

Amendments Introduced to the Regulation on Business Opening and Operating Licenses

The Regulation Amending the Regulation on Business Opening and Operating Licenses (“**Amending Regulation**”), prepared by the Ministry of Environment, Urbanization and Climate Change (“**Ministry**”), was published in the Official Gazette dated 11/12/2025 and numbered 33104 and entered into force.

With the Amending Regulation, the procedures, conditions, and principles regarding the authority and competence to issue business opening and operating licenses ex officio in certain circumstances have been regulated within the scope of the Regulation on Business Opening and Operating Licenses (“**Regulation**”). In addition, the procedures and principles have been determined whereby applications for business opening and operating licenses, which comply with the legislation but have been kept pending beyond the statutory period by municipalities, may be submitted to the Ministry, and where the Ministry finds the justifications of the relevant municipality insufficient, the Ministry may issue business opening and operating licenses ex officio. In this context, it has been regulated that provincial directorates shall be authorized for application, examination, process tracking, and license issuance with respect to licenses not issued in due time by municipalities and to be issued by the Ministry. Furthermore, certain definitions relating to non-sanitary and sanitary establishments have been updated, and workplaces compatible with current conditions and developing economic enterprise models have been added to the scope.



Issuance of Business Opening and Operating Licenses by the Ministry

With Article 45/A titled “Issuance of licenses by the Ministry of Environment, Urbanization and Climate Change,” which has been added to the Regulation through the Amending Regulation, it is stipulated that where an application is duly submitted by operators in accordance with the Regulation for investments to be carried out or activities to be conducted by the public or private sector on immovable properties that are under the dominion and control of the State or owned by the Treasury, public institutions or organizations, real persons, or private law legal entities, and where the authorized administration fails to issue a business opening and operating license within two months from the application date, the Provincial Directorates of the Ministry (“**Provincial Directorate**”) shall be authorized to issue the business opening and operating license.

Pursuant to this article, upon the operator’s request for a license, the Provincial Directorate shall request the opinion of the authorized administration regarding the file. The authorized administration shall submit its

opinion to the Provincial Directorate within a maximum of 15 (fifteen) days by comprehensively explaining the reasons for not carrying out the procedures related to the business opening and operating license. If the authorized administration fails to submit its opinion within the prescribed period, a positive opinion shall be deemed to have been given. Following the submission of the opinion by the authorized administration, if it is determined within a maximum of 15 (fifteen) days upon examination of the file that the request complies with the Regulation, the Provincial Directorate may issue the license *ex officio*.

If any non-compliance with the legislation or deficiencies are identified during the examination, such non-compliance and deficiencies shall be notified to the applicant within the same period. Upon the elimination of such non-compliance or deficiencies and subsequent application, the Provincial Directorate may issue the license *ex officio*.

This regulation introduced by the Amending Regulation aims to accelerate application and licensing procedures for investments and activities, thereby enabling investments to be implemented more rapidly.

New Classifications Regarding Energy Facilities

When issuing business opening and operating licenses, workplaces are classified as non-sanitary establishments and sanitary establishments.

1. Non-sanitary establishments are establishments that, during their activities, cause or are likely to cause biological, chemical, physical, psychological, or social harm to their

surroundings or may lead to the pollution of natural resources, and they are classified into three categories:

a. First-class non-sanitary establishments refer to establishments that must be located away from residences and other places intended for human habitation.

b. Second-class non-sanitary establishments refer to establishments that are not required to be located away from residences and other places intended for human habitation; however, where the nature of the activity so requires, an examination must be conducted prior to granting permission to ensure that, in terms of location, installations, and conditions, they do not pose a risk to the health and comfort of nearby residents.

c. Third-class non-sanitary establishments refer to establishments that may be opened adjacent to residences and other places intended for human habitation, if they are subject to sanitary supervision.

2. Sanitary establishments are defined as all workplaces other than non-sanitary establishments.



Amendments Concerning Energy Facilities

With respect to energy facilities, the Amending Regulation removed the following classifications from Annex-2 (List of Non-Sanitary Establishments) of the Regulation:

- (i) “Photovoltaic solar power plants with a total thermal capacity of 10 megawatts (MW) and above” classified as first-class non-sanitary establishments,
- (ii) “Photovoltaic solar power plants with a total thermal capacity between 1–10 megawatts (MW)” classified as second-class non-sanitary establishments,
- (iii) “Photovoltaic solar power plants with a total thermal capacity below 1 megawatt (MW)” classified as third-class non-sanitary establishments.

Instead, the following provisions have been added to the “1- Energy Industry” section under third-class non-sanitary establishments:

- “1.3 – Photovoltaic solar power plants,”
- “1.4 – Solar energy-based power generation facilities.”

In addition, the following provision has been added to the “9 – Others” section under second-class non-sanitary establishments:

- “9.73 – Greenhouse cultivation facilities heated by hot water obtained from geothermal resources.”

Through these amendments, the distinction between first-, second-, and third-class non-sanitary establishment licensing categories based on megawatt (MW) capacity for solar power plants (“SPPs”) has been abolished. Considering the nature of electricity

generation from renewable energy, and with the aim of facilitating licensing, expanding SPPs, and increasing production, all SPPs have been classified as third-class non-sanitary establishments. Furthermore, geothermal greenhouse facilities, which were previously classified as first-class non-sanitary establishments, have been reclassified as second-class non-sanitary establishments in order to facilitate licensing and contribute to production.



Conclusion

With the Amending Regulation, it is aimed to increase energy production, encourage environmentally friendly investments, and accelerate the licensing process. The amendments will enable energy facility projects to become operational more rapidly by expediting licensing procedures and will particularly facilitate the expansion of solar and geothermal energy projects. Investments in renewable energy sources such as solar and geothermal energy will strengthen energy supply security. Moreover, supporting renewable energy facilities will contribute to environmental sustainability by reducing carbon emissions. In this respect, the Amending Regulation will accelerate the energy transition by supporting renewable

energy, encourage environmentally friendly investments, and contribute to overall economic development.

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