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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

38<sup>th</sup> meeting  
Strasbourg, 27-30 November 2018

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**Other complaints**

**Alleged threat to Bodrum Tilkicik Bay from the  
development of a marine project  
(Turkey)**

**- COMPLAINT FORM -**

*Document prepared by  
Bodrum Tilkicik Koylan Girisimi (Platform for the Preservation of Bodrum Tilkicik Bays), Turkey*

**Convention on the Conservation of  
European Wildlife  
and Natural Habitats**



**COMPLAINT FORM**

***NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.***

Please, fill in this form and send it to the attention of:

**Iva OBRETENOVA**

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**On behalf of (if applicable):** Bodrum Tilkiçik Koçları Girişimi

(Platform For The Preservation of Bodrum Tilkiçik Bays )

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**Date :** 17/04/2018

**Signature**

**1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).**

A “Preliminary Permission” has been issued by the Ministry of Finance and a decision that an “Environmental Impact Assessment (EIA) Is Not Required” has been issued by the Ministry for the Environment and Urbanization of the Republic of Turkey, which is a party to the Bern Convention, to a private construction company (Aksoy Bodrum Gayrimenkul Yatırımları A.Ş.), for the construction of a marina with a mooring capacity for 154 yachts in a marine and coastal area covering a total of 56,519 m<sup>2</sup>, at Tilkickik Bay, which is located in Yalıkavak, in the District of Bodrum of the Province of Muğla, and which is a region where species and habitats, which are protected within the scope of the BERN Convention, are present. As a result of these permissions, which have been issued by the executive organizations of the Republic of Turkey, the Republic of Turkey, which is a party to the Convention, is in violation of articles 1, 2, 3/2, 4/1, 4/2, 4/3, 5 and 6 of the Convention.

**2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)**

The *Posidonia oceanica* (L.) Delile (Med.) / sea grass species and its habitat, which are within the scope of Appendix I – STRICTLY PROTECTED FLORA SPECIES, and the *Monachus monachus* / Mediterranean Seal species and its habitat, which are within the scope of Appendix II – STRICTLY PROTECTED FAUNA SPECIES, of the Bern Convention will be affected by this marina project.

The area where the marina is planned, which is on the shores of the Aegean Sea, in the South-West of Turkey, is the habitat of the Mediterranean Seal (*Monachus monachus*). The Kudur Peninsula and its shores, which are 2.5 km to the west of Tilkickik Bay, where the marina is to be built, have been determined as a ‘Seal Protection Area’ according to the Environmental Plan approved by the Ministry for the Environment and Urbanization of the Republic of Turkey.

At the same time, this region is also an area where Sea grass (*Posidonia oceanica*) and *zostera marina* are present in large amounts. Following our application, the Institute of Marine Sciences and Technology of Dokuz Eylül University, has prepared a Macro-Biologic Study Project Report for Tilkickik Bay. The protected species within the scope of the Bern Convention, and their protection status, are set out in a table at the end of this report. The table has been presented in the annex. Thus, apart from these two species and habitats, the number of species which have been placed under protection within the scope of the Bern Convention, in Tilkickik Bay, is actually very high.

**3. What might be the negative effects for the specie/s or habitat/s involved?**

Presently, the construction of a tourism and residential project, which is a continuation of the marina project, has begun on the inland side of this project. The filling materials for the structure to be built in the sea have been piled up in the coastal area during the construction work, thus laying waste to this area. In addition to this, as the necessary precautions were not taken during the construction, due to the incline of the land, soil and debris has fallen into the sea. As a result of this, all of the species and their habitats, which have been placed under the protection of the Convention, and are set out in the attached table – primarily the *Posidonia oceanica* (L.) Delile (Med.) / sea grass species and its habitat – have been affected negatively from the construction activities and due to the failure to take precautions. When the filling of the sea is also commenced within the scope of the marina project, this too will give rise to permanent damage to the said species and their habitats, and the ecosystem in Tilkickik Bay will be destroyed.

**4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?**

The table, where the species and habitats determined within the scope of the “Tilkicik Bay Macro-Biologic Study Project Report”, prepared by the Institute of Marine Sciences and Technology of Dokuz Eylül University, also states the other international conventions which the said species and habitats are the subject of, has been presented in detail, in the annex.

Together with this, all of the coastal and marine area where the project is to be built is within the scope of the CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND COASTAL REGIONS OF THE MEDITERRANEAN / BARCELONA CONVENTION.

While the area where the project, which is the subject of the complaint, is to be built, has yet to be officially defined within the scope of the NATURA 2000 ECOLOGICAL NETWORK, in the harmonization process of the Republic of Turkey to the European Union, according to the report of the Experts appointed by the Courts of the Republic of Turkey, which are described in detail in the following section, this area contains the Limonium species (Natura 2000 Annex Code 1220) and Posidonia beds (Code 1120). The “**Project for the Strengthening of the National System for the Protection of Nature in order to Implement the Requirements of Natura 2000**” is being conducted within the scope of the harmonization process of the Republic of Turkey to the European Union.

