

Chapter 2: Policy, Regulatory and Administrative Framework

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2 Policy, Regulatory and Administrative Framework

2.1 Introduction

This chapter provides an overview of the policy, regulatory and administrative framework relevant to the Project.

As the Project is located within the Turkish Exclusive Economic Zone (EEZ), this environmental and Social Impact Assessment (ESIA) Report will take into consideration relevant Turkish regulatory requirements and administrative structures.

South Stream Transport is also committed to implementing Good International Industry Practice (GIIP) in relation to environmental and social performance during all Project Phases: Construction and Pre-commissioning, Operational and Decommissioning Phases.

As part of GIIP, various guidance documents shall be referred to as listed below. Measures contained therein will be adopted as project standards where relevant and practical:

- Sector Guidance Note Integrated Pollution Prevention and Control (IPPC) S1.2 (Guidance for the Gasification, Liquefaction and Refining Sector) (Ref. 2.1);
- The Oil and Gas Industry: Operating in Sensitive Environments 23 – International Petroleum Industry Environmental Conservation Association (IPIECA) (Ref. 2.2); and
- Environmental Management in Oil and Gas Exploration and Production 1997 – United Nations Environment Program Industry and Environment (UNEP IE) and the Oil Industry International Explorations and Production Forum (E&P Forum) (Ref. 2.3).

The Project is being carried out in accordance with standards and guidelines for international financing, including those for Environmental and Social Impact Assessment. This commitment is reflected in South Stream Transport's *Health & Safety, Security and Environmental Policy*.

This chapter includes an overview of the following:

- South Stream Transport's relevant corporate policies (Section 2.2);
- Turkish regulatory and administrative structures (Section 2.3);
- Turkish Environmental Impact Assessment (EIA) process and other legislation relevant to the Project (Section 2.4);
- Turkish local and regional legislative requirements relevant to the Project (Section 2.5);
- International and regional conventions signed or ratified by Turkey relating to environmental protection, sustainable development, cultural heritage, socio-economic and human rights that are relevant for the Project (Section 2.6); and
- International standards and guidelines for financing that the Project will be undertaken in accordance with (Section 2.7), namely:

- The Organisation for Economic Co-operation and Development (OECD) Revised Council Recommendation on Common Approaches on the Environment and Officially Supported Export Credits (OECD Common Approaches) (Ref. 2.4);
- The Equator Principles (EP) III (Ref. 2.5);
- Japan Bank for International Cooperation (JBIC) Guidelines for Confirmation of Environmental and Social Consideration (Ref. 2.6); and
- The International Finance Corporation (IFC) Performance Standards (PS) and World Bank Group EHS Guidelines, which underpin the OECD Common Approaches and EPIII (Ref. 2.7).

2.2 Corporate Policies

South Stream Transport has two policies that are relevant to this ESIA Report: a *Health & Safety, Security, and Environmental Policy*, and a *Corporate Social Responsibility and Sustainability Policy*. Both were signed into action by South Stream Transport's Chief Executive Officer (CEO) on 10 October 2013. The policy text is provided verbatim below and copies of the signed policies are available upon request.

2.2.1 Health & Safety, Security and Environmental Policy

The South Stream Transport *Health and Safety, Security and Environment Policy* is provided verbatim below:

"South Stream Transport B.V. (South Stream Transport) aims to provide reliable and secure energy to the European market responsibly and sustainably whilst creating value for society. We will do this by creating a major new infrastructure through the Black Sea; a gas pipeline that is safe, reliable and efficient.

South Stream Transport is committed to integrating social, economic, environmental and governance considerations into the everyday conduct of our business as we design, build and operate the South Stream Offshore Pipeline.

We are committed to environmentally and socially responsible management, in accordance with national, international and EU legislation, and internationally recognised standards for health & safety, security and environmental and social performance.

Our guiding principles are to:

- *Seek to achieve ZERO incidents and consequences related to health and safety, security and environment (HSSE);*
- *Ensure compliance with the requirements of applicable laws and regulations;*
- *Ensure compliance with applicable national and international standards and industry good practice;*
- *Set clear and transparent HSSE objectives and targets, and plan, implement and monitor performance in order to realise these goals;*

- *Prevent pollution and protect the environment by minimising adverse impacts throughout the project lifecycle;*
- *Manage construction and operational activities in a responsible and sustainable manner;*
- *Provide a safe and healthy workplace for employees, contractors and other persons to prevent injury or ill health, including definition of HSSE roles & responsibilities, measures to prevent injuries and ill health or minimise risks, information, instruction and training, and investigation of any incidents;*
- *Engage with Government and local authorities, Non-Governmental Organisations, local communities and members of the public, and other interested parties;*
- *Communicate and work closely with employees, contractors and other interested parties to ensure their understanding and shared commitment to conformance with this policy; and*
- *Ensure continual improvement of HSSE performance.*

This corporate policy applies to all our staff and across all our business activities, it guides our strategy, management, decisions and actions, it is incorporated into the documents governing our relationships with our suppliers and contractors, and guides our relationships with joint venture and other business partners.

We recognize that leadership and commitment from senior management is an essential component of success, and we are committed to ensuring that all senior executives and Directors of the Company are fully conversant with, and committed to, our policy and goals."

2.2.2 Corporate Social Responsibility and Sustainability Policy

The South Stream Transport *Corporate Social Responsibility and Sustainability Policy* is provided verbatim below:

"South Stream Transport B.V. (South Stream Transport) aims to provide reliable and secure energy to the European market responsibly and sustainably whilst creating value for society. We will do this by creating a major new infrastructure through the Black Sea - a gas pipeline that is safe, reliable and efficient.

South Stream Transport is committed to integrating social, economic, environmental and governance considerations into the everyday conduct of our business as we design, build and operate the South Stream Offshore Pipeline.

We are committed to good corporate citizenship in all the countries in which we operate, and intend to enter into transparent and respectful dialogue with our stakeholders enabling us to take their interests into account in our long term planning and everyday decision-making.

We aim to make the South Stream Offshore Pipeline safe, socially responsible and economically beneficial by:

- *Contributing to reducing climate change by delivering natural gas as a clean and efficient fossil fuel;*
- *Preserving the Black Sea environment, biodiversity and avoid any irreversible impact;*

- *Minimising our negative impacts and enhancing our positive impacts on the environment and communities;*
- *Applying good international industry practice in assessing and addressing any potential impacts;*
- *Adhering to international construction and quality standards in design, building and operating the gas pipeline and promoting best international safety standards and reducing risks for employers and local communities; and*
- *Development of opportunities for employers, suppliers and the wider community.*

Our guiding principles are to:

- *Guaranteeing the sustainability of its activities by applying a long-term strategy, providing a coherent framework for innovation development as well as integrated risk management and risk prevention management strategy;*
- *Respecting internationally recognized Human Rights in our own operations and promoting the respect of the aforementioned rights with regard to activities assigned to or carried out with Business Partners and in our relationships with stakeholders; and*
- *Conducting business with loyalty, fairness, transparency, honesty, and integrity and in compliance with the laws, regulations, similar mandatory requirements, and international standards and guidelines, both domestic and foreign that apply to its business.*

In operating, we shall respect the UN Global Compact Principles, including:

- *Protection of international human rights;*
- *Rights to free association, collective bargaining and employment non-discrimination;*
- *Protection and preservation of the environment; and*
- *Elimination of corruption, including bribery and extortion.*

This policy applies to all our staff and across all our business activities, it guides our strategy, management, decisions and actions, it is incorporated into the documents governing our relationships with our suppliers and contractors, and guides our relationships with joint venture and other business partners.

