

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Legal Newsletter



IN THIS ISSUE

2024 Tariff on Payments to be Made to Counsel and Attorneys Assigned Pursuant to the Criminal Procedure Law Published

Rossman Data Breach

Amendments to the Planned Areas Zoning Regulation

Amendments to the Luxury Tent Facilities Qualifications Regulation

Amendments to the Regulation on Administrative and Financial Conditions to be Complied with by Media Service Providers and Platform and Infrastructure Operators

Amendments to the Regulation on the Presentation of Radio, Television and On-Demand Broadcasts via the Internet

And the ongoing regulations...

2024 Tariff on Payments to be Made to Counsel and Attorneys Assigned Pursuant to the Criminal Procedure Law Published

- Official Gazette dated January 13, 2024 and numbered 32428

The tariff entered into force as of 1/1/2024. In this context, in transactions for legal assistance by the Criminal Procedure Law;

a) 2.292,00 TL for the works followed during the investigation phase,

b) TL 3.570,00 for the works followed in criminal judgeships of peace,

c) Criminal courts of first instance:

- TL 3.930,00 for subsequent cases,

- TL 1.641,00 for the works pursued by the expedited procedure,

ç) TL 7.050,00 for the cases pursued in heavy criminal courts,

d) Juvenile courts:

- TL 3,930.00 for the cases pursued in juvenile courts,

- TL 7.050,00 for the cases pursued in juvenile high criminal courts,

e) TL 3,930.00 for the cases pursued in courts such as Enforcement Criminal and Intellectual and Industrial Rights criminal courts and Execution Judgeships,

f) Law remedies courts:

- TL 7,050.00 for trial cases in the regional courts of appeal,

- TL 7,937.00 will be paid for trial cases at the Court of Cassation.

Rossman Data Breach

- *January 18, 2024 dated KVK Board Breach Notification*

Dirk Rossmann Mağazacılık Ltd. reported a data breach that occurred during shopping on its website between December 27, 2023, and January 9, 2024, by Law No. 6698 on the Protection of Personal Data. The breach occurred when the password of an official from a third-party technology company was compromised.

The number of affected individuals and the categories of data have not yet been determined. Interested parties can contact the email and call center for more information. The Board is currently conducting investigations and announced the breach notification on its website with the Decision dated January 18, 2024, and numbered 2024/119.



Amendments to the Planned Areas Zoning Regulation

- *Official Gazette dated January 13, 2024 and numbered 32428*

With the amendments to the Planned Areas Zoning Regulation, issues in the retrofitting license phase of urban transformation have been addressed. It is now possible to apply to the competent authorities for a building license with a retrofitting decision taken by a four-fifths majority of the owners. Additionally, definitions have been added for the construction of skylights on basement floors, with measures taken against flood and water flood risk. Provisional Article 3 exempts risky buildings and buildings for which a notarized construction contract, in return for flats, has been concluded with the majority of the owners from certain provisions.



Amendments to the Luxury Tent Facilities Qualifications Regulation

- *Official Gazette dated January 13, 2024 and numbered 32428*

The amendments to the Regulation on Qualifications for Luxury Tent Facilities aim to ensure environmental compatibility and improve the quality of luxury tent facilities. According to the amendments, tent materials and construction methods must be environmentally friendly and compatible with the natural ecosystem. Additionally, conditions regarding the locations where facilities can be established have been specified, emphasizing that a positive opinion must be obtained from the relevant boards, especially for facilities to be established in protected areas or on parcels where registered cultural assets are located.



Amendments to the Regulation on Administrative and Financial Conditions to be Complied with by Media Service Providers and Platform and Infrastructure Operators

- *Official Gazette dated January 13, 2024 and numbered 32428*

The amendments focus on points such as including internet broadcasting, requiring media service providers to share their information on their websites, determining the amount of paid-in capital in broadcasting license applications for Internet Radio and Television, and setting the minimum amount at TRY 50,000. The amendments also authorize the board of directors to determine the responsible manager, require additional collateral from license transferees, limit license revocation to the termination of the legal entity or a court decision, and reject logo registration applications of revoked organizations.

