestry and security forces.

In addition, according to the “By-law on Principles and Procedures of Hunting with in the Scope of Hunting Tourism for Domestic and Foreign Hunters (Official Gazette: 8 January 2005 No. 25694)” which is also published in the scope of Law on Terrestrial Hunting No. 4915; an amount of income gained from hunting tourism is delivered to municipalities and village governing council, which have areas in hunting grounds for conservation, up-keeping, and production of wild life and game animals by Ministry of Environment and Forestry.

Moreover, by the provisions of By-law on Conservation of Wetlands, certain measures to protect the wetlands are determined.

- **Establishing information systems to enable reports to be sent to the Commission.**

Not applicable before membership.

Habitats

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Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as amended

Transposition

A. Which parts of the provisions of the Directive have been transposed?

The Constitution together with various laws, by-laws and international conventions regarding nature conservation makes up the legal framework for the conservation and sustainability of biodiversity in Turkey.

Main national legislation with respect to nature conservation are namely; Law on Environment No. 2872 (Official Gazette: 11 August 1983 No. 18132), Law on Terrestrial Hunting No. 4915 (Official Gazette: 11 July 2003 No.25165), Law on the Establishment and Duties of Ministry of Environment and Forestry No. 4856 (Official Gazette: 8 May 2003 No.25102), Statutory Decree on the Establishment of the Authority for the Special Protection of Areas Decree No. 383 (Official Gazette: 13 November 1989 No. 20341), Law on National Parks No. 2873 (Official Gazette: 11 August 1983 No.18132), Law of Forests No. 6831 (Official Gazette: 8 September 1956 No. 9402), Law on the Protection of Cultural and Natural Heritage No. 2863 (Official Gazette: 23 July 1983 No.18113, amended by Law No. 3386, 1987 and Law No. 5226, 2004), Law on Fisheries No. 1380 (Official Gazette: 4 April 1971 No.13799), the By-law on Wetlands (Official Gazette: 17 May 2005 No. 25818) and the By-law on National Parks (Official Gazette: 12 December 1986 No.19309)

In the framework of the above-mentioned legislation, there have been several provisions regarding the conservation of sites and species to ensure the maintenance of biodiversity taking into account economic, social, cultural and regional requirements.

B. When is the transposition foreseen for the remaining measures?

Technical studies are being carried out including the Project “Capacity Building in the Field of Environment for Turkey, Component 3: Nature, Twinning Assistance in the Implementation Birds& Habitats& the CITES Convention (TR0203-03.3/1)” financed under 2002 EU Pre-Accession Financial Assistance and in the scope of this project technical studies for drafting a Nature Protection Law are undertaken.

Implementation

What has been achieved so far as regards:

- **Establishing competent authority/ies**

The competent authority is the Ministry of Environment and Forestry. The Ministry of Agriculture and Rural Affairs and the Ministry of Culture and Tourism are responsible as well.

Universities and Scientific and Technical Research Council of Turkey give support to the governmental authorities for the scientific studies.

- **Producing an inventory of sites (Art. 4)**

Detailed inventory studies of the national parks, nature parks, natural monuments and nature reserve areas which are selected and designated according to the Article 1, 2 and 3 of the Law on National Parks No. 2873 are conducted by the Ministry of Environment and Forestry. Ecology, flora - fauna and data concerning other natural, cultural and socio-economic values of the mentioned sites are evaluated in a detailed manner and transferred to relevant maps. According to the Article 10, inventory studies which are held according to the Article 3 and 4 of the Law are undertaken within the framework of the conservation site plans based on Terms of Reference.

Forest inventory studies are carried out in the context of the “By-law on the Preparation, Implementation, Inspection and Revision of the Forest Management Plans” based on the Article 26 of the Forest Law No.6831. Those studies cover inventories for sites, growing environment, tree growing stock and increment. In the context of management plan studies of the Specially Protected Areas², habitat types and flora and fauna taking place in the habitats are determined.

