

Amendments to the Mining Legislation Introduced with the Super Permit Law

14 August 2025

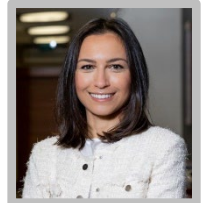
In our article dated 6 August 2025, we discussed the amendments introduced by Law No. 7554 on Amendments to Certain Laws (the “[Law](#)”), also known as the “Super Permit Law,” in relation to renewable energy investments. In this article, we examine the amendments the Law has brought to the mining legislation.

New Definitions and Concepts

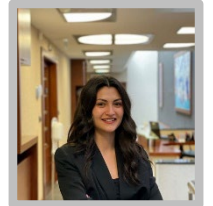
The Law introduces two new definitions as “strategic minerals” and “critical minerals” to the Mining Law No. 3213 (“[Mining Law](#)”), while it stipulates that mining activities related to these minerals may now be subject to emergency expropriation under the provisions of the Expropriation Law No. 2942. Minerals that pose a high supply risk, are essential for industrial production, and could lead to serious economic or security risks in the event of supply disruptions or significant price increases are defined as “critical minerals”, whereas minerals considered of high importance to national security and economic welfare, and whose supply may be restricted due to internal or external factors are categorized as “strategic minerals.”

Activities involving strategic and critical minerals as well as the Group IV minerals, are granted a privileged status with respect to permits. A new decision-making “Board”, comprising the Ministers of Environment, Urbanization and Climate Change; Energy and Natural Resources; Treasury and Finance; Industry and Technology; and the ministries granting the respective permits, has been established to resolve potential inter-agency disputes over permits without recourse to judicial bodies.

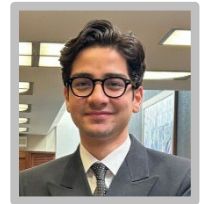
The Law also incorporates the concept of “rehabilitation” into the Mining Law which entails numerous interrelated amendments, along with definitions for “rehabilitation cost calculation” and “collection agency”.



Ayşe Eda Biçer
Partner



Elsu Doğa İncesu
Associate



Engin Güçlüoğlu
Legal Intern

Amendments Related to Environmental Impact Assessment

The phrase “EIA Not Required”, previously used in the assessment of projects listed in Annex-2 of the Environmental Impact Assessment (“EIA”) Regulation, has been removed for a unified evaluation system to apply to all projects. Additionally, provisions now allow the EIA and other permit processes to proceed simultaneously.

Institutions involved in the EIA processes must now provide their opinions within three months, with the option of a one-month extension upon request. In alignment with recent updates to the EIA Regulation, institutions who have already issued permits can no longer submit negative opinions during the EIA process.

Before the General Directorate of Mining and Petroleum Affairs (“GDMPA”) issues a license, relevant permissions must be obtained from the respective institutions. Forestry permits must be prepared in accordance with EIA expertise and requirements, thereby enabling their integration into the EIA process. The permits issued under Article 7, Paragraph 3 of the Mining Law shall be binding on the relevant authority during both the transition to and renewal of the operating license, provided that necessary financial obligations are met and commitments are secured. This permit process is limited to a maximum duration of four months.

Exploration Activities, Licensing Procedures, Permits, and Financial Guarantee

Exploration Activities

The obligations relating to the exploration license period have been restructured, introducing a requirement to apply for an operating license with reserves determined in terms of three dimensions and quantities until the end of the detailed exploration period for Group IV mines and the general exploration period for other mines.

Sanctions now include forfeiture of guarantees for license holders who fail to conduct exploration in accordance with their approved projects, and license revocation for those who do not meet the minimum activity requirements.

In the event that less than 50% of the investment program is completed for two consecutive years, the guarantee will be forfeited, and the license shall be revoked. A mandatory investment guarantee equal to 5% of the total investment amount is now required for obtaining an exploration license.

Licensing Procedures

Group I, II, III, and V mineral licenses may now be issued through public tender. Additionally, Group II (b) and Group IV licenses may also be tendered when deemed necessary.

Rather than the requirement to tender out all areas that have been revoked, abandoned, or relinquished for any reason, the possibility of licensing such areas in accordance with the general provisions has been introduced under certain circumstances such as no data being available regarding reserve assets.

License fees have been reduced by 30%. However, the rehabilitation fee has been separated from the license fee and shall now be paid separately in an amount equal to the license fee. To offset the reduction in revenue from license fees, the portion allocated to the general budget has been increased from 50% to 70%. Furthermore, the minimum state fee, which is currently set to be at least equal to the operating license fee, has been increased by 50% of the license fee.

Permits

The Law stipulates that GDMPA shall be granted permits for activities in state-owned forests free of charge. Upon issuance, the discretionary power over the permitted area for mining operations will be transferred to GDMPA and remain in effect until mining activities are concluded. GDMPA is authorized to license these areas in accordance with its regulations, provided that it adheres to the conditions set forth in the original permit.

Furthermore, if an investor has fulfilled all obligations during the exploration license period and applies for an operating license, the relevant permits may only be denied under specific circumstances, namely, the issuance of an adverse court ruling, the occurrence of force majeure, or the emergence of a restrictive legal provision that invalidates a previously granted permit.

If an area becomes subject to permitting requirements after the issuance of a license, mining operations shall still proceed. In cases where cultural heritage is discovered within the license area, the license may be terminated before expiration, provided the investor is compensated.

Mining Activities in Olive Grove Areas

Mining operations are permitted in olive grove areas, provided that the olive trees in the project area are relocated and specific criteria are met.

For each year of mining activity carried out in registered or de-facto olive groves, an additional fee equal to the operating license fee shall be collected from the license holder to fund the prospective rehabilitation works.

As an added measure, license holders are required to replant the same number of olive trees that existed on the site prior to mining activities for the rehabilitation of these areas.

Rehabilitation of Mining Sites

The concept of rehabilitation has been defined by the Law as "works carried out in areas that have been damaged or whose topography has changed as a result of mining activities, including securing, regulating, stabilizing, repairing, spreading topsoil, sowing seeds, planting saplings, creating recreational areas in suitable terrain, vegetation, afforestation, and chemical and physical improvement." In this way, the scope of rehabilitation works expected to be carried out by license holders has become clearer.

As mentioned above, referred to previously as the "environmental compliance guarantee", the rehabilitation fee has now been separated from the license fee and must be paid in an equivalent amount. These fees must be placed in interest-bearing accounts and together with their interest, may only be used for rehabilitation purposes. The funds are protected from seizure, pledge, or transfer. For most applications during the operational phase, full payment of the rehabilitation fee is stipulated as a prerequisite.

If a license holder fails to meet the rehabilitation obligations specified by GDMPA, production activities may be suspended until compliance is achieved.

Lastly, a transitional provision requires that, for licenses with environmental compliance guarantees submitted as letters of guarantee before the Law's effective date, the amount covered by the guarantee must be deposited in cash into the rehabilitation account within one year of the Law's enactment, without the need for notification. Otherwise, the guarantees will be liquidated by GDMPA and transferred to the rehabilitation account.

Conclusion

The extensive amendments introduced with Law No. 7554 include significant reforms to the mining legislation.

Focusing on rehabilitation, EIA procedures, permitting, licensing, exploration activities, and financial guarantees, it is safe to say that these new regulations are expected to reshape the mining regulatory framework, in terms of both environmental responsibility and investment efficiency, while reinforcing strategic planning across the sector.