We recognize that leadership and commitment from senior management is an essential component of success, and we are committed to ensuring that all senior executives and Directors of the Company are fully conversant with, and committed to, our policy and goals."

2.3 Overview of Turkish Regulatory and Administrative Structures

2.3.1 Government Structure

Turkey is a democratic, secular, unitary, constitutional republic where the Prime Minister of Turkey is the Head of Government and the President of Turkey is the Head of State. The structure is as follows (Ref. 2.8):

- *Legislative:* Legislative power is vested in the Turkish Grand National Assembly (TGNA) which is composed of 550 deputies. Parliamentary elections are held every four years. The responsibilities of the TGNA include the adoption, amendment or repeal of laws, the supervision of the Council of Ministers (Cabinet), budgetary authority, the declaration of war, martial law or emergency rule and ratifying international agreements;
- *Executive:* The executive branch in Turkey has a dual structure composed of the President of the Republic and the Council of Ministers (Cabinet):
 - *President:* The Head of State and representative of the Republic of Turkey. The President is elected by the TGNA members and has a five year term of office. The president can be elected for two terms at most. The president has legislative, executive and judicial duties and is responsible for ensuring the implementation of the Constitution; and
 - *Council of Ministers (Cabinet):* The Council of Ministers (Cabinet) consists of the Prime Minister, designated by the President, and various ministers nominated by the Prime Minister and approved by the President. Their fundamental duty is to formulate and implement the internal and foreign policies of the state.
- *Judicial:* Judicial power in Turkey is exercised by independent courts and high judicial organs. Judges work independently and rule on the basis of personal conviction in accordance with constitutional provisions, law and jurisprudence. The Constitutional Court, the Supreme Court of Appeals, the Council of State, the Supreme Military Court of Appeals, the Supreme Military Administrative Court and the Court of Jurisdictional Conflicts are the supreme courts stipulated in the judicial section of the Constitution.

The executive power in operational fields is divided into ministries (Food, Agriculture and Livestock; Culture and Tourism; Energy and Natural Resources; Environment and Urbanisation; Finance; Foreign Affairs; Health; Interior; National Education; Defence; Science, Industry and Technology; Justice; Labour and Social Security; Family and Social Policy; European Union Affairs; Economy; Youth and Sport; Custom and Trade; Development; Forestry and Water; and Transportation, Maritime Affairs and Communication) and at administrative levels into provinces (central administrative organisations, e.g. Provincial Directorates of the Ministry of Environment and Urbanisation), under which there are administrative districts and local government bodies (municipal districts).

2.3.2 Administrative Units

Turkey consists of 81 provinces for administrative purposes. Each province is divided into districts with a total of 923 districts. Each province is administered by an appointed governor from the Ministry of Interior. The Project is entirely offshore with no onshore sections. The closest province to the Project Area, at a minimum distance of 110 km, is Sinop.

2.3.3 Government Ministries, General Directorates and Offices

National level government organisations (ministries, agencies, services) with EIA regulatory functions relating to the Project include:

- Ministry of Foreign Affairs (MoFA);

- Ministry of Environment and Urbanisation (MoEU);
- Ministry of Energy and Natural Resources;
- Ministry of Food, Agriculture and Livestock (MoFAL);
- Ministry of Transportation, Maritime Affairs and Communication;
- Ministry of Interior; and
- Naval Forces.

Ministries, such as the MoEU, create policies and perform compliance assurance functions. The MoEU also contain a number of general directorates and offices, which coordinate and supervise the activities, within their jurisdiction, such as the following (Ref. 2.9):

- General Directorate of Environmental Impact Assessment Permits and Audits - Department of EIA for Industrial Investments; and
- General Directorate of Environmental Management.

The general directorates and ministries listed above supervise environmental management and issue licenses and permits for activities under their jurisdiction.

2.3.4 Hierarchy of Laws

The Turkish Constitution states that the TGNA has sole authority to enact laws throughout Turkey. The 7th Article of the Turkish Constitution states that "legislative power shall not be delegated." The TGNA can only delegate under certain terms the power of legislation to the Council of Ministers. The hierarchy of enacted or written laws is as follows:

- The Constitution;
- Codes and Statues - International Treaties;
- Statutory Decrees;
- Regulations; and
- By-laws (Ref. 2.10).

2.3.5 Official Gazette

The Official Gazette "Resmi Gazete" of the Republic of Turkey (Ref. 2.11) is the national journal of the country for publishing legislation. It began publishing on 7 October 1920 and is published every day including weekends. The General Directorate of Legislation Development and Publication is responsible for its preparation, publication and distribution.

2.4 Legislation of the Republic of Turkey

2.4.1 The Constitution

The Constitution was ratified on 7 November 1982. The Constitution recognises all basic human rights commonly found in liberal democratic constitutions, such as freedoms of speech, press, religion, association, assembly, travel and communications and right to property. It is based on the "rule of law" or "supremacy of law" principle, which signifies a system where governmental agencies must operate within the framework of law and their actions are subject to review by independent judicial authorities (Ref. 2.11).

2.4.2 Environmental and Socio-Economic Legislation & Statutory Requirements

Associated with legal requirements for EIA, is a range of statutory requirements and guidelines. Turkish environmental and social legislation applicable to the Project is outlined in Appendix 2.1: National Legislation. Any specific requirements arising out of this legislation that influence the impact assessment process are detailed in the relevant technical chapters of this ESIA Report. A Health, Safety, Security and Environment (HSSE) Legal Register has been produced for the Project, which lists all legislation relevant to all stages of the Project, not only those covered within this ESIA Report. This HSSE Legal Register has formed the basis of Appendix 2.1 and the legislation detailed in each technical chapter of this ESIA Report.

2.4.2.1 Relevant Legislation for Permitting

The legal framework and permitting process for the Project is unique as it is located entirely offshore within Turkey's EEZ with no onshore facilities. The Project is subject to Turkish legal requirements within the framework described in the "Decision on the Turkish Exclusive Economic Zone (1986)" enacted by the Turkish government.

Whilst the MoEU is the competent authority for the EIA process in Turkey, the MoFA is the primary coordinator of the Project's permitting process in Turkey. As the primary coordinator, the MoFA requires that all permitting related matters are first discussed directly with the MoFA which, in coordination with other departments of the Turkish Government, determines the applicability of Turkish regulations and permitting procedures.

Two bilateral agreements between the Turkish Government and the Government of the Russian Federation are of relevance to the Project, providing the overarching framework for the Project's permitting process:

- 'Protocol on Cooperation in the Gas Sphere' (6 August 2009), which states that the parties shall provide all necessary conditions and permissions for unimpeded construction of a new gas pipeline across the Black Sea; and
- 'Permit Letter' from the Turkish MoFA to the Russian Embassy in Ankara (28 December 2011) providing an affirmative decision regarding the permit for construction provided that certain legal requirements, conditions and technical requirements are fulfilled. These conditions are outlined below:

- Ensure the timely notification of the commencement and completion of construction works and their detailed program;
- Notification of the precise details on vessels, equipment and crew, which will perform the work;
- Information on Project financing and the person in charge of implementing the Project;
- Comply with the following regulations during the construction and operation of the Project:
 - i. Environmental Law, No: 2872 (Official Gazette Date: 11 August 1983 and No: 18132);
 - ii. Regulation on Water Pollution Control (Official Gazette with Date: 31 December 2004 and No: 25687);
 - iii. Regulation on Waste Collection from the Ships and Control of Wastes (Official Gazette Date: 26 December 2004 and No: 25682); and
 - iv. Law Pertaining to Principles of Emergency Response and Compensation for Damages in Pollution of Marine Environment by Oil and Other Harmful Substances No. 5312 (Official Gazette Date: 21 October 2006 and No: 26326).
- Fulfilment of the following technical requirements:
 - i. Do not cause any damage to production areas for fisheries products within the framework of the Law on Aquatic Products (No: 1380) and Fishery Products Regulations;
 - ii. Obtain separate permits for every activity to be implemented by the vessels;
 - iii. Provide the co-ordinates of the pipeline at 5 mile intervals to the MoFA;
 - iv. Notify the MoFA of any Cultural Heritage Objects (CHO) ¹ finds without any intervention;
 - v. Sign crossing agreement with the cable owners in the event that a cable is crossed;
 - vi. Liaise closely with the Turkish Petroleum Corporation (TPAO) regarding the potential overlapping of activities; and
 - vii. Coordinate with the Department of Navigation, Hydrography and Oceanography of the Turkish Naval Forces, the Turkish Coast Guard Command, and Regional Directorates of the Undersecretariat of Maritime Affairs (now known as the General Directorate of Marine and Inland Waters) of the Ministry of Transport, Maritime Affairs and Communication prior to construction to ensure the safe realisation of the Project.

