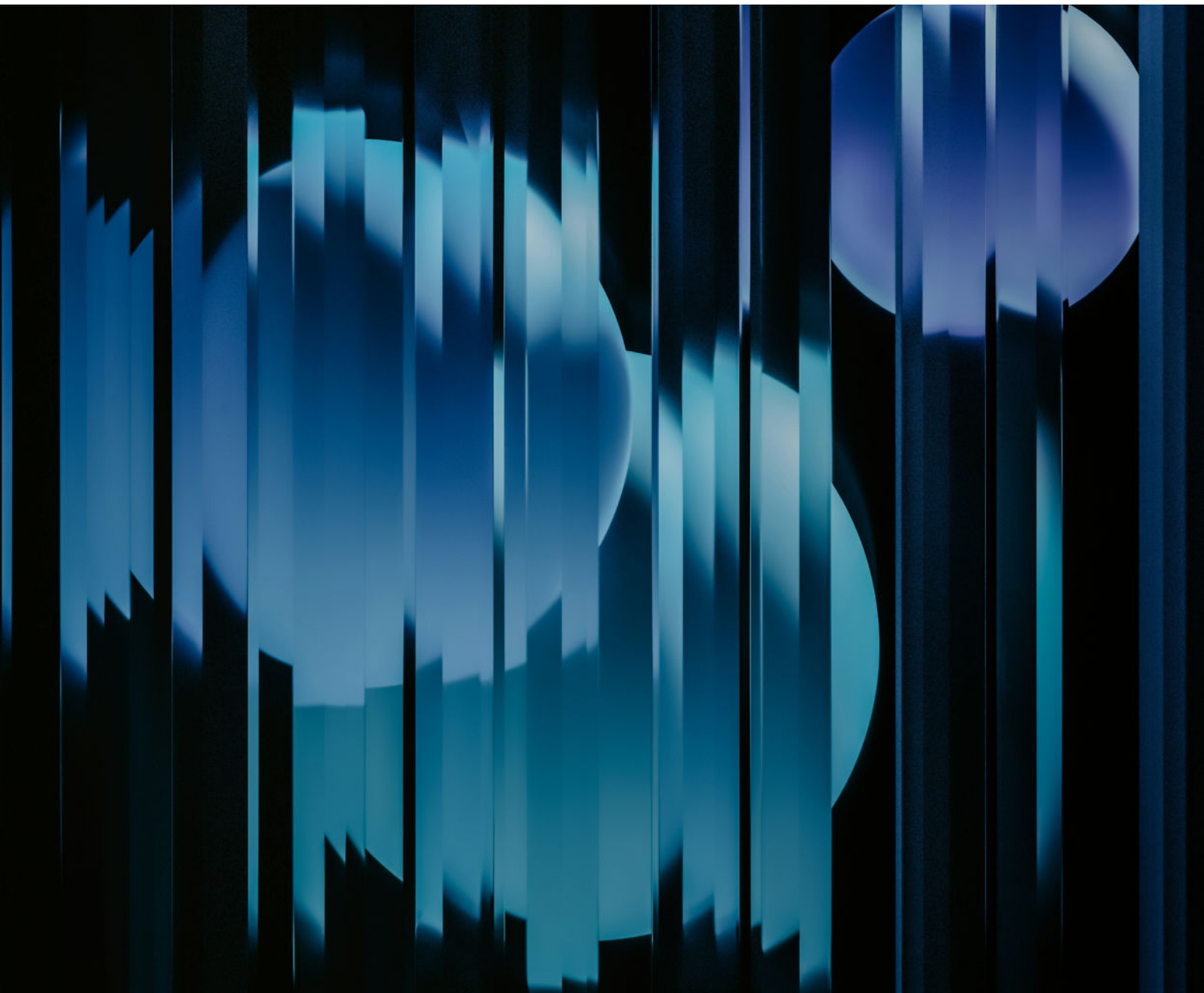
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# New Regulations on Organised Industrial Zones

November 2026



# Introduction

The Regulation Amending the Organised Industrial Zones Implementation Regulation (the "**Amendment Regulation**") was published in the Official Gazette No. 33422 dated 6 November 2026 and entered into force on the date of its publication. The Amendment Regulation introduces significant changes to the Organised Industrial Zones Implementation Regulation (the "**Regulation**") concerning preliminary allocation, allocation, surface rights and leasing.

This newsletter summarises the key changes relevant to industrial investors and transactions involving real estate in organised industrial zones.

