



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

TURKEY

We did not locate any relevant cases on the subject, but the relevant law is described below.

Summary of the law:

Turkey has adopted modifications of its laws to conform to the EU acquis in its earlier efforts to join the European Union. In the case of waste law, Turkey determined that it needed to expand the concept of polluter pays in the area of waste management. “Waste Management in Turkey: National Regulations and Evaluation of Implementation Results: Performance Audit Report,” January 2007 [5.40: “...*hazardous waste producers should be made to assume all the disposal costs of the waste they produce*”]. The subsequent [law on April 2, 2015](#) adopted the framework of the EU on waste, including specific waste producer obligations in Article 9. The law in Turkey did not apparently include some of the general language that the EU Waste Framework Directive used on waste producers; however, other Turkish laws as well as the “polluter pays” intent in the waste law create at least a duty of care in Turkey.

The [regulations on Soil Contamination and Polluted Areas](#), Number: 27605, June 10, 2010:

ARTICLE 37 - (1) *Owners of activities causing soil or groundwater pollution are responsible within the scope of the sixth paragraph of Article 13 and Article 28 of the Environmental Law. Laws on the Collection Procedure of Public Receivables dated 21/7/1953 and numbered 6183 on the expenditures made or required to be made by the responsible persons causing the soil pollution, not taking the necessary measures to stop, eliminate and reduce the environmental damage or taking these measures directly by the competent authorities. according to the provisions of soil or groundwater pollution is responsible for those charged.*

The Turkish statutes also have an aggressive provision on criminal liability for improper waste disposal:

The crime of deliberate pollution of the environment; *It is formed by deliberate delivery of wastes or wastes, which are forbidden to be released to the environment by special laws, in water, air and soil which are receiving environments in a way that may cause harm to the environment (TCK Art.181). The crime of deliberate pollution of the environment occurs when wastes or residues are disposed once to the receiving environment, contrary to the technical procedures specified in special laws.*

The crime of polluting the environment by negligence ; Although the perpetrator does not want to pollute the environment, it does not foresee the foreseeable results and releases waste or residues to water, air or soil (TCK art. 141). Av. Baran Dogan, [blog](#) (2020 view).

See a detailed discussion of these provisions in Turkish, Cengiz OTACI, “[Çevrenin Kasten ve Taksirle Kirletilmesi Suçuna \(TCK 181, 182\) İlişkin Yargıtay 4. Ceza Dairesi Kararlarında Belirlenen İlkeler.](#)” The second provision refers to “contamination due to violation of the obligation of attention and care for waste or residues.” Otaci, *supra*.

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