For the Wild Life Protection and Development Areas, inventory studies are done based on the Law on Terrestrial Hunting No.4915. On the other hand, there have been inventories of the wetlands which are designated in the framework of the Ramsar Convention and the By-law on Wetlands (Official Gazette: 17 May 2005 No.25818) which was published for the implementation of “Convention on Wetlands of Internationally Importance especially as Waterfowl Habitat (Ramsar Convention).

According to the Article 7 of the Law on the Protection of Cultural and Natural Heritage No. 2863, the inventory work on the conservation sites designated and registered by the Ministry of Culture and Tourism is carried out. The inventory work defined by Article 5 of the “By-law on Designation and Registration of Immovable Cultural and Natural Properties to be Conserved” (Official Gazette No. 19660, dated 10.12.1987)” covers the following documents;

- Identification form including the necessary information for registration of immovable cultural and natural properties,
- The photos identifying the site,
- Transparencies illustrating the work that has been carried out,
- Drawings (map or plan) delineating the location and the geographical borders of the immovable property,
- Evaluation report,
- Other necessary documents, required by the designation team.

- **Designate SCIs and establish priorities for the management of these sites (Art. 4)**

Most of the protected natural areas are under the responsibility of the Ministry of Environment and Forestry. The Law on Environment No.2872 empowers the Ministry to

² These are the areas which are designated in the scope of one of the protocols of Barcelona Convention named as “Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean”.

prepare legislation and other relevant legal instruments to ensure the national level coordination of implementations of international conventions on nature conservation and the activities of other institutions and organizations regarding conservation.

The Law on National Parks No.2873 gives the authority to the Ministry of Environment and Forestry for the designation of National Parks, Nature Parks, Nature Reserve Areas and Natural Monuments. Nature Park is a natural area containing characteristic vegetation and wildlife features and is suitable for recreation activities and response of public in its scenic wholeness. Natural monument is a natural area having the characteristics and scientific values brought about by nature or natural phenomena and protected within the framework of the principles on national parks. Nature reserve area is a natural area designated to be used only for scientific and educational purposes containing rare, threatened or endangered ecosystems and/or species and outstanding samples brought about by natural phenomena and which should definitely be protected. Some of management principles for the conservation areas designated according to Law on National Parks No.2873;

- Conservation of natural and ecological values and ecological balance,
- Conservation of wild life,
- Prevention of all kind of interferences and activities which may lead environmental pollution and changes in ecosystem
- Prevention of all kind of activities such as grazing, hunting and forest production which may have adverse affects on the ecological balance.
- Prevention of all kind of projects except those who take place in the approved plans.
- Taking into account of scientific and technical researches in determination of the management principles.
- Conservation and sustainability of natural resources,
- Prohibition any activity which may damage landscape integration and natural characteristics.
- Establishment conservation and management principles,
- Establishment visitor centres
- Researches for the conservation site.
- Restoration principles in the plans.
- Determination carrying capacity principles.
- Permission for the integrative projects with the purpose of restoration.
- Keeping the natural core zones as it is.
- Integration with governmental property, management principles and landscape.

Wild Life Protection and Development areas are selected and designated according to Law on Terrestrial Hunting No.4915 under the responsibility of Ministry of Environment and Forestry. Implementation of the Law on Terrestrial Hunting No. 4915 on the following issues is enforced by the annual regulations and decisions of the Central Hunting Commission which is constituted by the members of the Ministry of Environment and Forestry, the Ministry of Agriculture and Rural Affairs and hunting associations; protected species, prohibited hunting grounds, the species allowed for hunting and bag limits, hunting period and days, permitted and prohibited hunting methods and principles of game tourism.

Specially Protected Areas are established by the Cabinet Decree in line with national legislation and international nature conservation conventions. These areas, of ecological

importance, are particularly sensitive to pollution and natural resource deterioration. Specially Protected Areas are the areas of outstanding natural beauty.

Conservation forests, gene conservation forests and seed stands are the main conservation status are set out in the Article 23 and 24 of the Law on Forest No.6831.

According to Article 7 of the Law on the Protection of Cultural and Natural Heritage No. 2863 (amended by the Law no. 3386 and 5226) the Ministry of Culture and Tourism is the responsible authority for designating natural sites and immovable cultural assets and the Regional Council of Conservation is the responsible authority for their registration.