# Changes Regarding Preliminary Allocation

Preliminary allocations may now be made in areas where site selection has been finalised within organised industrial zones ("**OIZs**") that have acquired legal personality, with the permission of the Ministry of Industry and Technology (the "**Ministry**"), even before expropriation and infrastructure construction have been completed. The absolute prohibition on the transfer of preliminary allocations has been lifted.

Accordingly, a preliminary allocation may now be transferred in the event of a merger, demerger or change of legal form, as well as in the other circumstances set out in Article 61(3) and (4) of the Regulation. Where a preliminary allocation is cancelled or surrendered, the amount to be refunded and the terms of repayment shall be determined in the preliminary allocation agreement.

# Changes in Shareholding and the 49% Threshold

The Amendment Regulation clarifies that preliminary allocations are also subject to cancellation where changes in shareholding exceeding 49% in aggregate are made without the Ministry's approval.

Furthermore, share transfers below the 49% threshold may also result in the cancellation of a preliminary allocation if carried out for the purpose of transferring that allocation without the Ministry's permission. This should be taken into account in share transfer transactions involving companies holding preliminary allocation rights in OIZs.

# Cancellation of Allocation and Reallocation

Where a participant that has obtained a building permit but has not yet obtained a business opening and operating licence requests an extension of time and the Ministry approves the request, any cancellation of the allocation while the application was under review shall be deemed null and void, provided that there is no legal or factual impediment.

A participant whose allocation has been cancelled due to the expiry of the extended periods under Article 60(2) and (3) of the Regulation may receive a new allocation of the same parcel at the prevailing allocation price without a public announcement, provided that the participant applies before the allocation fee is refunded, the OIZ approves the request and the Ministry grants its approval. No further extension of time under Article 60(3) shall be granted by the Ministry for parcels reallocated in this manner.

## Establishment of Surface Rights

Surface rights may be established over designated areas of parcels owned by the OIZ and subject to preliminary allocation or allocation, in favour of natural or legal persons designated by the holder of the allocation right, subject to the approval of the OIZ board of directors. This option is also available, with the permission of the OIZ board of directors, for industrial parcels owned by participants. However, for vacant parcels owned by participants, the allocation period must still be ongoing, and for allocations made free of charge or partially free of charge, ownership must have been transferred to the participant.

Surface rights established under these provisions shall not be independent and permanent in nature, may not be registered with the land registry as separate immovable property, may not be transferred and may not exceed the allocation period under Article 60 of the Regulation. The participant's obligations shall remain in force, and the participant shall be jointly and severally liable with the beneficiary for any breach of the Regulation by the beneficiary.

## Priority in the Allocation of Adjacent Parcels

Participants that have obtained a business opening and operating licence and commenced production may be granted priority in the allocation of adjacent parcels. Such priority may only be exercised through a tender process, and the allocation shall be made at the tender price. No priority shall be granted where two or more similarly situated applicants apply for the same parcel.

## Leasing of OIZ Facilities

The requirement to wait at least one year after obtaining a title deed free of any annotation of a right of repurchase shall not apply where the participant and the tenant submit a joint application at the allocation stage and this is specified in the allocation agreement. All other leasing conditions shall continue to apply.

## Conclusion and Assessment

The Amendment Regulation provides greater flexibility in structuring industrial investments with respect to the transfer of preliminary allocations, reallocation, leasing and the establishment of surface rights. At the same time, the restrictions on the transfer of allocations and on changes in shareholding have been preserved and clarified in respect of preliminary allocations.

As the Amendment Regulation contains no transitional provision, existing preliminary allocation and allocation agreements should be reviewed in light of the new rules. In particular, **in corporate acquisitions and new investment projects involving OIZ real estate, the allocation and ownership status of the property, the relevant agreements and the required OIZ and Ministry approvals should be assessed prior to the transaction.**

The full text of the Amendment Regulation is available via the link below. Please do not hesitate to contact us should you have any questions.

Amendment Regulation (Official Gazette No. 33422, 6 November 2026)

**GenTemizer** is a Turkish law firm based in Istanbul, Türkiye. We advise various businesses in relation to their investments, M&A, competition law/antitrust, project financing and construction projects as well as on operational and dispute resolution matters in the context of the Turkish regulatory framework. We have also advised investors in relation to government sponsored privatisation projects.

We are listed in *Legal 500, IFLR1000* and *Chambers and Partners* as one of the leading law firms in Türkiye. Each of our partners have also been recognised as one of the leading lawyers in Türkiye. We understand and can meet the demanding requirements and innovative, responsive thinking required for an investment transaction in Türkiye.

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