

Updates to the Environmental Permit and License Regulation

22 Nov 2021

Amendment Regulation on Electricity Market Licensing Regulation ("**Amendment Regulation**") has been published in the Official Gazette dated 16 October 2021 and numbered 31630, amending various matters including the establishment of electronic permit system and usage of this online system, renewal, cancellation, amendment and application procedure of environmental permits and licenses.

Summary of main changes introduced with the Amendment Regulation are as follows:

- The E-permit system, an online system in which the actions and transactions during the environmental permit and license process will be carried out electronically, is established. Accordingly, notifications made electronically by the administration through E-permit system will be deemed to have been notified to the entities, without the need for a written notification and temporary activity certificate. Environmental permit or environmental permit and license certificate will also be issued through the E-permit system.
- In the renewal applications to be made at the end of the validity period of the environmental permit and license certificates, the entity will be obliged to submit additional information and documents such as the provincial directorate's letter of conformity regarding the fulfilment of the obligations under Zero Waste Regulation, the workflow chart, process summary, the capacity report, and the Environmental Impact Assessment decision.
- Although the validity period of environmental permit and license certificate is not expired, the scope of the changes that occur in the entity and that require the renewal of the relevant certificate was amended.
- For an entity holding environmental permit and license certificate, the obligation to apply to the administration due to the change of its owner, change of shareholder structure or the lease of the entity was abolished. With the amendment, in case of the change of commercial title and tax number, it is obligatory to apply to the administration with a commitment to comply with the environmental permit and license conditions; whereas in case of the change of its owner or shareholder structure, the entities will be obliged to keep the information and documents related to the respective change to be submitted upon the request of the administration.
- In case of disasters such as fire, flood, earthquake, the entity owner will be obliged to immediately inform the provincial directorate. In accordance with the determination report to be prepared by examining the physical conditions on site within the scope of all environmental permit and license issues which the entity is subject to, (i) its temporary activity certificate will be cancelled or (ii) the validity of the environmental permit and license certificate will be re-evaluated. In the investigations and reports regarding the fire occurred in the facility, if it is determined that the fire was deliberately started by the entity (i) the temporary activity certificate or (ii) the environmental permit license certificate will be cancelled. Accordingly, these entities cannot re-apply for a period of three years in order to obtain the respective certificate.
- In case of detection of actions and transactions contrary to the environmental permit or environmental permit and license conditions, the facilities will not purchase waste and engage in waste treatment activities until the non-conformity is corrected within the one-year period granted to the entities by the administration to correct the non-conformity.
- The three-month period related to the obligation to notify the situation causing the termination of the commercial activity to the administration was abolished for corporations holding the temporary activity certificate, environmental permit and license certificate. The administrative fine will be applied to entity that fails to immediately notify administration.
- The list of "entities with a high level of polluting effect on the environment", obliged to obtain an environmental permit and license from the Ministry of Environment and Urbanization, and the list of "entities with a polluting effect on the environment", obliged to obtain environmental permits and licenses from the Provincial Directorates of Environment and Urbanization for their commercial operation were amended.

The full text of the Amendment Regulation is available at this [link](#) (Only available in Turkish).

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