Sites and Natural Assets are defined by the Article 3 of the Law on the Protection of Cultural and Natural Heritage No. 2863. On the other hand “natural sites” are defined by Article 3 of the “By-law on Designation and Registration of Immovable Cultural and Natural Properties to be Conserved” and by the Resolution of Superior Council on the Conservation and Utilization of Natural Sites No. 659.

“Natural Sites” are the areas terrestrial, underground or aquatic which belong to geological, prehistoric or historic periods and need to be conserved due to their uniqueness, characteristics or beauties.

According to the Resolution of Superior Council on the Conservation and Utilization of Natural Sites No. 659 on 05.11.1999, Natural Sites are grouped into 3 categories;

- 1st Degree (Primary) Natural Sites: The sites to be preserved in their original forms due to their universal value in terms of scientific preservation and must be conserved in the name of public interest with exception of scientific preservation studies carried out on the site, due to their features, beauties and uniqueness.
- 2nd Degree (Secondary) Natural Sites: are the sites opened to use in view of public interest considerations in addition to the preservation and development of the natural (original) formation.
- 3rd Degree Natural Sites: are the sites that in addition to preservation and development of natural formation might be used for housing developments in view of their potential and utilization characteristics.

Within this legal framework the priorities for the management of natural sites are:

- **Designation and Registration:** to designate and register cultural and natural heritage to be conserved by ranking them according to scientific principles,
- **Principles of Conservation and Utilization:** Superior Council of Conservation takes principle decisions in order to set priorities in implementation and to produce possible solutions to implementation problems.
- **Planning:**
 - Preparation of Conservation Plans for registered sites by taking into consideration principles such as sustainability, participation, local ownership, financing, creation of jobs and added value etc.
 - To ensure the protection and evaluation of conservation sites and their zones of influence (interaction) as designated by the Ministry of Culture and Tourism within the context of a sustainable management plan and in coordination with public entities, institutions and NGOs.

The Law on the Protection of Cultural and Natural Heritage No. 2863 amended by the Law No. 5226 in 2004, defines the concepts of “Management Areas” and “Management Plan” concerning the management of sites and sets priorities, targets and enforcement tools for management. According to the Article 3 of Law No. 2863;

Management Area: refers to the area that the boundaries of which are determined by the Ministry of Culture and Tourism through consultation with central and local authorities and NGOs with the aim of establishing coordination on planning and conservation issues and realizing the following objectives:

- To ensure effective conservation, perpetuation and evaluation of the sites and their zones of influence leading to a development based on a well established theme and vision.
- To respond to the cultural and educational needs of the society.

Management Plan: the plans including annual and five year development stages and relevant budgets that are revised every five years based on operation project, excavation plan, landscape project or preservation and development project; in order to protect, perpetuate and evaluate the Management Areas.

In the Article 5 of the “By-law on the Site Management, Methods and Principles of Designating the Management Areas and Establishment and Tasks of Council of Monuments” (Official Gazette: 27 November 2005 No. 26006)”, the objectives of the site management are defined as;

- To secure a precise designation of zones of influence and the connecting points resulting from historical, cultural, social, geographical and artistic reasons.
- To assign the ways of appropriate form of balance between the needs of protection, accessibility, sustainability and economic development and interest of the local society in the management plans.
- To develop general strategies, methods and tools which will elevate the areas to an international level and raise its value and to determine and generate financial resources,
- To establish cooperation of public institutions, NGOs, property owners, volunteers and local community in order to protect and evaluate the management areas.
- To designate the boundaries, usage and development principles of sites and their zones of influence and perpetuate them by conserving;
 - in accordance with the objectives of site management
 - together with maintenance, restoration, restitution, rehabilitation, exhibition, organization and landscape planning
 - in the framework of international conservation principles and legal decisions.
- To ensure the application of high standards in management of cultural assets, conservation area, design and implementation, specialization and equipment

In the context of the Project “Capacity Building in the Field of Environment for Turkey”, technical studies on the review and evaluation of above mentioned conservation sites and new sites likely to be potential SCIs are carried out.