Engagement with the MoFA and MoEU in mid-2012 confirmed the applicability of Turkish EIA legislation to the Project and thus required the development of an EIA Report. It was later clarified that the positive fulfilment of the EIA procedure would be the main permitting process for the Project. Thus a number of the conditions outlined in the 'Permit Letter' would be included in the scope of the EIA Report.

¹ In a further letter from the MoFA of the Republic of Turkey to the Embassy of the Russian Federation in Ankara, dated 12 October 2012, ref. N2012/ESGY/4564285, it states that should any CHO be discovered along the pipeline route, they will be treated as per Article 35 of Law on the Conservation of Cultural and Natural Assets (No: 2863) and as CHO which are listed in the Official Gazette, No. 24533 and dated 24 September 2001.

The MoEU is the competent authority for the EIA process in Turkey and a Project specific EIA Review and Evaluation Commission (REC)² was formed upon submission and review of the Project's EIA Application File (EIAAF). The REC is composed of relevant Turkish authorities whom either have a technical function to review the EIA Report or who have jurisdiction over regulations applicable to the Project in the Turkish EEZ. Upon approval of the EIA Report by the MoEU, a 'Construction Consent' will be granted by the MoFA, subject to the conditions which may be included in the EIA decision and the fulfilment of the technical requirements outlined in the 2011 'Permit Letter'.

Table 2.1 below provides a summary list of the key permitting documentation requirements in Turkey at project Development, Construction and Pre-Commissioning and Operational Phases.

Table 2.1 Key Permitting Documentation for Turkey

| Phase | Documentation / Permit | Description |
|------------------------------------|--|---|
| Development | Environmental Impact Assessment Application File (EIAAF) EIA Report | An Environmental Permit is issued upon receipt of an "EIA Positive" decision. |
| Construction and Pre-Commissioning | Construction Consent | MoFA will approve the start of construction and inform of any additional requirements, upon approval of the EIA Report and satisfaction of relevant consents. |
| Operational | Operation Consent | Based on standard application form. |

2.4.3 EIA and Associated Legislation

The EIA process in Turkey is controlled at the national level by the following laws:

- Environmental Law, No: 2872 (Official Gazette Date: 11 August 1983 and No: 18132) (Ref. 2.12); and
- EIA Regulation (Official Gazette No. 26939 and dated 17 July 2008) (Ref. 2.13).

2.4.3.1 EIA Review and Approval Process

During the EIA process, once the draft EIA Report is submitted, the commencement of the review and evaluation process and availability of the EIA Report for the public is announced by the MoEU. Those stakeholders who want to review the EIA Report may do so at the MoEU's

² The REC is usually composed of representatives of relevant General Directorates and units of the Provincial branches of the MoEU; local departments of authorities relevant to the Project; Municipalities and other relevant organisations. The MoEU may invite universities, institutes, research and professional organisations, trade associations, unions, trade unions and representatives of non-governmental organisations (NGOs) to the REC if considered necessary.

office or the relevant provincial directorates to express their opinions within a timeframe that is announced and these public opinions are passed to the REC which is established by the MoEU.

The EIA Report is assessed from five perspectives:

- If the report and appendices are adequate and suitable;
- If the review, calculations and assessments are based on sufficient data and information;
- If the possible environmental impacts of the project have been reviewed thoroughly;
- If the mitigation measures to prevent potential adverse impacts to the environment have been identified; and
- If solutions to issues raised in the Public Participation meetings have been included.

A review and evaluation meeting is then undertaken in which the REC members must express the view of the organisation they represent. If important elements of the report are missing then the REC stops reviewing until the missing information is included in the EIA Report.

The project owner usually submits the final EIA Report to the MoEU within five working days of receiving the final evaluation report of the review and evaluation meeting. The project owner stipulates (with a written contract and signature) that the final EIA Report and appendices are their undertaking. If the EIA Report and the contract are not submitted within this timescale, without notification of the delay, the EIA Report will be declared null and void.

Within five working days of submission of the final EIA Report, the MoEU decides whether the outcome is "EIA Positive" or "EIA Negative" taking into account the review and evaluation report completed by the REC. The MoEU informs the project owner and relevant organisation and institutions of their decision in writing and announces the decision, and the reasons behind it, to the public.

Projects with an "EIA Positive" decision must commence construction within five years of the decision; if not the positive decision will be invalid. A project with an "EIA Negative" decision can submit a new application, if all the design features resulting in the rejection of the project are removed.

2.4.3.2 History of the Project with Reference to National Requirements

With reference to the above legal frameworks, the history of the Project to date can be summarised in Table 2.2.

Table 2.2 EIA Process for the Project

| Stage | Overview | Status |
|--|--|---|
| Commencement of EIA Process and Establishment of Review and Evaluation Committee (REC) | <p>An EIAAF is submitted to the MoEU.</p> <p>This includes a description of Project activities, preliminary baseline, preliminary impact discussion, and proposed mitigation measures.</p> <p>A REC is established comprising the MoEU and representatives of relevant authorities.</p> | <p>EIAAF submitted 22 May 2013</p> <p>Commission established Jun 2013</p> |
| Public Participation Meeting | <p>To present the Project to key stakeholders/ interested parties.</p> <p>Public comments received on the Project (sent to MoEU).</p> | Meeting completed 2 Jul 2013 |
| Scope and Special Format Determination Meeting | <p>Discussion of the scope and format of the EIA Report.</p> <p>Terms of Reference for the EIA determined by MoEU and based on potential impacts and stakeholder opinions.</p> | Meeting completed 4 Jul 2013 |
| Submission of Draft EIA Report to MoEU | <p>Submission of Draft EIA Report to MoEU.</p> <p>After a format review, the Draft EIA Report is published by the MoEU and open to public comment for 10 business days.</p> | Nov 2013 |
| Review of Draft EIA Report by the REC | <p>REC reviews the Draft EIA Report.</p> <p>REC may request additional information from South Stream Transport during this time.</p> | Nov 2013 to Jan 2014 REC Meeting 8 Jan 2014 |
| Final EIA Report and Submission of Relevant Documents to MoEU | <p>Based on the conclusion of the REC Meeting on 8 January 2014, South Stream Transport were requested to submit the Final EIA Report within 150 business days.</p> | Final EIA Report submitted 9 May 2014 |
| EIA Positive or Negative Decision | <p>After the EIA Report is finalised, it is open to public comment for 10 business days.</p> <p>The Commission reviews the final EIA Report along with any comments received and gives a final "positive" or "negative" decision within 5 days.</p> <p>Decision announced to the public by the MoEU.</p> | To be confirmed |

2.5 Local and Regional Legislation

As the Project is located within the Turkish EEZ, there is no regional legislation related to the Project. Key legislation and their relevance to the Project are detailed in Appendix 2.1.

