

## 4.2 Law 4/1994

The Environmental law (law 4/1994) was drafted with a view not to replace previous environment-related legislations but to complement these legislations and to address any legal gaps or needs that are not adequately addressed by these previous laws. Law 4 of 1994 and its executive regulations (1995) define the roles and responsibilities of EEAA in order to avoid a conflict with existed laws, which include regulation of air pollution, control of hazardous substances, management of hazardous waste and control of discharges to marine waters. Nonetheless, responsibility of existing laws and regulations remained in the traditional ministries.

The key features of law 4/1994 could be summarized as follows:

- It re-established EEAA under the Cabinet of Ministers as the highest national authority in charge of environment.
- It requires all new projects and activities to submit an Environmental Impact Assessment (EIA), and gave EEAA the final responsibility of approving them.
- It gave EEAA the power to inspect and enforce the law.
- It established an environmental fund and mandated EEAA with the proposal of economic incentives for the protection of the Environment.
- It addressed gaps in the previous laws concerning air pollution, noise, industrial and municipal discharges to the marine environment, hazardous wastes and sanitary landfilling.
- It increased significantly the fines and penalties for violations.

Responsibilities of EEAA on the basis of the law 4 /1994 include;

- Prepare draft laws and decrees related to the fulfillment of its objects and express its opinion on proposed legislation related to the protection of the environment.
- Prepare studies on the state of the environment, formulate the national plan with the projects included for the protection of the environment, prepare the estimated budgets for each as well as environmental maps of urban areas and areas to be developed and lay down the criteria to be observed when planning and developing new areas as well as the criteria targeted for old areas.
- Lay down the criteria and conditions, which owners of projects and establishments must observe before the start of construction and during the operation of these projects.
- Conduct field follow-up of compliance with the criteria and conditions that are binding to agencies and establishments and take the procedures prescribed by law against those who violate such criteria and conditions.
- Lay down the principles and procedures for assessing the environmental effects of

projects.

- Lay down a plan for environmental training and supervise its implementation.
- Prepare the draft budgets required for the protection and promotion of the environment.
- Propose economic mechanisms to encourage different activities and procedures for the prevention of pollution.
- Coordinate with the Ministry for International Cooperation to ensure that projects funded by donor organizations and countries are in line with environmental safety considerations.

It can be mentioned that the law 4/1994 was unbalanced, with nearly half of its articles dealing with the marine environment and tailored to the specific needs and proficiencies of the officials who have participated in its formulation. In addition, the law does not give enough power to EEAA. For example, licensing authority for implementing environmental standard remains with the traditional sector ministries, and EEAA do not have authority to take administrative responsibility in enforcing actions against violations of the law or its regulations<sup>2</sup>. The law 4/1994 requires EEAA to use the traditional legal process, i.e., report the violation to the police, present it to the district attorney and, where the case warrants further action, bring a legal action in court.