Furthermore, in the Book of the Important Natural Areas of Turkey, the Bodrum Peninsula is contained within the scope of Important Natural Areas of the International Union for the Conservation of Nature (IUCN), under the code “EGE012”.

**5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?**

At the national level, legal action has been brought by 158 citizens concerning the decision that an “EIA Is Not Required”, which was taken by the Ministry for the Environment and Urbanization of the Republic of Turkey, for the marina project which is the subject of the complaint. As a result of this legal action, the decision that an “EIA Is Not Required” was overturned by the judgment dated 16.02.2018 of the Muğla 2<sup>nd</sup> Administrative Court, reasoning that Tilkicik Bay is an Important Natural Area and that the marine habitat would be damaged. However, this time, the company which had obtained the initial permission (Aksoy Bodrum Gayrimenkul Yatırımları A.Ş.) made a new application to the Ministry for the Environment and Urbanization of the Republic of Turkey, to obtain an “EIA POSITIVE” approval, by having an “EIA Report” prepared for the project which is the subject of the complaint. The procedures in connection with the application are being continued by the Ministry for the Environment and Urbanization, in spite of the judicial ruling.

There are no expected / continuing procedures at an international level, in connection with the subject of the complaint.

**6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)**

According to the project data, approximately 100,000 m<sup>3</sup> of filling is to be made in the coastal and marine area in order to build a marina with a mooring capacity for 154 yachts in a marine and coastal area covering a total of 56,519 m<sup>2</sup>, at Tilkicik Bay, which is located in Yalıkavak quarter, in the Peninsula of Bodrum.

At the time at which the legal action was brought by the local residents of the region, with the claim that the decision that an “EIA Is Not Required”, which was taken by the Ministry for the Environment and Urbanization of the Republic of Turkey, be overturned, the investor company made a new application to the Ministry for the Environment and Urbanization of the Republic of Turkey, to obtain an “EIA POSITIVE” approval, by having an “EIA Report” prepared for the project which is the subject of the complaint. The Ministry accepted the application, and in accordance with the EIA legislation, it organized a “Public Participation Meeting”. Every one of the more than two-hundred people from among the local residents, who took part in this meeting, stated that they were opposed to the project. However, the Ministry has continued with the EIA process and lastly, the final decision phase has been reached with the Meeting of the Inspection and Evaluation Commission (IDK).

In the face of the judgment of the Court to overturn the decision that an “EIA Is Not Required”, due to the fact that Tilkicik Bay is an Important Natural Area and that the marine habitat would be damaged, the Ministry should actually not even have accepted the new EIA application for this project.

### Tilkicik Bay list of Species

#### Their Status According to the IUCN Red List and the Barcelona and Bern Conventions

SPECIES BELONGING TO SYSTEMATIC GROUPS	FIELD OF STUDY		INTERNATIONAL CONVENTIONS		
	Tilkicik Bay Western Section	Tilkicik Bay Eastern Section	Barcelona Convention	Bern Convention	IUCN Red List
<b>CHLOROPHYTA (Green algae)</b>					
<i>Udotea petiolata</i> (Turra) Børgesen	+	+	-	-	-
<i>Halimeda tuna</i> (J.Ellis & Solander) <i>J.V.Lamouroux</i>	+		-	-	-
<i>Cladophora</i> sp.	+	+	-	-	-
<i>Caulerpa racemosa</i> var. <i>cylindracea</i> (Sonder) Verlaque, Huisman & Boudouresque	+	+	-	-	-
<i>Codium bursa</i> (Olivi) C.Agardh	+		-	-	-
<i>Codium effusum</i> (Rafinesque) Delle Chiaje	+		-	-	-
<i>Anadyomene stellata</i> (Wulfen) C.Agardh	+		-	-	-
<b>PHAEOPHYTA (Brown Algae)</b>					
<i>Cystoseira barbatula</i> Kützinger	+		APPENDIX -II	-	-
<i>Cystoseira crinita</i> Duby	+		APPENDIX -II	-	-
<i>Cystoseira foeniculacea</i> (Linnaeus) Greville	+		APPENDIX -II	-	-
<i>Cystoseira discors</i> (Linnaeus) C.Agardh	+		APPENDIX -II	-	-
<i>Padina pavonica</i> (Linnaeus) Thivy	+		-	-	-
<i>Sphacelaria cirrosa</i> (Roth) C.Agardh	+	+	-	-	-
<i>Halopteris scoparia</i> (Linnaeus) Sauvageau	+	+	-	-	-
<b>RHODOPHYTA (Red Algae)</b>					
<i>Corallina officinalis</i> Linnaeus	+		-	-	-
<i>Peyssonnelia squamaria</i> (S.G.Gmelin) Decaisne ex J.Agardh	+	+	-	-	-
<i>Amphiroa rigida</i> J.V.Lamouroux	+	+	-	-	-
<i>Jania rubens</i> (Linnaeus) J.V.Lamouroux	+	+	-	-	-
<i>Liagora viscida</i> (Forsskål) C.Agardh	+		-	-	-
<i>Lithothamnion lenormandii</i> (Areschoug) Foslie	+	+	-	-	-
<i>Lithophyllum incrustans</i> Philippi	+	+	-	-	-
<b>SPERMATOPHYTA (Marine Flowering Plants)</b>					
<i>Cymodocea nodosa</i> (Ucria) Ascherson	+	+	APPENDIX-II	APPENDIX-1	LC
<i>Halophila stipulacea</i> (Forsskål) Ascherson	+	+	-	-	LC
<i>Posidonia oceanica</i> (Linnaeus) Delile	+	+	APPENDIX-II	APPENDIX-1	LC
<b>SPONGES</b>					
<i>Ircinia variabilis</i> (Schmidt, 1862)	+		-	-	-
<i>Ircinia oros</i> (Schmidt, 1864)	+		-	-	-
<i>Sarcotragus spinosulus</i> Schmidt, 1862	+	+	-	-	-
<i>Sarcotragus foetidus</i> Schmidt, 1862	+		APPENDIX-II	-	-
<i>Aplysina aerophoba</i> (Nardo, 1833)	+	+	APPENDIX-II	-	-
<i>Aplysina cavernicola</i> (Vacalet, 1959)	+		APPENDIX-II	APPENDIX-2	-
<i>Chondrosia reniformis</i> Nardo, 1847	+		-	-	-