- **Establish measures required for the conservation of such sites, including co-financing (Arts. 6 & 8)**

In the By-law on Wildlife Protection and Development Areas (Official Gazette: 8 November 2004 No. 25637) and the By-law on Principles and Procedures of Hunting within the Scope of Hunting Tourism for Domestic and Foreign Hunters (Official Gazette: 8 January 2005 No. 25694) based on the Law on Terrestrial Hunting No.4915, a finance system is defined in the wildlife protection and development areas. In the areas selected for game tourism, local village governing councils also participate in the conservation work and they are paid for their efforts. Currently, more than half of the income generated from the game tourism is given to the local village governing councils.

There is also a finance system for the selection, planning and management of the protected areas designated according to the Law on National Parks No.2873 and for the implementation of the programs concerning visitor management, public awareness, management of resources, training, monitoring and evaluation taking place in the management plans of the mentioned sites. The finance is provided by Central Government Budget.

According to the Statutory Decree on the Establishment of the Authority for the Specially Protected Areas No. 383, the finance is provided by Central Government Budget to take all measures to eliminate the current environmental problems, to determine the principles of protection, conservation and the usage of Specially Protected Areas, to prepare their land use plans, to revise and approve ex officio the plans and decision of plans in every present scale and to arrange the principles for the organization and duties of the Authority for the Specially Protected Areas. The Authority has rent and operation revenues and provisions on the use of the revenues have been issued by the Authority.

According to the Article 10 of the Law on the Protection of Cultural and Natural Heritage No. 2863, the Ministry of Culture and Tourism has the authority to take necessary measures to conserve immovable cultural assets and natural heritage, regardless of the ownership or administrative jurisdiction of the said heritage, directly or accredit public institutions, municipalities and governorships for these same tasks.

Furthermore, by the Law No. 2863, the Ministry of Culture and Tourism shall provide technical assistance and cooperation for the conservation of those areas and annually allocate adequate amount of funds for these services.

For the purpose of preservation, restoration and maintenance of the cultural and natural heritage to be protected, the Ministry of Culture and Tourism in accordance with Article 12 of the Law No. 2863 may provide technical, financial and in kind support to real or legal persons possessing this heritage and are subject to private law. According to the Law No.2863, measures and principles related to the conservation of natural sites are specified in detail by resolutions of the Superior Council.

Law on Fisheries No.1380 has also provisions regarding financial system for the relevant conservation areas.

- **Establishing a system to monitor conservation status of habitats and species (Art. 11)**

Technical studies are carried out on the establishment of a system to monitor conservation status of habitats and species under the Project “Capacity Building in the Field of Environment for Turkey.”

- **Establishing a system of strict protection for Annex IV species (Arts. 12 & 13)**

According to the provisions laid down in the By-law on Wildlife Protection and Development Areas (Official Gazette: 8 November 2004 No. 25637), the By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained From them (Official Gazette: 16 June 2005 No. 25847), the By-law on Principles and Procedures of Hunting Within the Scope of Hunting Tourism for Domestic and Foreign Hunters (Official Gazette: 8 January 2005 No. 25694), the By-law on Principles and Procedures of Hunters Education and issuing Hunting Licences (Official Gazette: 31 December 2004 No. 25687), the By-law on Principles and Procedures For Establishment, Inspection and Management of Hunting Grounds (Official Gazette: 16 May 2004 No. 25464), the By-law on Establishment, Inspection and Management of Rescue Centres, Game and Wild Animal Breeding Stations and Wildlife Reserves (Official Gazette: 30 November 2004 No. 25656), the By-law on Principles and Procedures for Duties and Responsibilities of District, Provincial and Central Hunting Commission (Official Gazette: 18 May 2004 No. 25466), the By-law on Principles and Procedures For Selection, Education, Duties and Responsibilities of Voluntary Wildlife Wardens (Official Gazette: 3 July 2004 No. 25511) based on the Law on Terrestrial Hunting No.4915; there is a system of strict protection for Annex IV species existing in Turkey. Additional measures can be taken by the “Central Hunting Commission” when needed.