Amendments to the Regulation on the Presentation of Radio, Television and On-Demand Broadcasts via the Internet

- *Official Gazette dated January 13, 2024 and numbered 32428*

According to the amendments in the said regulation, organizations seeking to obtain an internet broadcasting license are required to declare that they have commenced broadcasting over the internet and to pay the 3-month license fee in advance. During the licensing process, media service providers that meet certain conditions were allowed to broadcast over the Internet. Additionally, the annual payment date for paid broadcasting organizations has been shifted to July, and if the license fee is paid in installments, at least one installment must be paid before obtaining a license certificate. For internet platform operators, fees will continue to accrue until the broadcast transmission authorization is revoked. Fees collected for revoked authorizations can be refunded in proportion to the remaining authorization period.



Amendment to the Radio and Television Supreme Council Cable Broadcasting Regulation

- *Official Gazette dated January 13, 2024 and numbered 32428*

Within the framework of the amendments, the license fee received from organizations whose satellite and cable broadcasting licenses have been canceled will be collected as soon as the cancellation decision is notified, and unpaid installments will also be collected. In line with the requests of organizations that cannot provide satellite broadcasting services due to force majeure, the canceled license fees will be refunded in proportion to the remaining license period. Additionally, organizations that receive a license or broadcast transmission authorization will have to request a technical audit within 6 months from the date of notification of the decision taken after the positive evaluation.



KOSGEB Support Programs Regulation Published

- *Official Gazette dated January 13, 2024 and numbered 32428*

The KOSGEB support programs regulation has been updated, and the previous regulation has been repealed. The newly published regulation includes principles regarding the support programs established by KOSGEB for businesses and entrepreneurs. Support programs will be prepared taking into account development plans, medium-term programs, presidential annual programs, and other top policy documents.

Beneficiaries of the support programs will be obliged to submit the necessary information and documents to the control, audit, and inspection officers. In case of non-compliance, the support process will be suspended, new applications will not be accepted, and if the non-compliance continues, the amount of support provided will be collected with interest. However, it will be possible to apply for new support when the non-compliance is eliminated, and an application is made. Additionally, the President of KOSGEB will decide on the suspension or continuation of the support process in cases of force majeure, such as natural disasters, strikes, epidemics, and acts of terrorism.

Public Announcement on "Requests of Turkish Citizens Living Abroad Regarding the Non-Transfer of Financial Account Data Abroad"

- *KVK Authority Public Announcement dated 17 JANUARY 2024*

The requests of citizens of the Republic of Turkey regarding the transfer of their financial account data abroad by those living abroad were examined based on the Law on the Protection of Personal Data. Within the framework of the provisions of the international convention, it was stated that financial account information was automatically transferred abroad, and the decision taken by the Personal Data Protection Board concluded that such transfers were in accordance with the law. Therefore, the Personal Data Protection Board has decided that the transfer of financial data abroad is in compliance with the law.





Principle Decision on Strengthening of Immovable Cultural Assets in Need of Protection

- *Official Gazette dated January 13, 2024 and numbered 32428*

Due to the earthquake risk in our country, the High Council for the Protection of Cultural Assets has made a principle decision to protect cultural assets, minimize damage to immovable cultural assets, and preserve cultural architecture and urban structure. In this context, it has been decided to safeguard immovable cultural assets without demolishing them. In the repair of cultural assets, it has been determined that projects involving partial basements can be evaluated by the regional board of conservation, provided that a ground survey report is obtained and modern systems that do not alter the registered structure are used. The principle decision also stipulates that precautions should be taken regarding archaeological sites.

2024 Investment Program Published

- *Official Gazette dated January 15, 2024 and numbered 32430 1st Repeated*

The Investment Program for 2024, approved by the President, includes a total allocation of TL 1,006.9 billion for 12,041 projects. The transportation-communication sector has been allocated the highest share in the program, with the education sector ranking second. Of the total allocation, 71.5 percent was allocated to central government budget institutions. TL 510 billion has been allocated to projects for earthquake measures, of which 28 percent has been allocated to education, 23 percent to health and 13 percent to transportation-communication sectors. The program aims to support large investments by focusing on various sectors.