<i>Chondrilla nucula</i> Schmidt, 1862	+	+	-	-	-
<i>Spirastrella cunctatrix</i> Schmidt, 1868	+		-	-	-
<i>Crambe crambe</i> (Schmidt, 1862)	+		-	-	-
<i>Dysidea avara</i> (Schmidt, 1862)	+		-	-	-
<i>Hexadella</i> cf. <i>racovitzai</i> (Topsent, 1896)	+		-	-	-
<i>Agelas oroides</i> (Schmidt, 1864)	+		-	-	-
<i>Phorbas tenacior</i> (Topsent, 1925)	+		-	-	-
<i>Petrosia</i> ( <i>Petrosia</i> ) <i>ficiformis</i> (Poiret, 1789)	+		-	-	-
<i>Axinella cannabina</i> (Esper, 1794)	+		APPENDIX-II	-	-
<i>Axinella damicornis</i> (Esper, 1794)	+		-	-	-
<i>Axinella polypoides</i> Schmidt, 1862	+		APPENDIX-II	APPENDIX-2	-
<i>Cliona</i> cf. <i>Viridis</i>	+		-	-	-
<b>CNIDARIA</b>					
<b>HYDROZOA</b>					
<i>Eudendrium</i> sp.	+		-	-	-
<b>POLYCHAETA</b>					
<i>Hermodice carunculata</i> (Pallas, 1766)	+		-	-	-
<b>CRUSTACEA</b>					
<i>Balanus</i> sp.	+		-	-	-
<i>Ampithoe ramondi</i> Audouin, 1826	+		-	-	-
<i>Cymadusa filosa</i> Savigny, 1816	+		-	-	-
<i>Dexamine spinosa</i> (Montagu, 1813)	+		-	-	-
<i>Dynamene</i> sp.	+		-	-	-
<i>Acanthonyx lunulatus</i> (Risso, 1816)	+		-	-	-
<b>MOLLUSCA</b>					
<b>GASTROPODA</b>					
<i>Patella</i> sp.	+		-	-	-
<i>Phorcus turbinatus</i> (Born, 1778)	+		-	-	-
<i>Bittium reticulatum</i> (da Costa, 1778)	+	+	-	-	-
<i>Cerithium vulgatum</i> Bruguière, 1792	+	+	-	-	-
<i>Columbella rustica</i> (Linnaeus, 1758)	+		-	-	-
<b>BIVALVIA</b>					
<i>Pinna nobilis</i> Linnaeus, 1758	+	+	APPENDIX-II	-	-
<i>Rocellaria dubia</i> (Pennant, 1777)	+		-	-	-
<b>CEPHALAPODA</b>					
<i>Sepia officinalis</i> Linnaeus, 1758	+		-	-	-
<b>BRYOZOA</b>					
<i>Schizoporella</i> sp.	+		-	-	-
<i>Reteporella</i> sp.	+		-	-	-
<b>ECHINODERMATA</b>					
<i>Echinaster</i> ( <i>Echinaster</i> ) <i>sepositus</i> (Retzius, 1783)	+		-	-	-
<i>Paracentrotus lividus</i> (Lamarck, 1816)	+		-	-	-
<i>Holothuria</i> ( <i>Platyperona</i> ) <i>sanctori</i> Delle Chiaje, 1823	+		-	-	-
<b>CHORDATA</b>					