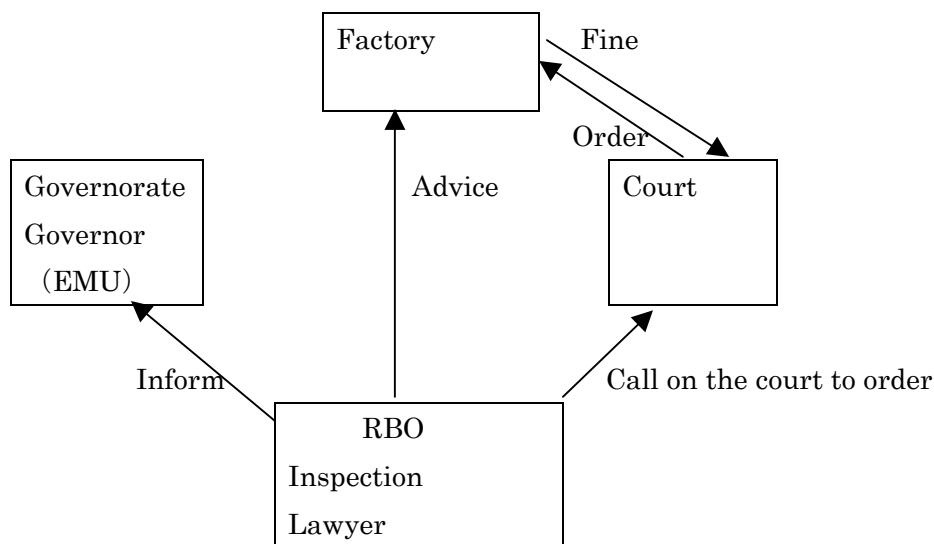
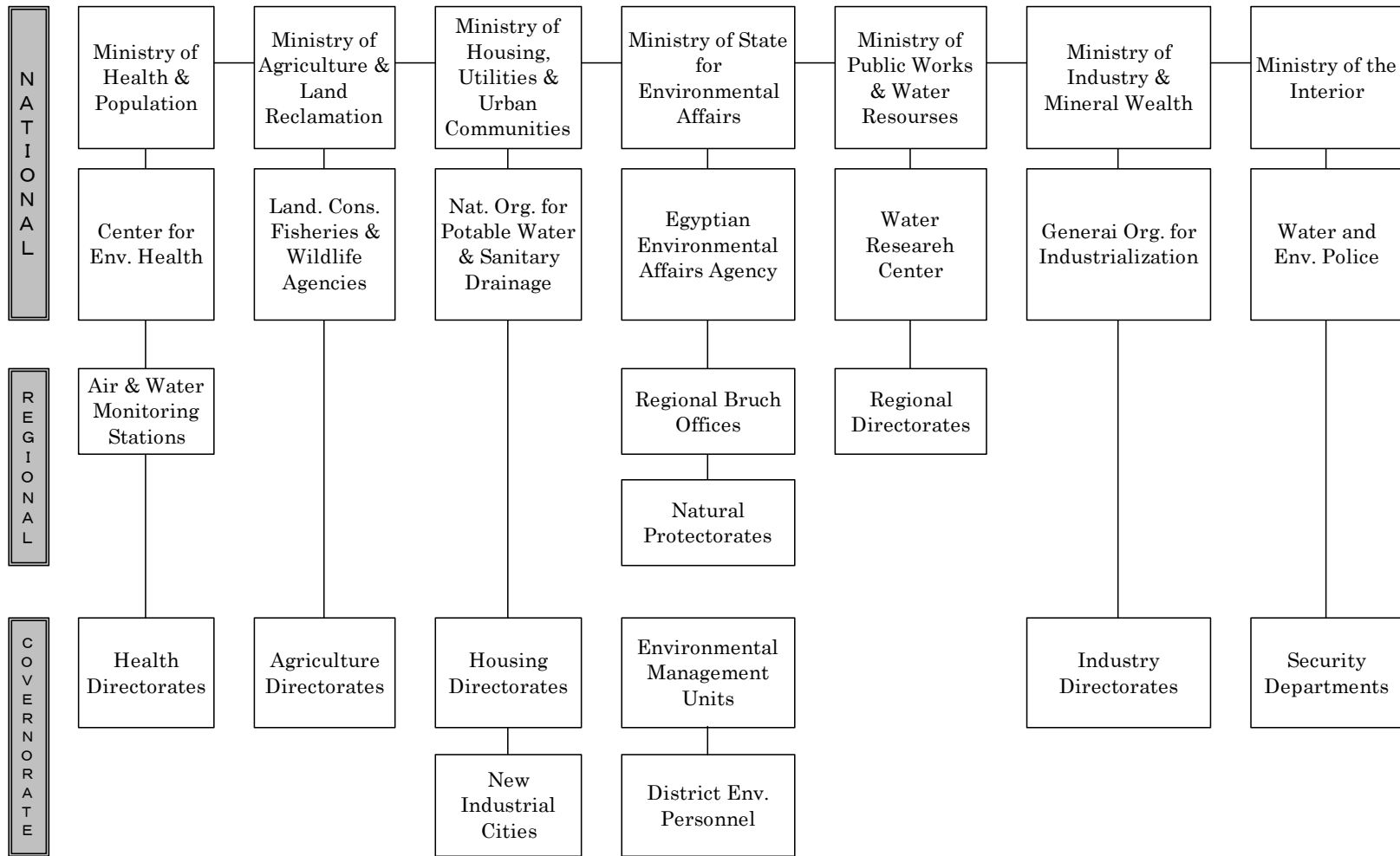


Figure 4.2: Enforcement of the Law 4/1994 by EEAA

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<sup>2</sup> It is necessary to bring the case to the Court to impose fines or issue improvement order.



Source: EcoConServ, 'A Consultant Report on the Country Environmental Analysis', Dec.2003

Figure 4.3: Institutional Framework for Environmental Management