

ENVIRONMENTAL POLLUTION PREVENTION FUND REGULATION

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SECTION ONE

General Provisions

Purpose

Article 1 - The purpose of this Regulation is to lay down the principles governing the Environmental Pollution Prevention Fund, which has been established in order to prevent environmental pollution and to improve the environment.

Legal Foundation

Article 2 - This Regulation was formulated in accordance with article 19 of Environment Law no. 2072.

Scope

Article 3 - This Regulation encompasses the incomes of the Fund, the scope and variety of expenditures to be made by the Fund, the terms and interest rates of credit to be provided by the Fund, the drafting of the Fund budget, and sales and purchases.

Authority

Article 4 - All transactions and procedures relating to the Fund and outlined in this Regulation shall be carried out by the General Directorate of Environment.

Definitions

Article 5 - The terms used in this Regulation are defined as follows:

- a) "General Directorate" refers to the "General Directorate of Environment";
- b) "Fund" refers to the "Environmental Pollution Prevention Fund";
- c) "Bank" refers to the "Branch of the Bank of Agriculture nearest to the General Directorate of the Central Bank";
- c) "Waste" refers to "Harmful Materials Resulting from Activities of Any Kind which are Dumped or Disposed of in the Environment";
- d) "Polluter" refers to "Individuals and Legal Entities who Directly or Indirectly Cause Environmental Pollution as a Result of Their Activities".

SECTION TWO

Fund Management

Establishment

Article 6 - The General Directorate shall manage the Fund through the central organization. The Fund has no provincial organization.

The central organization of the Fund shall consist of the paymaster, the Fund accountant, the tax assessors, the treasurer, the accountant, fiduciaries, and the inventory and warehouse officials.

Paymaster

Article 7 - The paymaster of the Fund is the Minister of State for environmental affairs. The Minister may delegate this authority to the General Directorate.

Paymasters shall have primary authority to sign documents, and shall manage the Fund and ensure that it is used in line with its purpose and that its interests are protected.

Paymasters bear responsibility under the provisions of Public Accounts Law no. 1050 in all situations for which this Regulation contains no relevant provisions.

The same person may not hold two of the following offices: paymaster, accountant, tax assessor.

Fund Accountant

Article 8 - Fund accounts shall be handled by the Fund accountant, who is appointed in line with appropriate procedure. The Fund accountant shall have authority in financial matters and be authorized to sign financial documents, and shall be a member of the purchasing commissions related to the Fund.

The provisions of Public Accounts Law no. 1050 shall be implemented in determining the functions of the accountant in all situations for which this Regulation contains no relevant provisions.

If a Fund accountant temporarily vacates his post due to a legal leave of absence, a temporary assignment, imposition of a penalty or dismissal from office, a deputy shall be appointed in his place under the provisions of State Officials Law no. 657 and in accordance with the procedure governing appointments.

Tax Assessor

Article 9 - In accordance with the law, the tax assessor is responsible for assessing the incomes and expenditures of the Fund.

In determining the functions of the tax assessor, the provisions of Public Accounts Law no. 1050 shall be implemented in all cases for which this Regulation contains no relevant provisions.

The function of the office of tax assessor shall be performed by the Chairman of the Office of Administrative and Financial Affairs of the General Directorate.

Treasurer

Article 10 - The Treasurer shall be subject to the Bond Law and responsible to the accountant. The Treasurer shall make collections and payments following completion of signatures on receipts. The Treasurer shall be directly responsible for deficits.

Accountant fiduciary

Article 11 - The Accountant fiduciary shall be responsible for making, on behalf of the accountant, all collections required by Fund services and shall be responsible to the Fund fiduciary and subject to bond.

This function shall be performed by the Branch Director of Financial Affairs of the General Directorate Office of Administrative and Financial Affairs.

Inventory and Warehouse Official

Article 12 - Inventory and Warehouse Officials are subject to the Bond Law, and are responsible to the paymaster and the Fund accountant and under their supervision.

Inventory and Warehouse Officials shall be responsible for registering and protecting all materials and equipment belonging to the Fund. They shall turn over all the materials and equipment under their protection to the relevant parties at the written request of the paymaster in accordance with procedure.

Inventory and Warehouse officials, together with a commission to be appointed by the paymaster at the end of each year, shall take inventory of the warehouse and all other stock and make a record thereof.

They shall inventory, or have inventoried, all existing stock and materials whenever the paymaster and the Fund accountant request it.

The provisions of Public Account Law no. 1050 and the Inventory Regulation shall be implemented in all cases not governed by the provisions of this Regulation.

Under no circumstances may State property be employed for personal use. Nor may it be appropriated upon the pretext that it has suffered loss or damage.

Functions and Powers of the Fund Accountant

Article 13 - The Fund Accountant has the following responsibilities:

- a) To supervise all the officials responsible for the Fund's affairs,

b) To keep the Fund's balance sheet, and to carry out all financial transactions and calculations,

c) To preserve all documents and records of the office of Fund accountant and to ensure their preservation,

d) To send to the Ministry of Finance and Customs all documents of incomes and expenditures pertaining to the Fund together with a definitive account of the general balance sheet and one copy each of the general balance sheet and of the final account tables to the Government Accounting Office within three months of the end of each fiscal year.

Fund Budget

Article 14 - The Fund's fiscal year is the calendar year. The Fund Budget shall be drafted in accordance with the method governing program budgets.

The principles governing the Fund Budget shall be determined in a directive to be formulated by the General Directorate.

Transfers within the Fund Budget shall be effected with the approval of the paymaster.

The principles of the Revolving Capital Accounting Regulation, published in Official Gazette no. 12827 of 15/2/1968, shall apply to Fund accounting.