Amendment to the Regulation on Private Hospitals

- *Official Gazette dated January 16, 2024 and numbered 32431*

Within the scope of the amendment, private hospitals can issue patients' rest/incapacity for work reports, medical reports on the use of medicines and medical devices used in the treatment process, and driver/driver candidate medical reports. However, they are subject to the criteria and permissions set by the Ministry. Private hospitals may not issue other reports other than those issued by full-time physicians licensed in the permitted specialties.





Amendments to the Regulation on the Qualifications of Tourism Facilities

- Official Gazette dated January 18, 2024 and numbered 32433

The definition of mobile home has been added to the Regulation. Accordingly, vehicles with a class 02 type approval certificate, designed to be towed by a motor vehicle and arranged as an accommodation unit are considered as mobile homes. In addition to hostels, regulations have been introduced for mobile homes. Restrictions are imposed on the creation of accommodation facilities from mobile homes. Detailed rules have been set for mobile home facilities, regulating various issues from internal arrangements to equipment.

Amendments to the Regulation on Insurance and Reinsurance Brokers

- Official Gazette dated January 18, 2024 and numbered 32433

With the revisions made to the Regulation on Insurance and Reinsurance Brokers, the minimum paid-in capital amounts of brokers were increased. These amounts determined for legal entities and brokers were increased from TL 250,000 to TL 2,500,000, depending on the type of company. In addition, additional paid-in capital amounts were introduced for license requests and the requirement that all share certificates must be registered shares was introduced. The authority to inspect and suspend the activities of brokers was emphasized, and it was stated that the licenses of brokers who do not comply with legal and financial conditions may be revoked.



Decision on Daily Amounts Abroad Published

- Official Gazette dated January 18, 2024 and numbered 32433

Within the scope of the "Decree on Per Diems to be Paid for Travels to the Turkish Republic of Northern Cyprus and the Decree on Per Diems Abroad (Decree No: 8104)", the amount of per diem exempt from income tax for travels to the TRNC has been determined as TRY 919.00, and the amount of per diem exempt from tax for domestic travels for the period 1/1/2024-31/12/2024 has been determined as TRY 480.00. In addition, the information regarding the per diem amounts to be applied in 2024 for employees with a gross monthly income of more than 19.137,36 TL has been added to the Decree as a table.

Although it is not included in the decision, according to the Schedule H (Per Diem and Compensation Amounts to be Paid Pursuant to the Provisions of the Per Diem Law No. 6245) annexed to the 2024 Central Government Budget Law, 480.00 TL of the per diem to be paid to the personnel for domestic travels in the period 1/1/2024-31/12/2024 is exempt from income tax.



Professional Liability Insurance Announcement

With the announcement published by the Public Oversight Accounting and Auditing Standards Authority on 18/01/2024, the issues regarding professional liability insurance and notification to the institution have been explained, and the obligations of those concerned have been expressed. As follows,

Audit firms and auditors are obliged to have professional liability insurance to cover damages arising from their legal liabilities that may occur if the independent audit reports they prepare are contrary to the standards or contain false, incomplete, and misleading information. This insurance should cover all audits starting with the first audit work. Care should be taken to ensure that the insurance covers not only independent audit services but also other services provided. Timely notification, updating, and checking the scope of insurance policies are important steps to avoid administrative sanctions. In this context, attention should be paid to the General Terms and Conditions of Independent Auditor Professional Liability Insurance, and the scope and duration of existing policies should be checked regularly.



Deepfake Fact Sheet Released

The Deepfake Information Note was published by the Personal Data Protection Authority on 19/01/2024 to provide a better understanding of deepfake technology, which is derived from the words deep learning and fake, meaning deep fiction or deep fake.

The information note includes information on the definition of Deepfake, what it is used for, the threats it poses to personal data, how it can be detected, and what individuals and organizations can do against this technology.

Definition and Function: Deepfake refers to fake videos, audio recordings or other media content produced using deep learning techniques. This technology aims to create realistic and manipulative content, usually by replacing a person's face and voice with the face and voice of another person.