2.6 International and Regional Environmental and Social Conventions & Treaties

Turkey has ratified international conventions regarding environmental protection, sustainable development, socio-economics and human rights. Table 2.3 outlines the conventions and protocols, including ratification status, relevant to the Project.

Table 2.3 International Conventions and Protocol's Relevant to the Project

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|---|------|--|-----------|
| <i>Air Quality</i> | | | |
| Convention on Long-Range Transboundary Air Pollution (Geneva, 1979) (Official Gazette Date: 23 Mar 1983) | 2.16 | To provide a framework for controlling and reducing transboundary air pollution. / The Project will generate emissions that may be transboundary. | Ratified |
| United Nations Framework Convention on Climate Change (1997) (Official Gazette Date: 24 May 2004) | 2.17 | The Convention seeks to reduce climate change. / The Project will generate emissions that may contribute to climate change. | Accession |
| Convention for the Protection of the Ozone Layer (Vienna, 1985) (Official Gazette Date: 08 Sep1990) | 2.18 | To ensure global co-operation for the protection of the ozone Layer. / The Project should aim to reduce or eliminate emissions of manmade ozone depleting substances. | Accession |
| Protocol to the United Nations Framework on Climate Change (Kyoto Protocol), 1997 | 2.19 | The Protocol introduces emission targets. / The Project will should aim to reduce emissions that will form part of Turkey's total emissions output. | Accession |
| <i>Biodiversity</i> | | | |
| Convention on Biological Diversity (Rio, 1992) (Official Gazette Date: 27 Dec 1996) | 2.20 | The Convention promotes conservation of biological diversity and sustainable use of its components. / Project construction could impact habitats. | Ratified |
| Convention on the Conservation of European Wildlife and Natural Habitats (Berne, 1979) (Official Gazette Date: 12 Jul 1995) | 2.21 | To ensure conservation of wild flora and fauna species and their habitats. Special attention is given to endangered and vulnerable species, including endangered and vulnerable migratory species specified in appendices. / Project construction could impact habitats. | Accession |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|---|------|--|------------|
| International Convention for the Protection of Birds (Paris, 1950) (Official Gazette Date: 17 Dec 1966) | 2.22 | To protect birds in the wild state, considering that in the interests of science, the protection of nature and the economy of each nation, all birds should as a matter of principle be protected. / The Project may have impacts on bird species. | Ratified |
| Convention on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), 2001 | 2.23 | A cooperative tool for the conservation of marine biodiversity in the Mediterranean and Black Seas. Its purpose is to reduce threats to cetaceans in Mediterranean and Black Sea waters and improve our knowledge of these animals. / The Project may have impacts on cetaceans. | Not signed |
| <i>Marine Protection</i> | | | |
| Convention on the Protection of the Black Sea Against Pollution (Bucharest, 1992) (Official Gazette Date: 15 Jan 1994) | 2.15 | To provide a basic framework of agreement and three specific Protocols, which are: (1) the control of land-based sources of pollution; (2) dumping of waste; and (3) joint action in the case of accidents (such as oil spills). / The Project will generate offshore waste which may impact the marine environment. | Ratified |
| International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, Regulations for the Prevention of Pollution by Oil (as amended 1991) Annex I to VI (MARPOL 1973) (Official Gazette Date: 24 Jun 1990 for Annex I, II and V, updated on 16 March 2013 and 14 May 2013 to include Annex III, IV and VI) | 2.24 | The MARPOL Convention covers the prevention of pollution of the marine environment by ships from operational or accidental causes. Annex I includes regulations for the Prevention of Pollution by Oil and is mandatory. Annex II includes regulations for the Control of Pollution by Noxious Liquid Substances in Bulk. Annex III covers Harmful Substances Carried by Sea in Packaged Form. Annex IV covers the Prevention of Pollution by Sewage from Ships. Annex V includes regulations for the Prevention of Pollution by Garbage from Ships. Annex VI covers the Prevention of Air Pollution from Ships. / The Project will generate discharges from vessels used during construction. | Accession |
| United Nations Convention on the Law of the Sea (UNCLOS), 1994 | 2.25 | To define the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. | Not signed |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|--|-------------|--|---------------|
| Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), 1972 | 2.26 | The Convention controls pollution of the sea by dumping, and to encourage regional agreements supplementary to the Convention. / The Project will generate offshore waste which may impact the marine environment. | Not signed |
| International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 | 2.27 | The Convention aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments. / There is the potential for invasive species to be introduced by the Project vessels. | Not signed |
| The International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 | 2.28 | Has the aim of prohibiting the use of harmful organotins in anti-fouling paints used on ships and establishing a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. / Substances covered by this convention may potentially be used on this Project and guidance or restrictions governing these substances will be adhered to. | Not signed |
| International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKER), 1978 | 2.29 | The Convention aims to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. / Accidents may result in spills to sea from vessels during construction and operation. | Accession |
| <i>Other</i> | | | |
| Convention on Persistent Organic Pollutants (Stockholm, 2004) | 2.30 | To ensure the limitation of pollution by persistent organic pollutants (POPs). It defines the substances in question, while leaving open the possibility of adding new ones, and also defines the rules governing the production, importing and exporting of those substances. / Substances covered by this Convention may potentially be used on this Project and guidance or restrictions governing these substances will be adhered to. | Ratified |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|---|------|--|-----------|
| Maritime Safety | | | |
| International Convention for the Safety of Life at Sea (SOLAS 1974) (Official Gazette Date: 31 Jan 2013) | 2.31 | To specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. / The Project will use vessels, which must adhere to the SOLAS Convention. | Accession |
| International Convention on Maritime Search and Rescue (SAR 1979) (Official Gazette Date: 24 Mar 1986) | 2.32 | To develop an international SAR plan, so that, no matter where an accident occurs, the rescue of persons in distress at sea will be co-ordinated by a SAR organisation and, when necessary, by co-operation between neighbouring SAR organisations. / The vessels used during this Project will adhere to this Convention. | Accession |
| International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW 1978) (Official Gazette Date: 29 Sep 2003) | 2.33 | To establish basic requirements on training, certification and watch keeping for seafarers on an international level. The Convention prescribes minimum standards relating to training, certification and watch keeping for seafarers which countries are obliged to meet or exceed. / The personnel on board vessels used during the Project must comply with these requirements. | Accession |
| Labour | | | |
| International Labour Standards (ILO) Convention (No.29) on Forced Labour (30 Oct 1998) | 2.34 | The Convention adopts proposals to eliminate forced or compulsory labour. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No. 87) on Freedom of Association and Protection of the Right to Organize (12 Jul 1993) | | The Convention protects the right to freedom of association and protection of right to organise. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No.98) on the Right to Organize and Collective Bargaining (23 Jan 1952) | | The Convention determines that workers shall have protection from discrimination and interference. / The Project will need to employ people and recognise these principles. | In force |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|--|------|--|------------|
| ILO Convention (No.100) on Equal Remuneration (19 Jul 1967) | | The Convention adopts proposals on the principle of equal remuneration for men and women for work of equal value. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No.105) on the Abolition of Forced Labour (29 Mar 1961) | | The Convention stipulates that all parties shall eliminate and will not make use of any form of compulsory or forced labour. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No.111) on Discrimination (Employment and Occupation) (19 Jul 1967) | | The Convention promotes equality of opportunity and treatment in employment and occupation. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No.138) on Minimum Age (of Employment) (30 Oct 1998) | | The Convention pursues the abolition of child labour and increases the minimum age for admission to employment. / The Project will need to employ people and recognise these principles. | In force |