According to the Article 14 of the Law on National Parks, all kind of activities which may cause damage in wild life and ecological functions are prohibited. There are also basic principles and criteria of strict protection in the Article 5, 6 and 7 of the By-law on National Parks (Official Gazette: 12 December 1986 No. 19309).

Strict protection measures are taken for the Annex IV species existing in Turkey, such as green turtle, caretta caretta, Mediterranean monk seal and Acipencer species according to the Circular on Fisheries (Official Gazette: 12 August 2004 No.25551) based on the Law on Fisheries No.1380.

According to the Article 9 titled Prohibition of Unauthorized Intervention and Usage of the Law on the Protection of Cultural and Natural Heritage No. 2863, all constructional and physical interventions, reusage or change of usage contrary to decisions of regional conservation councils which are taken within the framework of the Resolutions of the Superior Council of Immovable Cultural and Natural Assets are forbidden.

According to the Article 61 of Law No. 2863, public authorities, municipalities, natural and legal entities are obliged to comply with the decisions of the Superior Conservation Council and Regional Conservation Councils. According to the Article 65 penalty provisions are defined in detail as heavy imprisonment and heavy fine. Within the framework of the Resolution of Superior Council No. 659, 1st Degree Natural Sites are subject to strict protection.

- **Assessing the status of Annex V species and taking appropriate conservation measures (Art. 14)**

In the framework of the By-law on Wildlife Protection And Development Areas (Official Gazette: 8 November 2004 No. 25637), the By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained From them (Official Gazette: 16 June 2005 No. 25847), the By-law on Principles and Procedures of Hunting Within the Scope of Hunting Tourism for Domestic and Foreign Hunters (Official Gazette: 8 January 2005 No. 25694), the By-law on Principles and Procedures of Hunters Education and issuing Hunting Licences (Official Gazette: 31 December 2004 No. 25687), the By-law on Principles and Procedures For Establishment, Inspection and Management of Hunting Grounds (Official Gazette: 16 May 2004 No. 25464), the By-law on Establishment, Inspection and Management of Rescue Centres, Game and Wild Animal Breeding Stations and Wildlife Reserves (Official Gazette: 30 November 2004 No. 25656), the By-law on Principles and Procedures for Duties and Responsibilities of District, Provincial and Central Hunting Commission (Official Gazette: 18 May 2004 No. 25466), the By-law on Principles and Procedures For Selection, Education, Duties and Responsibilities of Voluntary Wildlife Wardens (Official Gazette: 3 July 2004 No. 25511) based on the Law on Terrestrial Hunting No.4915, appropriate conservation measures has been taken for Annex V species.

Required measures are taken according to the Articles 1, 2 and 3 of the Law on National Parks No. 2873 by designating conservation sites.

According to the provisions of the “By Law on The Collection, Production, Exportation of Natural Flower Bulbs” (Official Gazette: 24 August 2004 No.25563) and the “By Law on The Collection, Preservation and Use of Plant Genetic Resources” (Official Gazette: 15 August 1992 No. 21316), control of collection of the plant species are regulated at national level.

- **Prohibiting the use of specified means of capture/killing certain animal species (Art. 15)**

According to the Article 6 of the Law on Terrestrial Hunting No.4915, hunting should be performed by obtaining the hunting certificate and hunting permission, by using the guns, instruments and trained animals permitted by the laws in accordance with the hunting plans and the resolutions of the Central Hunting Commission. Pursuant to the Article 6;

- Hunting with poison is prohibited.
- Automatic, semi-automatic, pump and similar hunting rifles without grooves and air rifles and pistols, whose chambers are not limited so as to accommodate two bullets may not be used in hunting
- The land, air vehicles and floating vehicles other than the ones whose place of use and characteristics are to be determined by the Central Hunting Commission within the scope of struggle and other than the trained animals; and the devices emitting sound, magnetic wave, light, living baits, traps and magnetic wave emitting devices, the use of which in hunting is prohibited by the Central Hunting Commission and similar instruments and tools may not be held and sold in the markets and commercial stores.
- Hunting lodges may not be established other than the ones whose features are determined by the Central Hunting Commission and hunting may not be performed at those hunting lodges.

