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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

39<sup>th</sup> meeting  
Strasbourg, 3-6 December 2019

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**Other complaints**

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

***- REPORT BY THE COMPLAINANT -***

*Document prepared by  
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## TO THE BERN COMMISSION

We feel the need to share our views concerning the report dated 09/01/2019 of the Ministry of Agriculture and Forestry of the Republic of Turkey, in connection with our complaint application numbered 2018/05.

1. It is stated in the report dated 09/01/2019, in the form of an information note, that the EIA process has been terminated by the Ministry for the Environment and Urbanisation. While this information is correct, we feel the need to state that a result has been reached in the termination of the EIA process, principally due to the objections and complaints we have made. Furthermore, the EIA process was kept alive until the final stage. The Directorate for the Preservation of Nature and the National Parks, which is tied to the Ministry of Agriculture and Forestry, and whose opinions were sought during this process, stated that it had “**no objections**” to the project. Indeed, in spite of the petitions submitted by the Initiative for the Protection of the Tilkicik Bays (Tilkicik Koylari), to alter its opinion, which is contrary to the Bern Convention and which constitutes an offence, **it has not abandoned its opinion of “no objections”**.
2. While the Ministry for the Environment and Urbanisation has terminated the EIA process, this decision does not prevent a similar project being put into practice in the same region. Indeed, similar initiatives have begun to be talked about in Küdür Peninsula, which is right next to Tilkicik Bays.
3. The zoning plans approved by the Ministry of Culture and Tourism concerning the Epique Island project have yet to be cancelled. **To date no response has been given to our petition dated 26 September 2018**, which we submitted with a request for a cancellation, and a copy of which is attached.
4. The decision of the Ministry of Finance to allocate the use of the marine area in favour of the Aksoy Company, in Tilkicik Bay, **has not been repealed**.
5. The legal proceedings against the authorised representatives of the Aksoy Company, which were brought at the Bodrum Criminal Court of the First Instance, as a result of our complaints, are continuing. A hearing of these proceedings, which has been brought with the claim of polluting the environment, will be held on 5 February 2019 and we shall be present at this hearing, together with our lawyers.
6. There is an obligation to protect the shores of the Bodrum Peninsula and the Tilkicik Bays, in accordance with the Bern Convention. However, the administrative structure and the legal mechanisms stipulated in internal law are considerably far from ensuring this protection. Indeed, despite the fact that they are of the same nature, tens of bays have been zoned for development and similar filling projects continue to be put into practice.
7. The real reason for the apparent abandoning of the Epique Island Marina project today is the reaction of the non-government organisations and citizens. To be absolutely frank, neither we as the Initiative for the Protection of the Tilkicik Bays, nor the other civilian initiatives have the possibility to expend a considerably costly process, which requires significant effort, for other similar projects.
8. We feel it would be beneficial for the Commission to treat our application within the scope of this larger picture.

In conclusion, we ask that the project area and its surroundings are examined and the violations which have occurred and the potential risks for the future be determined on-site, at the meeting to be held by your Commission. Thank you very much for your attention and support. **25/01/2019**.

**Ahmet Murat KAYNAR**

**Spokesperson for the Initiative for the Protection of the Tilkicik Bays**

**T.R.**  
**MINISTRY OF CULTURE AND TOURISM**  
**GENERAL DIRECTORATE OF INVESTMENTS AND BUSINESS OPERATIONS**  
**ANKARA**

**Reference:** Your letter dated 15/01/2018 and numbered 37666

**Subject:** Epique Island Project zoning plans

The 1/5000 scale Structural Plan and the 1/1000 scale Implementary Development Plan proposed by Aksoy Bodrum Taşınmaz Yatırımları A.Ş. have been presented to your administration and approved **“on 04.10.2017, in line with the decision dated 03.08.2017 and numbered 2017/10-22, of the Plan Examination and Assessment Committee.”** A letter of response to was sent to the objections set out in the Reference, taking into account the objections made during the notice period and the ruling for the stay of execution passed by the Muğla 2<sup>nd</sup> Administrative Court. It has now been decided that the decision made by the Provincial Directorate of the Environment and Urbanisation of the Office of the Governor of Muğla, that an **EIA Is Not Required**”, in connection with the **“Coastal Structuring, Filling and Pier”** project be cancelled, with the ruling of the Muğla 2<sup>nd</sup> Administrative Court, dated 16.02.2018 and numbered 2016/1269 (Principal) – 2018/330 (Judgment), a copy of which is attached.

Following the cancellation of the Decision that an EIA is not required, the operating firm then made an application for an EIA Report, in connection with the Epique Island project. **The opinions of the relevant authorities were taken into account, and a decision was made by the General Directorate of EIAs, Permits and Controls, of the Ministry for the Environment and Urbanisation, and the project was found to be in violation of the legislation, due to the filling in of the sea, and the EIA process for the project was terminated within the framework of Sub-paragraph 4 of Article 6 of the EIA Regulations.**

According to Article 10 of the Environmental Legislation numbered 2872, **“Institutions, organisations and businesses, which may give rise to environmental issues as a result of the activities they have planned, have an obligation to prepare an Environmental Impact Assessment Report or a project presentation file. Unless a decision has been made that the Environmental Impact Assessment is Positive or that an Environmental Impact Assessment is Not Required, no approval, permission, subsidies or construction or use permits may be issued for the said projects, investments cannot be started for them and they cannot be put out to tender.”** Within this framework, there is no longer any legal basis for the zoning plan approvals for this project, for which the Decision that an Environmental Impact Assessment is Not Required has been cancelled and the application for an EIA Report rejected.

As a result, I hereby request that a decision be made to cancel the 1/5000 scale Structural Plan and the 1/1000 scale Implementary Development Plan, which had been prepared in connection with the pier and coastal structuring on the sea-facing side of the land registered on block 714, parcels 1 and 2 (formerly parcels 454-455), in Yalıkavak Quarter, in the Bodrum District of the Province of Muğla, the illegal nature of which have been registered with the decision of the judiciary and the procedures carried out by the Ministry for the Environment and Urbanisation. **26.09.2018**

***Att. Mehmet HORUŞ***  
***Representative of the Applicants***

**ANNEX**

The letter date 13.09.2018 of the General directorate of EIAs, Permits and Controls