| ILO Convention (No. 182) on the Worst Forms of Child Labour (02 Aug 2001) | | The Convention obliges parties to take effective measures to prohibit and eliminate the worst forms of child labour. / The Project will need to employ people and recognise these principles. | In force |
| United Nations (UN) Convention on the Rights of the Child, Article 32.1 | 2.35 | The aim of the Convention is to set standards for the defence of children against the neglect and abuse they face to varying degrees in all countries every day and it allows for different cultural, political and material realities among states with the most important consideration being the best interest of the child. / The project will adhere to these standards in regards to local project affected communities. | Ratified |
| UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 | 2.36 | Aims at guaranteeing equality of treatment, and the same working conditions for migrants and nationals. / The Project will need to employ people and recognise these principles. | Not signed |
| ILO Maritime Labour Convention, 2006 | 2.37 | The Convention outlines requirements, and labour and working conditions on vessels. / The Project will need to employ people and recognise these principles. | Not signed |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|--|------|--|-----------|
| <i>Socio-Economic and Human Rights</i> | | | |
| International Covenant on Economic, Social and Cultural Rights, 1966 (23 Sep 2003) | 2.38 | The Convention promotes equal rights of men and women to enjoy all economic, social and cultural rights. / The Project will need to employ people and recognise these principles. | Ratified |
| UN Convention on the Elimination of All Forms of Discrimination against Women, 1979 (20 Dec 1985) | 2.39 | The Convention sets out agenda to end discrimination against women. / The Project will need to employ people and recognise principles of equality of men and women. | Accession |
| UN Convention on the Rights of Persons with Disabilities, 2006 (28 Sep 2009) | 2.40 | The Convention promotes non-discrimination and equality of opportunity. / The Project will need to employ people and recognise these principles. | Ratified |
| International Convention on the Elimination of All Forms of Racial Discrimination, 1966 (16 Sep 2002) | 2.41 | The Convention undertakes to eliminate racial discrimination in all its forms and promote understanding. / The Project will need to employ people and recognise these principles. | Ratified |
| European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (18 May 1954) | 2.42 | The Convention is designed to protect human rights and fundamental freedoms in Europe. / The Project will need to employ people and recognise these principles. | Ratified |
| Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (17 Jul 1964) | 2.43 | The Convention bans debt bondage, serfdom, early and servile marriage and child servitude. / The Project will need to employ people and recognise these principles. | Ratified |
| UN Covenant on Civil and Political Rights (23 Sep 2003) | 2.44 | The Covenant commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. / The Project will need to employ people and recognise these principles. | Ratified |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|--|-------------|---|---------------|
| <i>Cultural Heritage</i> | | | |
| European Convention for Protection of Archaeological Heritage (Valletta Treaty, 1992) (Official Gazette Date: 8 Aug 1999) | 2.45 | States that a governmental legal system is required for the protection of archaeological heritage. / There may be disturbance to archaeological sites in the Project Area. | Ratified |
| Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972) (Official Gazette Date: 14 Feb 1983) | 2.46 | The Convention confirms the protection and preservation of world's cultural and natural heritage. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| European Cultural Convention (1954) (10 Oct 1957) | 2.47 | To develop mutual understanding among the peoples of Europe and reciprocal appreciation of their cultural diversity, to safeguard European culture, to promote national contributions to Europe's common cultural heritage respecting the same fundamental values. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| European Convention on Offences relating to Cultural Property (1985) (26 Sep 1985) | 2.48 | Promotes the safeguard and protection of Europe's heritage from pillage, theft, destruction, illegal transfer, and any other unlawful activity. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| European Convention for the Protection of the Architectural Heritage of Europe (Granada Convention, 1985) (11 October 1989, entered into force 1 Feb 1990) | 2.49 | Reinforces and promotes policies for conserving and enhancing Europe's heritage. Affirms the need for European solidarity with regard to heritage conservation and fosters practical co-operation among the parties. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|---|------|---|-----------|
| United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention (The Hague Convention, 1954) (15 Dec 1965) | 2.50 | To ensure that cultural property and goods are protected during times of war and/or armed conflict through the adoption and use of protective signage. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Accession |
| UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Convention on Cultural Property, 1970) (21 Apr 1981) | 2.51 | Prohibits and prevents the illicit import, export and transfer of ownership of cultural property and aims to discourage the pillage of archaeological sites and cultural heritage by controlling international trade in looted antiquities through import controls and other measures. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention, 1972) | 2.52 | To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage on its territories. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003 (27 Mar 2006) | 2.53 | To safeguard and ensure respect for the world's intangible cultural heritage, including raising awareness of the importance of intangible heritage and encouraging international cooperation and assistance. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| International Council on Monuments and Sites (ICOMOS) 1990 Charter for the Protection and Management of the Archaeological Heritage (Lausanne Charter) (11 Oct 1990) | 2.54 | Notes that archaeological heritage is a fragile and non-renewable cultural resource, and that policies for the protection of the archaeological heritage should be integrated into land use, development, planning, cultural, environmental and educational policies. Sets out principles of survey, investigation, maintenance, protection, presentation, information, reconstruction, training, international cooperation. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|--|-------------|--|---------------|
| ICOMOS 1996 Charter for the Protection and Management of the Underwater Archaeological Heritage (Sofia Charter) (9 Oct 1996) | 2.55 | This Charter, intended as a supplement to the ICOMOS Charter for the Protection and Management of Archaeological Heritage, is intended to encourage the protection and management of underwater cultural heritage in inland and inshore waters, in shallow seas and in the deep oceans. Defines fundamental principles, project design, funding, time-table, research objectives, methodology, techniques, and qualifications. / There may be disturbance to cultural/natural heritage sites in the Project Area. | Ratified |
| <i>Unplanned Events</i> | | | |
| International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990) (Official Gazette Date: 18 Sep 2003) | 2.56 | To set requirements for all ships to carry a shipboard oil pollution emergency plan and to report incidents of pollution to coastal authorities and the convention details the actions that are then to be taken. The convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents. / For vessels over 400 tons to be used during the Project will need to carry a Shipboard Oil Pollution Emergency Plan (SOPEP) and comply with regulations in this Convention should any spills occur. | Accession |
| <i>Transboundary Impacts</i> | | | |
| Convention on Environmental Impact Assessment in Transboundary Context (Espoo Convention), 1991 | 2.14 | Stipulates the obligations of parties to assess transboundary environmental impacts of a project in the early planning stages. It also specifies the obligation of Parties of Origin (parties under whose jurisdiction a planned activity is due to take place) to notify and consult Affected Parties (parties anticipated to be affected by transboundary impacts of a proposed activity) when a project in their territory is likely to have a significant adverse transboundary impact. Parties of origin can ask the developer to undertake further public consultation, in addition to normal EIA requirements. / The Project may have transboundary impacts | Not signed |

