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Ozan Karaduman, Senior Associate at Istanbul-based law firm Gün + Partners, examines the developing legal landscape impacting Turkey's nuclear ambitions.



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Turkey's efforts to bring nuclear energy into its energy mix dates back to the 1950's. However, it was not until May 2010 that Turkey took its most concrete step towards nuclear power, signing an agreement with Russia for the construction of its first plant.

This has been followed by an agreement signed with Japan in May 2013 for the construction of a second nuclear power plant. The Turkish government is also working on different scenarios for the construction of a third plant.

Turkey is in the process of developing its own legal framework governing the nuclear power plants and making administrative changes to better regulate this new nuclear power market. The preparations to establish a "Nuclear Energy General Directorate" are seen as part of this process.

Legislative Efforts

The establishment of the Turkish Atomic Energy Institution in 1956 can be regarded as Turkey's first step towards developing its own nuclear power. In the 1970's, Turkey underwent research to find a suitable location to establish its first nuclear power plant and determined Akkuyu as the most appropriate spot.

Many legislative efforts have been made since then, however, the regulations and communiqués which were issued in the 1980's to regulate nuclear power plants remained futile as no actual step was taken to establish a nuclear power plant until 2010. Some of the

relevant legislation is still in force, but this is outdated for today's conditions and expectations.

Turkey signed the Paris Convention on Third Party Liability in the Field of Nuclear Energy ("Paris Convention") and also its additional protocols respectively in 1964, 1982 and 2004. Upon the execution of the Paris Convention, the convention became a part of the internal legal system of Turkey. As the additional protocol signed in 2004 has not yet been ratified, the 1982 version is still applicable.

However, the Paris Convention does not provide detailed provisions in every aspect on civil liability in the case of nuclear accidents. Therefore, many states signing the Paris Convention have also enacted internal laws elaborating on civil liability issues; Turkey will need to enact a similar law as well.

Current Situation

Turkey plans to have three different sites for nuclear power plant projects, of which the location of two have already been determined; one will be constructed in Akkuyu in the southern part of Turkey, the other will be constructed in Sinop, in the northern part of the country. Although not certain, the third plant may be constructed in the north-west part of Turkey.

The first nuclear power plant will be constructed in Akkuyu by Russian Rosatom as a result of an international agreement signed between Russia and Turkey on May 12, 2010. Immediately after the execution of the agreement with Russia, Turkey started working on an agreement for a second nuclear power plant in Sinop.

Negotiations were made with many states including China, South Korea, Canada and Japan. Following all the negotiations, Turkey signed an agreement with Japan on May 3, 2013, which assigned a consortium consisting of Japanese Mitsubishi Heavy Industries, Itochu Corporation and French GDF Suez for the construction and operation of the second nuclear power plant.

The state electricity production company (EUAS) is expected to be a shareholder in the company, which will operate the Sinop Nuclear Power Plant. With this move, Turkey plans to gain experience in the operation of a nuclear power plant which should pave the way for Turkey to operate a nuclear power plant independently in the future.

It may be early to call it a 'plan' but Turkey certainly has an ambition to operate a nuclear power plant on its own at some point in the future. A sign of this ambition can be found in the new draft law which brings a new directorate under the Ministry of Energy called the Nuclear Energy General Directorate.

In addition to its other duties, this new directorate will work on taking the necessary steps to ensure that local capacity is developed in terms of technology, human resources and infrastructure so that any local input to the nuclear energy facilities will be at the highest level and eventually this could lead to Turkey operating its own nuclear power plant.

What to Expect?

As for now, Turkey has taken the most concrete steps to home nuclear power plants, although a thorough review is required on the legal framework governing the construction and operation of the plants. Any piece of legislation which is outdated and which cannot respond to the demands of the stakeholders, must be updated. Therefore, it would be normal to expect many amendments to the current legal framework, various new regulations and communiqués.

The draft law regarding the new Nuclear Energy Directorate is one example of these possible legislative and regulatory actions. Once the new directorate starts its operations, more activities in terms of administration may then be envisaged.

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