The Law on National Parks No.2873 has provisions on prohibiting all kinds of activities which may cause deterioration of the nature.

On the other hand, in the Circular on Fisheries (Official Gazette: 12 August 2004 No.25551) based on the Law on Fisheries No.1380 there are provisions concerning prohibition of hunting and hunting methods according to the site properties and season. Hunting of some species in Annex IV and V are prohibited.

- **Establishing a system to monitor incidental capture/killing of Annex VI(a) species (Art. 12)**

Provincial directorates of the Ministry of Environment and Forestry are responsible for the monitoring of incidental capture/killing of Annex VI (a) species according to the Law on Terrestrial Hunting No.4915.

It is prohibited to fish by using explosive and destructive substances such as dynamite, torpedo, poisonous substances and lime by Law on Fisheries No.1380. Monitoring and control of fishing activities are carried out by provincial directorates of Ministry of Agriculture and Rural Affairs, the Ministry of Interior Affairs and General Commandership of Gendarmerie.

- **Establishing a mechanism to consult the public before agreeing to projects that may affect SCI or to re-introducing native species (Arts. 6 & 22)**

Environmental impacts on the existing conservation sites as well as threatened and narrow endemic species which are protected according to national legislation and international conventions are evaluated in Environmental Impact Assessment procedure. In EIA procedure, there is a mechanism that enables public to give their opinions and to be informed regarding environmental impacts of projects and taking required measures for the minimisation of the adverse effects at the scoping stage and the assessment stage of the EIA reports.

- **Establishing a mechanism to promote education and general information to the public (Art. 22)**

When the social aspect of conservation is considered, public education and awareness campaigns are important measures for active participation of people to conservation efforts. Within the framework of the Law on Environment No. 2872, the Law on Terrestrial Hunting No. 4915, the Law on the Establishment and Duties of Ministry of Environment and Forestry No. 4856, the Statutory Decree on the Establishment of the Authority for the Protection of Special Areas Decree No. 383, the Law on National Parks No. 2873, the Law of Forests No. 6831, the Law on the Protection of Cultural and Natural Heritage No. 2863, Law on Fisheries No. 1380, relevant institutions conduct various efforts to raise public awareness by public information meetings, workshops, awareness raising campaigns.

Most of the laws and by-laws on nature protection include provisions on the public information activities. The By-law on Environmental Conservation Training in Specially Protected Areas (Official Gazette: 20 April 1992 No.21205) sets out the provisions on activities deemed necessary for the conservation of SPA's such as training plans, programs

and activities undertaken and establishing cooperation with all Public Institutions and Bodies, nongovernmental organizations, related associations and international institutions.

According to the Article 9 of the Law on the Institutional Structure and Duties of the Ministry of Culture and Tourism No. 4848, the Ministry is also responsible for creating public awareness and developing a preservation culture in the country by all possible means.

In the Article 5 of the “By-Law on the Site Management, Methods and Principal of Designating the Management Areas and Establishment and Tasks of Council of Monuments” (Official Gazette: 27 November 2005 No.26006) the objectives of the site management are defined as to establish cooperation between public institutions, NGOs, property owners, volunteers and local communities in order to protect and evaluate the management areas.

Wild Animals in Zoos

31999L0022

Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos (OJ L 094 09.04.1999 p. 24) EUR-Lex hyperlink

Transposition

A. Which parts of the provisions of the Directive have been transposed?

Main legislations with respect to the keeping of wild animals in zoos are the Law on Animal Protection No. 5199 (Official Gazette: 1 July 2004 No. 25509) and the By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained from Them (Official Gazette: 16 June 2005 No. 25847) which was prepared according to the provisions of Articles 18, 19, and 20 of Law on Terrestrial Hunting No. 4915 (Official Gazette: 11 July 2003 No. 25165).

B. When is the transposition foreseen for the remaining measures?

Technical studies are in progress.