Continued...

| Convention | Ref. | Purpose / Relevance to the Project | Status |
|---|------|--|------------|
| Convention on the Transboundary Effects of Industrial Accidents (Helsinki Convention), 1992 | 2.57 | The Convention sets measures to protect human beings and the environment against the effects of industrial accidents, and to promote active international cooperation between the contracting parties before, during and after such accidents. / The Project may have industrial accidents and is transboundary. | Not Signed |

Waste

| | | | |
|--|------|---|----------|
| Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel, 1989) (Official Gazette Date: 22 Jun 1994) | 2.58 | To regulate the transboundary movements of hazardous wastes and provides obligations to its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. / The Project may generate hazardous wastes. | Ratified |
|--|------|---|----------|

Complete.

2.6.1 Espoo Convention

The United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context, 1991 (Espoo Convention) came into force on 10 September 1997 (Ref. 2.14).

The main objective of the Convention is to promote environmentally sustainable economic development, as a preventive measure against transboundary environmental degradation. The Espoo Convention stipulates obligations of parties to assess transboundary environmental impacts of a project in the early planning stages. It also specifies the obligation of Parties of Origin (parties under whose jurisdiction a planned activity is due to take place) to notify and consult Affected Parties (parties anticipated to be affected by transboundary impacts of a proposed activity) when a project in their territory is likely to have a significant adverse environmental transboundary impacts. Parties of Origin can ask the developer to undertake further public consultation, in addition to normal EIA requirements.

The Republic of Turkey has not signed the Espoo Convention and therefore has no obligations under the Convention. Bulgaria has signed and ratified the Convention.

Nevertheless, in line with IFC Performance Standards, transboundary impacts have been assessed in **Chapter 15 Transboundary Impacts**.

2.6.2 Bucharest Convention

The Convention on the Protection of the Black Sea Against Pollution (Bucharest 1992) (Ref. 2.15), also referred to as the Bucharest Convention, was signed and ratified by the Russian Federation, Georgia, Ukraine, Romania, Bulgaria and Turkey.

The basic objective of the Bucharest Convention is to ensure that the contracting parties implement the necessary legislation in order to reduce and control the pollution in the Black Sea and to protect and preserve its marine environment. The Convention also provides a legal framework for co-operation and co-ordination of the signatory parties.

The Bucharest Convention foresees an obligation on Signatory Parties to assess the impact of and notify the results of this assessment to the Black Sea Commission for any activity under the jurisdiction of that party, which may cause substantial pollution or significant and harmful changes to the environment of the Black Sea. Mitigating measures should also be communicated.

South Stream Transport met with the Permanent Secretariat of Black Sea Commission in November 2012 to inform them about the Project and the national EIA and ESIA being undertaken in Russia, Turkey and Bulgaria for the South Stream Offshore Pipeline (further information is provided in **Chapter 6 Stakeholder Engagement**). It should be noted, that the obligation to notify activities that may significantly impact the environment of the Black Sea is the responsibility of the national governments of the respective signatory parties rather than the responsibility of the project owner.

2.7 Standards and Guidelines for International Financing

The Project is being carried out in accordance with applicable standards and guidelines for financing, including the OECD Common Approaches, the Equator Principles (EP) III, the Japanese Bank for International Cooperation (JBIC) Guidelines for Confirmation of Environmental and Social Consideration and the International Finance Corporation Performance Standards (IFC PSs).

2.7.1 OECD Common Approaches, 2012

Governments provide official export credits, through Export Credit Agencies (ECAs), to support national exporters competing for overseas sales. The Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (hereafter referred to as 'Common Approaches') recognise that the export credit policy can contribute positively to sustainable development and sets out common approaches for considering environmental and social risks in decisions to offer official support for export credits. The 2012 Common Approaches, as applied to this Project, draw heavily upon the application of recognised international financing institution standards (e.g. EPs and IFC PSs) and apply to all officially supported export credits for capital goods and/or services, excluding military equipment and agricultural commodities.

The Common Approaches objectives are to:

- Promote coherence between members' policies on officially supported export credits, their international environment, climate change, social and human rights policies, and their commitments under relevant international agreements and conventions;

- Develop common procedures and processes relating to the environment and social aspects for official support of export credits to reduce potential for trade distortion;
- Promote good practice and consistent review and assessment processes to achieve a high level of environmental and social performance as measured against international standards;
- Enhance efficiency of official support procedures and ensure administrative processes are relative to the objectives of the Common Approach; and
- Promote a global level playing field for officially supported export credits and increase awareness and understanding among non-members.

To satisfy the requirements of the Common Approaches, South Stream Transport:

- Has commissioned this ESIA Report (prepared to meet applicable international standards including relevant IFC PS);
- Will prevent or mitigate (as far as practicable) adverse environmental and social impacts of the Project;
- Will undertake consultation with relevant stakeholders throughout the life of the Project and encourage transparency through information disclosure; and
- Will implement a Health, Safety, Security and Environment Integrated Management System (HSSE-IMS) to monitor and improve performance of the Project in accordance with IFC PS1.

2.7.2 Equator Principles III

The Equator Principles (EP) (Ref. 2.5) is a set of ten voluntary environmental and social standards to be adhered to if the Project is to be financed by Equator Principles Financial Institutions (EPFIs). EPFIs are financial service providers that are contracted by a client to carry out banking services for a Project. The EPs were first launched in 2003, subsequently updated in 2006 (EPII) and then again in 2013 (EPIII).

For this Project, EPIII apply. EPIII draw on the 2012 version of the IFC PS and the World Bank Group Environmental, Health and Safety (EHS) Guidelines. The EPs focus on project environmental and social standards and responsibilities. Principles 1 to 6 are most applicable to the ESIA Stage of the Project and have been described below.

2.7.2.1 Principle 1: Review and Categorisation

Principle 1 applies where total Project capital costs are US\$10 million or more and includes the steps to be taken by the EPFIs to determine the project category in relation to its potential impacts. Ahead of a formal categorisation by EPFIs South Stream Transport has proceeded with this ESIA process on the assumption that EPFIs will give the Project the categorisation of "A" on the basis that it fits the Category A description: '*Projects with potential significant adverse environmental and social risks and/or impacts that are diverse, irreversible or unprecedented.*'

2.7.2.2 Principle 2: Environmental and Social Assessment

Principle 2 highlights the need to conduct an Environmental and Social Assessment (e.g. a full-scale ESIA process, a limited or focused audit, or a straight-forward application of

environmental siting, pollution standards, design criteria, or construction standards depending on the categorisation and likely significance of impacts) to address relevant social and environmental impacts and risks of the Project. The assessment should also propose mitigation and management measures relevant and appropriate to the nature and scale of the Project.

Given the nature and scale of this Project, a comprehensive ESIA process has been undertaken. Table 2.4 outlines where the ESIA process has addressed the following issues in accordance with Principle 2.

Table 2.4 EPIII, Principle 2 Illustrative List of Potential Environmental and Social Issues to be Addressed in the ESIA Report

| Selected Specified Information | Location within ESIA Report |
|---|---|
| Assessment of the baseline environmental and social conditions. | Technical Chapters 7 to 12 |
| Consideration of feasible environmentally and socially preferable alternatives. | Chapter 4 Analysis of Alternatives |
| Requirements under host country laws and regulations, applicable international treaties and agreements. | Chapter 2 Policy, Regulatory and Administrative Framework |
| Protection of human rights and community health, safety and security (including risks, impacts and management of project's use of security personnel). | Chapter 9 Socio-Economics |
| Protection of cultural property and heritage. | Chapter 10 Cultural Heritage |
| Protection and conservation of biodiversity, including endangered species and sensitive ecosystems in modified, natural and critical habitats, and identification of legally protected areas. | Chapter 8 Biological Environment |
| Sustainable management and use of renewable natural resources (including sustainable resource management through appropriate independent certification systems). | Chapter 16 Environmental and Social Management |
| Use and management of dangerous substances. | Chapter 5 Project Description Chapter 16 Environmental and Social Management |
| Major hazards assessment and management. | Chapter 5 Project Description Chapter 13 Unplanned Events |
| Labour issues (including the four core labour standards), and occupational health and safety. | Chapter 9 Socio-Economics |

Continued...

| Selected Specified Information | Location within ESIA Report |
|---|---|
| Fire prevention and life safety. | Chapter 5 Project Description Chapter 16 Environmental and Social Management |
| Socio-economic impacts. | Chapter 9 Socio-Economics |
| Land acquisition and involuntary resettlement. | No physical resettlement is foreseen |
| Impacts on affected communities, and disadvantaged or vulnerable groups. | Chapter 6 Stakeholder Engagement Chapter 9 Socio-Economics |
| Impacts on indigenous peoples, and their unique cultural systems and values. | No impact is foreseen |
| Cumulative impacts of existing projects, the proposed project, and anticipated future projects. | Chapter 14 Cumulative Impact Assessment |
| Consultation and participation of affected parties in the design, review and implementation of the project. | Chapter 6 Stakeholder Engagement |
| Efficient production, delivery and use of energy. | Chapter 5 Project Description |
| Pollution prevention and waste minimisation, pollution controls (liquid effluents and air emissions) and solid and chemical waste management. | Chapter 7 Physical and Geophysical Environment Chapter 8 Biological Environment Chapter 12 Waste Management |

Complete.

