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Important Amendments to the Mining Law

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A. Introduction

The Law No. 7554 on Amendments to Certain Laws (the "**Amendment Law**"), which includes the amendments to the Mining Law No. 3213 (the "**Mining Law**"), was published in the Official Gazette No. 32965, dated July 24, 2025.

The Amendment Law introduces important regulations and amendments, primarily regarding mining license procedures, strategic and critical minerals, tender procedures, rehabilitation, and mining activities in olive grove areas. In this context, new regulations affecting the stakeholders in the mining sector have been introduced, and some existing provisions have been updated. This information note will summarize and evaluate the important amendments made to the Mining Law.

B. Significant Amendments

1. The Concept of Rehabilitation

The concept of rehabilitation has been added to the Mining Law with the Amendment Law. According to this definition, rehabilitation refers to activities aimed at areas that have been damaged or whose topography has changed due to mining activities, including: securing the area, regulating, ensuring stability, repairing, spreading topsoil, sowing seeds, planting saplings, creating recreational areas in suitable locations, vegetation restoration, afforestation, and chemical and physical improvements.

In this regard, the concept of the environmental compliance guarantee has been abolished and replaced by the rehabilitation fee. The rehabilitation fee is equal to the operating license fee and must be paid by the end of January each year. In order to ensure the rehabilitation of areas where mining activities are carried out. The General Directorate of Mining and Petroleum

Affairs ("**MAPEG**") may suspend production activities until the obligations determined by MAPEG are fulfilled. However, license holders who no longer have rehabilitation obligations will be refunded the unused portion of the rehabilitation fee they have paid.

2. The Council and Its Functions

Another new concept introduced to the Mining Law by the Amendment Law is the "Council," which will be established by a regulation issued by the Presidency. This Council will be chaired by the Vice President appointed by the President and will consist of the Minister of Environment, Urbanization, and Climate Change, the Minister of Energy and Natural Resources, the Minister of Treasury and Finance, the Minister of Industry and Technology, as well as the ministers authorized to make decisions regarding permits.

3. Strategic and Critical Minerals

With the Amendment Law, strategic and critical minerals have been defined. According to this definition, critical minerals are those that, in the event of supply disruption or significant price increases, could cause to serious economic problems or security vulnerabilities, and are essential inputs for industrial production, while also carrying a high risk of supply shortage. On the other hand, strategic minerals are defined as those of high importance for national security and economic prosperity, which may face supply restrictions due to internal or external factors.

These minerals will be identified by the Ministry of Energy and Natural Resources, after consulting with the Ministry of National Defense, the Ministry of Industry and Technology, the Ministry of Trade, and relevant public institutions and organizations. Urgent expropriation may be carried out for mining activities related to strategic or critical minerals

4. Amendments in Permit and License Procedures

In protected areas outside of forests, institutions that fail to respond to the permit application submitted by MAPEG to the relevant institutions within three months will be granted an additional one-month period. If no response is given within this additional month, the application will be deemed as approved. Furthermore, with the new regulation on forest permits, under the automatic on-compensatory permit system, license holders will be granted usage rights for up to twenty-four months upon the request of MAPEG. This period may be extended by an additional twelve months upon request.

Under these regulations, if a relevant institution does not grant permission for Group IV minerals or strategic and critical minerals, the Ministry, considering factors such as the reserve potential, location, type, and economic contribution of the area, will apply for the permit. A final decision on the permit will be made by the Board in the framework of overriding public interest. If the Board decides in favor of the mining activity, the relevant institution will send the permit decision to MAPEG within one month, and the license will be issued.

With the regulations concerning the Environmental Impact Assessment ("EIA") process, it has been made mandatory for the relevant institutions to provide their opinions within three months; if an extension is granted, this period is limited to one month, and the opinions of institutions that fail to provide their views within the specified timeframes are deemed to be favorable. The regulations have been designed to prevent institutions that previously granted approval from later issuing negative opinions, and it has been stipulated that the procedures for projects with a positive EIA decision will be completed within one month, provided that financial obligations are met.

According to the Amendment Law, if the preliminary, general, and detailed exploration

activity reports are not submitted within the prescribed period, or if the minimum activities specified in the regulations are not carried out, the exploration license will be revoked at the end of the relevant period. If the deficiencies in the reports are not addressed within a one-month period provided by MAPEG, the security deposit will be forfeited.

5. Mining Activities in Olive Groves

Mining activities in olive grove areas may be permitted, provided that it is proven that it is not possible to carry out the activity in another area and with the approval of the Ministry of Energy and Natural Resources, in consideration of the public interest. In this context, it is mandatory to first relocate the olive trees from the area where the activity will be carried out to another location within the same province or district boundaries. For trees that cannot be relocated, it is required to plant at least twice the number of trees as the total number of the olive trees that were removed, in order to create an equivalent area. All obligations arising from the relocation of the olive trees and the establishment of a new area belong to the license holder. Additionally, an annual additional fee equal to the operating license fee will be collected during the activity period, and this fee will be used for the rehabilitation of the olive grove area after mining activities are completed.

6. Amendment to the Tender Method

With the Amendment Law, the system for granting mining licenses through tender has been revised. Under the previous regulation, the tender method was only applicable to specific areas; now, it is directly applicable to Group I, Group II (a) and (c) clauses, Group III, and Group V minerals. Furthermore, if deemed necessary by MAPEG, the tender process may also apply to Group II (b) minerals and Group IV minerals, thereby expanding the scope of the tender procedure and increasing the discretion of the administrative authority.

C. Conclusion

With the Amendment Law No. 7554, structural changes have been made in various areas of the Mining Law, ranging from licensing and permitting processes to environmental obligations, tender procedures, and activities in olive groves. The new regulations introduce

provisions such as time limitations for permitting processes, the possibility of licensing through the tender method for certain mineral groups, and the rehabilitation fees. Furthermore, definitions for strategic and critical minerals have been established, and special procedures for identifying these minerals and managing their permitting processes have been determined.

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