

Turkey Introduces Establishment and Operation Principles for Companies Preparing Technical Documents in the Mining Sector

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Turkey's Ministry of Energy and Natural Resources has announced principles and procedures for establishing the Authorized Legal Entities ("**ALE**") which prepare reports, projects and any kind of technical document submitted to the General Directorate of Mining Affairs ("**General Directorate**") within the scope of Mining Law numbered 3213. The requirements also address ongoing audit and compliance obligations for such entities.

The Regulation on Authorized Legal Entities ("**Regulation**") was published in Official Gazette numbered 29731 on 3 June 2016, entering into effect on the same date.

The Regulation defines ALEs as legal entities which are a mining license holder or have an enterprise and are any of the following:

- Authorized to prepare any report, project and all kinds of technical document required to be submitted to the General Directorate,
- Have majority shares held by engineers; or
- Employ engineers having qualities determined under the Regulation.

A competence certificate is required from the General Directorate to establish an ALE. Competence certificates are valid for five years and ALEs must apply to renew such certificates at least two months before their expiry date.

ALEs intending to obtain a competence certificate must permanently employ at least five people:

- Mining engineer, with at least five years' experience.
- Mining engineer, regardless of experience.
- Geological engineer, with at least five years' experience.
- Geological engineer, regardless of experience.
- One of the following:
 - Topographical engineer.
 - Hydrogeological engineer.
 - Environment engineer.
 - Geophysics engineer.
 - Mineral processing engineer.
 - Metallurgist.
 - Agriculture engineer.
 - Forest engineer.
 - Electricity engineer.
 - Mechanical engineer.

An ALE's employee cannot also be employed by another ALE, or execute a contract with another ALE.

Technical documents drafted by ALEs must meet the following criteria:

- Prospecting reports and all kinds of technical prospecting documents must be prepared under supervision of a geological engineer.
- If prospecting is made via geophysics, prospecting reports must also be signed by a geophysics engineer.
- Operating reports and projects must be prepared under supervision of a mining engineer.
- If operating reports and projects include matters related to other disciplines, engineers for such disciplines must also sign these documents.
- The coordinator must sign all documents which are required to be submitted to the General Directorate.

ALEs must inform the General Directorate within a month about any changes in employees who were indicated when applying for the competence certificate. ALEs must also inform the General Directorate within 10 days about employment terminations for any reason.

If an ALE's majority shares are held by non-engineers, such inconsistency must be eliminated within three months from the date of non-compliance.

ALEs must execute a contract with license holders before providing services. The General Directorate must be informed within a month regarding execution and termination of such contracts. All documents submitted to General Directorate without executing a contract will be deemed invalid.

It is not possible to execute a contract with more than one ALE in the same license field. However, if different exploiters operate and/or prospect within the same license field, then it is possible to execute contract with different ALEs.

Please see this [link](#) for the Regulation (only available in Turkish).

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