2.7.2.3 Principle 3: Applicable Environmental and Social Standards

Principle 3 sets out responsibility of an ESIA Report to establish the Project's overall compliance with (or justified deviation from) the relevant host country laws, respective IFC PS, and applicable World Bank Group EHS Guidelines. The ESIA process has been structured in light of this requirement. Section 2.4.2 and this section (Section 2.7) give details of compliance with host country laws, respective IFC PS, and EHS Guidelines.

2.7.2.4 Principle 4: Environmental and Social Management System and Equator Principles Action Plan

Principle 4 defines the need for Category A (and B) projects to maintain or establish an Environmental and Social Management System (ESMS), which addresses the management of impacts, risks, and corrective actions required to comply with applicable host country social and environmental laws and regulations, and requirements of the applicable IFC PS and EHS

Guidelines. Where the applicable standards are not met to the EPFI's satisfaction, the client and the EPFI will agree an EP Action Plan (AP).

Principle 4 is being addressed through the development and implementation of a HSSE-IMS, developed in accordance with GIIP and in line with the requirements of International Organisation for Standardisation (ISO) 14001:2004 (Environmental Management System) and Occupational Health and Safety Advisory Services (OHSAS) 18001:2007 (Health and Safety Management System). The HSSE-IMS is being developed and refined during the lifetime of the Project. The overall approach to environmental and social management of the Project is summarised in **Chapter 16 Environmental and Social Management**.

2.7.2.5 Principle 5: Stakeholder Engagement

Principle 5 establishes the requirement to consult with Project Affected Communities in a structured and culturally appropriate manner. For projects with significant adverse impacts on Affected Communities, the client will conduct an Informed Consultation and Participation process and facilitate informed participation by Project Affected Communities to establish whether a project has adequately incorporated their concerns.

The Project has consulted and will continue to consult with relevant stakeholders (people or groups who may be affected by the Project, or who have an interest in it). This engagement to date has included consultation and dialogue about the ESIA process and content, including Project design, expected impacts and measures taken to mitigate and manage impacts.

The South Stream Offshore Pipeline – Turkish Sector: Scoping Report (available on the South Stream Transport website) was made publicly available for review on 17 July 2013 for a period of 30 days. During this time, stakeholders had the opportunity to review and comment on the Scoping Report. During this period, South Stream Transport held meetings with fishery groups, non-governmental organisations (NGOs) and academic and research institutes. Due to the location of the Project Area, a minimum of 110 km from the Turkish coastline, there are no 'Project Affected Communities' in the Turkish Sector.

Further details on consultation and disclosure are included in **Chapter 6 Stakeholder Engagement** and **Chapter 9 Socio-Economics**.

2.7.2.6 Principle 6: Grievance Mechanism

Principle 6 sets out responsibility to establish a grievance mechanism as part of the management system that allows the proponent to receive and facilitate concerns and grievances about the Project's social and environmental performance raised by individuals or groups. The proponent should inform the affected communities about the mechanism in the course of its community engagement process and ensure that the mechanism addresses concerns promptly and transparently, in a culturally appropriate manner, and is readily accessible to all segments of the Affected Communities.

The requirements for a Grievance Mechanism will be incorporated into the Project HSSE-IMS. The HSSE-IMS will be developed in accordance with GIIP and in line with the requirements of ISO 14001:2004 (Environmental Management System) and OHSAS 18001:2007 (Health and

Safety Management System). The overall approach to environmental and social management of the Project is summarised in **Chapter 16 Environmental and Social Management**.

2.7.3 Japan Bank for International Cooperation Environmental Guidelines

The Japan Bank for International Cooperation (JBIC) Guidelines for Confirmation of Environmental and Social Consideration (Ref 2.6) aims to contribute to efforts towards sustainable development, through consideration of the environmental and social aspects in all projects subject to lending or other financial operations by JBIC and the Nippon Export and Investment Insurance (NEXI).

2.7.4 International Finance Corporation Performance Standards

For this Project the 2012 current IFC PS will apply. The IFC PSs are voluntary standards that set out underlying principles of sustainable project management, including impact and risk assessment, mitigation strategies, public consultation and performance monitoring. The IFC PSs are mandatory for projects seeking funding from the IFC and are also frequently adopted by other financial institutions, including EPFIs and ECAs. Due to their wide application, South Stream Transport has elected to adhere to 2012 IFC PSs regardless of the source of Project financing.

The IFC PSs of relevance to the Project, namely PS 1, 2, 3, 6 and 8, and a brief description of how they have been addressed in the ESIA process is included below. Due to the fact that this Project is offshore, IFC PS4 (Community Health, Safety and Security), PS5 (Land Acquisition and Involuntary Resettlement), and 7 (Indigenous People) are not relevant and therefore have not been discussed below.

2.7.4.1 IFC PS1: Assessment and Management of Environmental and Social Risks and Impacts

PS1 outlines the requirements for social and environmental performance management throughout the life of a project. This is achieved through an integrated assessment to identify the environmental and social impacts, risks, and opportunities of the Project, effective engagement with affected local communities and other stakeholders, and the application of an ESMS to monitor and improve performance.

This PS applies to business activities with environmental and/or social risks and/or impacts. The level of environmental and social assessment and management is expected to be appropriate to the nature and scale of the project. Given the nature and scale of this Project, a comprehensive ESIA process is required to be undertaken, as documented through this ESIA Report. This impact assessment process has taken into consideration the requirements of PS1, 2, 3, 6 and 8, which are of particular relevance to the Project, as well as, the requirements of the Turkish EIA legislation (Section 2.4.2).

As recommended in the IFC's Guidance Notes: Performance Standards on Environmental and Social Sustainability (Ref. 2.7), the following stages have been undertaken as part of this ESIA process:

- *Initial Screening of the Project* – this involved the early identification of Project components and activities and environmental, socio-economic and cultural heritage receptors; the examination of relevant legislative and lender requirements and of the community values and uses associated with the receptors. A preliminary analysis of alternatives was also conducted during this stage to identify and evaluate alternative routes for the offshore pipeline (**Chapter 4 Analysis of Alternatives**);
- *Environmental Impact Identification (ENVIID)* – this process enabled the comprehensive identification of the Project’s potential interactions (beneficial and adverse) with environmental, socio-economic and cultural heritage receptors (**Chapter 3 Impact Assessment Methodology**);
- *Scoping* – this stage identified the likely significant impacts that require further investigation and defined the final scope of the ESIA process by developing terms of reference for studies to assess Project impacts. Details of the Scoping Stage are reported in the South Stream Offshore Pipeline – Turkish Sector: Scoping Report (Ref. 2.59);
- *Stakeholder Engagement* – stakeholder engagement has been undertaken throughout the development of the Project to ensure that all interested parties are aware and informed of the Project and that any potential issues are addressed appropriately (**Chapter 6 Stakeholder Engagement**). South Stream Transport has developed a Stakeholder Engagement Plan (SEP) based on the principles and guidance presented in the IFC’s PS1. The SEP also includes engagement activities necessary to meet Turkish requirements for the national EIA process. The SEP will be updated periodically throughout the Project lifecycle;
- *Baseline Studies* – the prevailing environmental and social conditions against which the potential impacts of the Project are assessed have been established. This allowed the identification of potentially sensitive receptors (such as ecosystems and local communities) and an evaluation of their level of sensitivity to the impacts. The results are presented on a discipline basis in Chapters 7 to 11 of this ESIA Report; and
- *Impact Significance Assessment* – this was an iterative process considering the following:
 - **Prediction:** What will happen to the environment as a consequence of this Project (i.e. defining Project activities and impacts)?
 - **Evaluation:** Will it have a beneficial or adverse effect? How big is the change expected to be? How important will it be to the affected receptors?
 - **Mitigation:** If the impact is of concern, can anything be done to avoid, minimise, or offset the impact? Or to enhance potential benefits?
 - **Residual Impact:** After mitigation, is the impact still of concern?