Implementation

What has been achieved so far as regards:

- **Designating competent authority/ies (Art. 7)**

The Article 22 of Law on Animal Protection No. 5199 (Official Gazette: 1 July 2004 No. 25509) designates the Ministry of Environment and Forestry as competent authority for licensing and determination of work principles and procedures of zoos.

- **Designating 'zoos' (Art. 2)**

The Article 1 of the By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained from Them describes zoos.

- **Licensing zoos (Art. 4)**

Technical studies are in progress.

- **Implementing an effective inspection and enforcement system (Arts. 4, 6 & 8)**

Not yet available.

- **Ensuring that conservation measures are implemented (Art. 3)**

Not yet available.

Leghold traps

31991R3254

Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards (Official Journal L 308, 09/11/1991 P. 0001)

Implementation

What has been achieved so far as regards:

- **Prohibiting the use of leghold traps (Art. 2)**

Use of leghold traps in Turkey has been banned by the Article 6 of the Law on Terrestrial Hunting No. 4915 (Official Gazette: 11 July 2003 No. 25165).

- **Prohibiting the import of pelts and goods from countries other than those listed in the Annex to Decision 97/602/EC (Art. 3):**

According to the provisions of Article 18 of Law on Terrestrial Hunting No. 4915, the domestic and foreign wild animals, whose trade is prohibited under the international agreements, to which our country is a party, and the wild animals which are hunted in violation of the hunting principles and procedures determined within the framework of Article 6 of Law on Terrestrial Hunting No. 4915, being dead or alive, and their flesh, eggs, furs, leathers, horns and similar parts and their derivatives may not be sold, purchased, transferred and their import and export may not be made. The Ministry of Environment and Forestry is authorized to control the trade of the species, the trade of which is regulated with the international agreements to which our country is a party and the trade of the parts obtained from them and to prohibit such trade wholly or partially.

- **Implementing a certification procedure for imports of pelts and goods (Art. 4):**

According to the provisions of the Article 75 of the “By-law on Keeping, Breeding, and Trade of Game and Wild Animals and the Products Obtained from Them”, the importers must obtain a certificate from the Provincial Directorates of Ministry of Environment and Forestry stating that the imported species and product are suitable for import. For this purpose, all the importers apply to the Provincial Directorates together with the invoice or receipt of the wild animals or products obtained from them in order to obtain an import certificate stating that the imported goods are not banned in international trade and therefore permission for the import may be granted. Provincial Directorates then check on the lists of species and products listed on the invoice or receipt according to the provisions of the Article 76. If the goods and products listed in the invoice are not in the list of banned imports, then a certificate is granted to the importer. The information on the pelts and goods from countries listed in the Annex to the Decision 97/602/EC (amended by 98/596/EC) could be provided to the Provincial Directorates by the Ministry of Environment and Forestry.

- **Implementing an effective monitoring and enforcement system:**

Technical studies are in progress.

Seal pulps

Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom

Transposition

A. Which parts of the provisions of the Directive have been transposed?

Technical studies need to be initiated.

B. When is the transposition foreseen for the remaining measures?

Not yet determined.

Implementation

What has been achieved so far as regards:

- **Establish or delegate a component authority to be responsible for implementing of the requirements of the Directive.**

Technical studies need to be initiated.

- **Develop a system whereby the commercial importation of seal products from harp and hooded seals is prohibited**

Not yet available.

- **Take or maintain all necessary measures to ensure that the products listed in the Annex are not commercially imported into the country**

Not yet available.

- **Ensure that the appropriate staffing arrangements are established and that the correct training is provided to customs officers I to allow them to inspect shipments**

According to the Article 2 of Communication on Standardization of External Trade No. 2006/5 (Official Gazette: 31 December 2005 No. 26040), importation of those products which are classified under 43 01 CN code are permitted under the condition that their compliance with the animal and public health requirements are determined by the Ministry of Agricultural and Rural Affairs or by its provincial directorates. Compliance of the products in question to the animal and public health requirements are designated in accordance with Law on Fisheries No.1380 and/or Law on Animal Health and Inspection No.3285 and the other legislation which are based on these Laws.