SECTION THREE

Fund Incomes

Article 15 - The Environmental Pollution Prevention Fund shall consist of the following:

a) One-tenth of the fees collected for motor vehicle inspections in accordance with the Highway Traffic Law,

b) One hundred liras per ton of cargo and 0.2 percent of the price of each passenger ticket on domestic flights of air transport planes,

c) Ten liras per gross ton to be collected annually from all seagoing vessels registered in the ship's register in accordance with the provisions of the Turkish Commercial Code,

And participatory shares in the Fund of the following:

d) Annual allocations for this purpose from the General Directorate budget,

e) Fines paid in accordance with Environment Law no. 2872,

f) Interest on credit supplied from the Fund,

g) All donations and grants made to the Fund.

The incomes mentioned in paragraph a of this article shall be collected in return for a receipt to be prepared by the General Directorate.

The principles governing the transfer to the Fund of the incomes mentioned in paragraphs b and c shall be determined in accordance with the protocols to be established between the General Directorate and the Ministry of Transport and Turkish Airlines.

Incomes collected in accordance with paragraphs a, b, c and e shall be deposited by the 15th of the following month in an account in the Bank indicated.

Deposits of Fines into the Fund

Article 16 - The persons and bodies responsible for imposing the fines to be levied against persons proven to have committed acts constituting crimes according to the standards and methods for determining and preventing wastes and effluent of all kinds that harm the environment shall be specified in a separate regulation.

Such authorities shall report to the General Directorate concerning the individuals and legal entities they have so fined and shall ensure that the fines are deposited in the Fund

SECTION FOUR

**Expenditures to be Made from the Fund
and Credits to be Provided**

PART ONE

Expenditures to be made from the Fund

Article 17 - The Fund shall be used by the General Directorate of Environment for the following purposes:

- a) Expenditures on environmental pollution prevention research,**
- b) Expenditures on environmental cleanup operations,**
- c) Expenditures on education and personnel training aimed at prevention of environmental pollution,**
- d) Expenditures on purchases of technology and projects to prevent or eliminate environmental pollution,**
- e) Expenditures on organization of project competitions and awards,**
- f) Purchasing costs of equipment for preventing environmental pollution or for environmental improvement,**
- g) Expenditures relating to animal and plant genetic improvement and to reforestation aimed at preventing environmental pollution,**
- h) Assistance in the form of credit to persons and legal entities for construction of treatment plants.**

PART TWO

Procedures for Supplying Credit from the Fund

Article 18 - Credit may be supplied from the Environmental Pollution Prevention Fund for the following purposes:

- a) To support the construction of treatment plants,**

b) To support activities and plants to be built for the prevention of environmental pollution and environmental improvement.

Article 19 - Persons and legal entities desiring credit shall submit their requests to the General Directorate. The documents relating to such requests shall be prepared in accordance with procedure as determined by the General Directorate.

Article 20 - Credit applications shall be evaluated and decided on by a board consisting of the chief Legal Advisor, the Chairman of the Office of Administrative and Financial Affairs, the Chairman of the Office of the APR, and two persons from the technical office under the chairmanship of the General Director.

Article 21 - The General Director may delegate the chairmanship of the credit examining commission to an authorized person of his choice. Decisions shall be by majority vote. In case of a draw, the chairman's vote shall be counted twice.

Treatment Plant Credit

Article 22 - In order for credit to be supplied to individuals and legal entities for the construction of the treatment plants defined in article 11 of Environment Law no. 2982, the project must be approved by the General Directorate. After the project has been certified by the General Directorate, credit may be provided in the amount of 45% of the plant cost.

The term of such credit shall be a maximum of twenty years with a grace period of up to five years before repayment begins. Repayment shall take the form of equal annual installments to begin in the year following the grace period.

Prevention and Improvement Credits

Article 23 - Following approval by the General Directorate, credit may be issued for up to 45% of project cost for the construction of plants by individuals and special legal entities to ensure environmental improvement and the prevention of environmental pollution.

The term of such credit shall be a maximum of ten years with a grace period of up to three years before repayment begins. Repayment shall take the form of equal annual installments to begin in the year following the grace period.

Article 24 - Interest on credits shall be determined, and announced, in January of each year by the General Directorate based on the agricultural credit interest rates in effect that year and taking into consideration regional and sectoral differences.

Article 25 - The beginning of the payment-free grace period for both types of credit shall be the date the plant is completed and is set in operation.

Article 26 - Interest shall accrue beginning from the date the credit is issued, and shall be collected starting with the first year by the Bank branch that issued the credit

Article 27 - Concerning guarantees for credits: The Bank shall submit to the approval of the General Directorate the annual procedures and conditions laid down in January of each year, and implement them following approval by the General Directorate.

Article 28 - A written contract shall be required in advance from persons and legal entities receiving credits confirming that the credits issued will be used for their intended purposes, that they will not under any circumstances be turned over to another party, and that they will comply with the other conditions announced by the administration. The credits of parties that do not act in accordance with the conditions laid down by the administration during implementation of their projects shall be revoked together with the interest that has accrued on them since their date of issue. Such persons shall not be entitled to receive credit again.

SECTION FIVE

Miscellaneous Provisions

Article 29 - Contracts for purchases, sales, services, construction, rents, bartering, allocation of intangibles and transportation services of all kinds shall be drawn up in accordance with the provisions of the "Fund Contract Regulation" published in Official Gazette no. 18748 of 3 August 1984.

Article 30 - All excavations to be carried out for construction purposes shall be based on the unit prices set by the Ministry of Building and Public Works.

Effectiveness

Article 31 - This Regulation shall become effective on the date of its publication.

Enforcement

Article 32 - The Minister of State attached to the General Directorate of Environment shall enforce the provisions of this Regulation.