This process is further described in **Chapter 3 Impact Assessment Methodology** and the results are presented on a discipline basis in Chapters 7 to 12 of this ESIA Report;

- *Cumulative Impact Assessment* – identified the combined effects of the Project with other projects and activities that may, individually or in combination have a significant cumulative impact. Further details regarding the cumulative impacts can be found in **Chapter 14 Cumulative Impact Assessment**; and

- *Transboundary Impact Assessment* – an assessment was undertaken to identify whether any Project impacts were considered likely to extend across international borders (e.g. air or water pollution impacts). Further details regarding the transboundary impacts can be found in **Chapter 15 Transboundary Impact Assessment**.

Chapter 3 Impact Assessment Methodology of this ESIA Report provides an overview of the process followed in compiling this ESIA Report and the methodology used to assess impact significance.

Regarding disadvantaged and vulnerable individuals and groups as defined in PS1, small-scale and artisanal fishermen are the only potentially vulnerable group that has been identified with respect to the Turkish Sector (**Chapter 6 Stakeholder Engagement** and **Chapter 9 Socio-Economics**).

PS1 also stipulates that the Project proponent develop a formal environmental and social policy that reflects the principles captured in the PSs. The South Stream Transport Sustainability Policy is presented in Section 2.2 and a HSSE-IMS is being developed in accordance with GIIP and in line with the requirements of ISO 14001:2004 (Environmental Management Systems) and OHSAS 18001:2007 (Health and Safety Management Systems). The overall approach to environmental and social management of the Project is summarised in **Chapter 16 Environmental and Social Management**.

2.7.4.2 IFC PS2: Labour and Working Conditions

PS2 establishes the need for workers' rights regarding income generation, employment creation, relationship management, commitment to staff, retention and staff benefits. It identifies and outlines the need to provide workers with a safe and healthy working environment. This PS is guided by international conventions, in particular those of the ILO. Ultimately, the scope of application of this PS depends on the type of employment relationship between the Project and the worker e.g. it applies to workers directly engaged by the client (direct workers), as well as, workers engaged through third parties (such as construction contractors).

It is recognised that up to approximately 1,100 workers (including all sub-contracted parties and workers) may be engaged at any one time for the Project and, as such, compliance with PS2 is considered to be of relevance to the Project. Worker rights will be consistent with those of South Stream Transport, which is firmly committed to the protection of worker rights in compliance with the conventions listed in Table 2.3 and the relevant Turkish statutory requirements.

South Stream Transport is cognisant of the potential labour and working condition risks associated with confined employment and shift work conditions associated with offshore vessel operations. As part of the Project HSSE-IMS, regular audits of working conditions upon these vessels shall be undertaken.

Implementation of the necessary actions required by this PS will be managed through the Project HSSE-IMS. Further details on labour and working conditions are included within **Chapter 9 Socio-Economics**, whilst information on occupational health is contained in Appendix 9.2 Occupational Health and Safety. The overall approach to environmental and social

management of the Project is summarised in **Chapter 16 Environmental and Social Management**.

2.7.4.3 IFC PS3: Resource Efficiency and Pollution Prevention

PS3 defines an approach to pollution prevention and abatement in line with current internationally available technologies and good practice. It deals with ambient and cumulative considerations, resource conservation and energy efficiency, hazardous materials and waste management, pesticide use and management, and emergency preparedness and response provisions.

The Project will utilise resources which have the potential to generate pollution. The majority of resources that will be used and potential pollution events (e.g. waste spillage, noise, air pollutants, and greenhouse gases) will arise through the Project's Construction and Pre-Commissioning Phase. The main resource used during the Construction and Pre-Commissioning Phase will be steel for the Pipeline. Throughout the Project Development Phase, efficiency of resource use has been considered and a range of minimum performance criteria and standards have been adopted. **Chapter 5 Project Description** details the range of design, construction and operational standards adopted for the Project.

For both the Construction and Pre-Commissioning and Operational Phases, specific mitigation measures (encompassing both avoidance and minimisation measures) to address Project emissions (e.g. emissions associated with exhaust fumes of vehicles) are described in the relevant technical chapters of this ESIA Report. In particular, Project resource efficiency measures and Project-related greenhouse gas (GHG) emissions are considered within **Chapter 5 Project Description**.

In terms of waste, **Chapter 12 Waste Management** of this ESIA Report details how wastes will be managed throughout the Project, taking into consideration the need for resource use efficiencies. Specifically, the Project will adopt a waste management hierarchy. The waste hierarchy ranks waste management options according to what is best for the environment. In particular, the prevention, re-use and recycling of Project items where possible will help maximise resource use efficiency throughout the Project.

The overall approach to environmental management in line with these standards is summarised in **Chapter 16 Environmental and Social Management**.

2.7.4.4 IFC PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

PS6 sets out an approach to protect and conserve biodiversity, including habitats, species and communities, ecosystem diversity, and genes and genomes, all of which have potential social, economic, cultural and scientific importance. It also sets out definitions of natural, modified and critical habitat types, stating that there should be no net loss of critical habitat as a result of the Project.

The Project has the potential to directly and indirectly impact the natural offshore marine environment. Any potential impacts have been assessed according to IFC requirements. The

potential impacts and the relevant identified mitigation measures to address these impacts are detailed in **Chapter 8 Biological Environment**.

The Project may affect potential beneficiaries who benefit from some ecosystem services. A discussion of the ecosystem services received and potential Project impacts upon these services is provided in **Chapter 11 Ecosystem Services**.

2.7.4.5 IFC PS 8: Cultural Heritage

PS8 aims to protect irreplaceable cultural heritage and to provide guidance for protecting cultural heritage throughout a project's lifecycle. PS8 states cultural heritage refers to tangible forms of cultural heritage (e.g. property, sites, structures, or groups of structures with archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious value), unique natural features or tangible objects that embody cultural values (e.g. sacred groves, rocks, lakes, and waterfalls), and certain instances of intangible forms of culture that are proposed to be used for commercial purposes (e.g. cultural knowledge, innovations, and practices of communities embodying traditional lifestyles).

Two confirmed cultural heritage objects (CHOs) have been identified (both shipwrecks) and several potential CHOs have been identified through marine surveys. A full description of all identified cultural heritage items is provided in **Chapter 10 Cultural Heritage**.

It is not anticipated that the Project will have an impact on intangible cultural heritage due to the offshore location with no specific notable or listed cultural traditions that could be affected by the Project. Further details on tangible cultural heritage receptors and the potential impacts associated with the Project are included in **Chapter 10 Cultural Heritage**.

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