- **Establish a monitoring system to ensure that the importation of seal products is prohibited and that the requisite import procedures are being followed by the customs departments at border points.**

Not yet available

CITES Regulation

31997R0338

Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 061 03.03.1997 p. 1) and 32001R1808

Commission Regulation (EC) No 1808/2001 of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 250 19.09.2001 p. 1)

Implementation

What has been achieved so far as regards:

- **Designating the relevant authorities for implementation and enforcement of the Regulations (Arts. 12 & 13)**

Following the CITES Convention which entered into force on December 22, 1996, the “By-law on the Implementation of the CITES” was published at the Official Gazette on December 27, 2001 numbered 24623 and put into effect in Turkey. “By-law on the Implementation of the CITES” designates Management Authorities and Scientific Authorities. Accordingly, the Ministry of Agriculture and Rural Affairs and the Ministry of Environment and Forestry are management authorities. Scientific Authority is the Scientific and Technical Research Council of Turkey. Management and Scientific Authorities are selected from institutions working on protection of wild life.

All custom points can be used for the trade of CITES species.

- **Ensuring that imports and exports of species listed in the Annexes follow the required procedures and are subject to the necessary authorizations and checks (Arts. 4 & 5 + Sections 2-5 of Reg. 1808/2001)**

There are two Management Authorities responsible for issuing CITES certificates namely the Ministry of Agriculture and Rural Affairs and the Ministry of Environment and Forestry. The permit and certificate are prepared according to the CITES Convention. The copy with a yellow band is for the trader while the one with the blue band is retained by the issuing authority and those with red and green bands are received by the customs authorities. All the forms with green bands are sent to the Ministry of Environment and Forestry by the Undersecretary of Customs at the end of each year.

- **Ensuring that intra-Community trade and movement are subject to the necessary procedures and authorizations (Arts. 8 & 9 + Section 6 of Reg. 1808/2001)**

Trade of the species listed in Annex I of CITES is prohibited. During the transport of alive animals, the provisions of CITES Convention, other Conventions which was ratified and national legislation are applied (e.g. Law on Terrestrial Hunting No. 4915).

- **Informing the public at border-crossing points (Art. 12)**

Within the framework of public awareness activities, preparation of leaflets, brochures both in Turkish and English and a website is in progress under the Project “Capacity Building in the Field of Environment for Turkey, Component 3: Nature (TR0203-03.3)” financed under 2002 EU Pre-Accession Financial Assistance. Besides, in the scope of this project, custom officers were trained on CITES related procedures.

- **Monitoring compliance and taking legal actions where necessary (Art. 14)**

Monitoring activities are held by Provincial Directorates of the Ministry of Environment and Forestry, the Ministry of Agriculture and Rural Affairs and other relevant authorities such as the Undersecretariat of Customs and the Ministry of Interior.

- **Taking measures to ensure the imposition of appropriate sanctions for infringements of the Regulations (Art. 16)**

The CITES permits and certificates are cancelled in case of the infringements of the By-law on the Implementation of the CITES. Depending on the nature of the offence, penalties are applied pursuant to the related articles of the Turkish Criminal Code No. 5237 (Official Gazette: 12 October 2004 No. 25611), the Law on Fight Against Smuggling No. 4926 (Official Gazette: 19 July 2003 No. 25173), Law on Customs No. 4458 (Official Gazette: 4 November 1999 No. 23866), Law on Environment No. 2872 (Official Gazette: 11 August 1983 No. 18132), Law on Terrestrial Hunting No. 4915 (Official Gazette: 11 July 2003 No. 25165) and Law on Fisheries No. 1380 (Official Gazette: 4 April 1971 No. 13799).

- **Reporting information on trade data and implementation and enforcement to the Commission and notifying Commission of adopted measures (Art. 15 & 20)**

The “By-law on the Implementation of the CITES” has been prepared and sent to the CITES secretariat. The Ministry of Environment and Forestry prepares the annual statistical reports, by taking data on trade of previous year in specimen of species included in By-law on the Implementation of the CITES from the Undersecretary of Customs and, when necessary, from the Management Authorities, and transmits to the CITES Secretariat.