CLUPEIDAE					
<b>Sardalya, <i>Sardinia pilchardus</i> (Walbaum, 1792)</b>	+		-	-	-
HOLOCENTRIDAE					
<b>Redcoat <i>Sargocentron rubrum</i> (Forsskål, 1775)</b>	+		-	-	LC
SCORPAENIDAE					
<b>Hogfish, <i>Scorpaena porcus</i> L., 1758</b>	+		-	-	LC
SERRANIDAE					
<b>Comber, <i>Serranus cabrilla</i> (L., 1758)</b>	+		-	-	LC
<b>Painted Comber, <i>Serranus scriba</i> (L., 1758)</b>	+		-	-	LC
APOGONIDAE					
<b>Cardinal Fish, <i>Apogon imberbis</i> (L., 1758)</b>	+		-	-	LC
SPARIDAE					
<b>Annular Sea Bream, <i>Diplodus annularis</i> (L., 1758)</b>	+		-	-	LC
<b>Sharp Snout Sea Bream, <i>Diplodus puntazzo</i> (Walbaum, 1792)</b>	+		-	-	LC
<b>White Sea Bream, <i>Diplodus sargus</i> (L., 1758)</b>	+	+	-	-	LC
<b>Two Banded Bream, <i>Diplodus vulgaris</i> (Saint-Hilaire, 1817)</b>	+	+	-	-	LC
<b>Striped Sea Bream, <i>Lithognathus mormyrus</i> (L., 1758)</b>		+	-	-	LC
<b>Saddled Sea Bream, <i>Oblada melanura</i> (L., 1758)</b>	+		-	-	LC
<b>Common Sea Bream, <i>Pagrus pagrus</i> (L., 1758)</b>		+	-	-	LC
<b>Bream (Salema), <i>Sarpa salpa</i> (L., 1758)</b>	+	+	-	-	LC
<b>Gilthead Sea Bream, <i>Sparus aurata</i> L. 1758</b>		+	-	-	LC
CENTRANTHIDAE					
<b>Picarel, <i>Spicara maena</i> (L., 1758)</b>	+		-	-	LC
SCIAENIDAE					
<b>Brown Meager, <i>Sciaena umbra</i> L., 1758</b>	+		APPENDIX-III	APPENDIX-3	NT (Global) VU (Mediterranean Scale)
MULLIDAE					
<b>Striped Red Mullet, <i>Mullus barbatus</i> L., 1758</b>	+		-	-	LC
MUGILIDAE					
<b>Grey Mullet, <i>Chelon labrosus</i> (Risso, 1827)</b>	+		-	-	-
POMACENTRIDAE					
<b>Damselfish, <i>Chromis chromis</i> (L., 1758)</b>	+		-	-	LC
LABRIDAE					
<b>Mediterranean Rainbow Wrasse, <i>Coris julis</i> (L., 1758)</b>	+		-	-	LC
<b>Sharp Snouted Wrasse, <i>Symphodus rostratus</i> (Bloch, 1791)</b>	+		-	-	-



<b>Wrasse, <i>Symphodus tinca</i> (L.,1758)</b>	+		-	-	-
<b>Pearly Razorfish, <i>Xyrichtys novacula</i> (L.,1758)</b>		+	-	-	LC
TRIPTERYGIIDAE					
<b>Black-faced Blenny, <i>Tripterygion delaisi</i> Cadenat &amp; Blache, 1970</b>	+		-	-	LC
<b>Three-fin Blenny, <i>Tripterygion melanurus</i> Guichenot, 1850</b>	+		-	-	LC
GOBIIDAE					
<b>Black Goby, <i>Gobius niger</i> L.,1758</b>	+		-	-	LC
<b>Striped Goby, <i>Gobius vittatus</i> Vinciguerra, 1883</b>	+		-	-	LC
SIGANIDAE					
<b>Dusky Spinefoot, <i>Siganus luridus</i> (Rüppel, 1829)</b>	+		-	-	-
<b>Marbled Spinefoot, <i>Siganus rivulatus</i> Forsskål &amp; Niebuhr, 1775</b>	+	+	-	-	LC
LARIDAE					
<b>Yellow-Legged Gull, <i>Larus michhellsis</i> (Naumann, JF, 1840)</b>	+		-	-	-
PHOCIDAE					
<b>Mediterranean Monk Seal <i>Monachus monachus</i> (Hermann, 1779)</b>			APPENDIX-II	APPENDIX-2	EN (Global) CR (Mediterranean Scale)