

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Legal Newsletter



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Capital Markets Board (CMB) Issued a Press Release Regarding Sustainability and Responsible Governance Principles

The CMB has announced the Principles of Responsible Management for securities investment funds established by asset management companies. These principles aim to foster the long-term sustainability of investee companies and generate benefits for the economy, environment, and society. Key aspects of the Principles include monitoring, interaction, cooperation, the exercise of voting rights, and consideration of environmental, social, and governance (ESG) factors.

Asset management companies are not mandated to formulate policies in line with the "Comply or Explain" principle. However, if they choose not to do so, they must provide explanations for their decision by a specified date. This regulation seeks to ensure that asset management companies embrace a responsible and transparent approach in their operations.

Communiqué on Building Approximate Unit Costs for 2024 to be used in the calculation of Architectural and Engineering Service Fees

- Official Gazette dated February 20, 2024 and numbered 32466, Communiqué



Following the Architectural and Engineering Services Specification, the Building Approximate Unit Costs for 2024, utilized in the computation of architectural and engineering service fees, have been recalibrated, considering the class of the building that serves as the foundation for architectural services. The Communiqué specifies that the architectural and engineering services specification will apply to similar buildings, and adjustments in building class or group will be based on previous communiqués. Moreover, in cases of uncertainty, building costs will be calculated using the Unit Prices of the Ministry of Environment, Urbanization, and Climate Change. However, land, landscaping, and infrastructure expenses will not be factored into determining building costs.

Communiqué on the Evaluation Coefficients of Contractor's Certificates and Work Completion Certificates Used in Construction, Installation and Repair Works Tenders for the Year 2024



- Official Gazette dated February 20, 2024 and numbered 32466, Communiqué

According to the Regulation on Participation in Tenders for Construction, Installation, and Repair Works, valid contractor certificates will be evaluated based on specific coefficients for contractors to participate in tenders. In this regard:

- Contractor certificates valid between 1/3/1981 and 28/2/1982 will be multiplied by 470.403183, provided that the group remains the same.
- Contractor certificates dated between 1/3/1982 and 31/12/1982 shall be multiplied by 391.131537, provided that the group remains the same.
- To assess work completion certificates and contractor certificates, the coefficients specified in the communiqué will be applied, effective from 1/1/2024.

Amendment to the Implementing Regulation on Building Materials and Soil Laboratories

- Official Gazette dated February 22, 2024 and numbered 32468, Regulation



According to the amendments made to the Regulation:

- Contractors will be responsible for covering the costs associated with monitoring concrete tests. However, other tests are encompassed within the building inspection service fee.
- Building inspection organizations will be required to document and invoice the tests requested from contractors.
- No supplementary fee will be levied for tests conducted within the scope of the Electronic Concrete Monitoring System.
- Additional laboratory permits will be issued specifically for damaged buildings following earthquakes.

Amendment to the Communiqué on Monitoring and Supervision of the Processes of Sampling, Testing, Reporting and Monitoring of Fresh Concrete for Buildings Inspected under the Law No. 4708 on Building Inspection

- Official Gazette dated February 22, 2024 and numbered 32468, Communiqué



According to the Regulation amendments:

- Adjustments have been implemented in the procedures and monitoring of concrete tests within the building inspection process.
- Updates have been made to delineate the responsibilities and operational procedures between building inspection organizations and contractors.
- Pricing and technical specifications about laboratory services have been restructured.
- Temporary provisions regarding the utilization of laboratory equipment and services have been introduced.

Decision on Increasing the Rate of Unemployment Insurance Fund Revenues to be Used for the Purposes Specified in the Seventh Paragraph of Article 48 of the Unemployment Insurance Law No. 4447

- Official Gazette dated February 23, 2024 and numbered 32469, Presidential Decree No. 8188



To enhance workforce employability, mitigate the risk of unemployment through skill enhancement, and facilitate the redirection of individuals potentially impacted by technological advancements, measures are taken and implemented to boost and safeguard employment. These measures include providing job placement and counseling services. In line with this, the proportion of the previous year's premium revenues of the Unemployment Insurance Fund earmarked for labor market research, planning studies, and payments related to the financial and social rights of contracted personnel and agency staff has been raised from 30% to 50% for the year 2024.

Regulation on Koç University Next Generation Communication Application and Research Center has been published

- Official Gazette dated February 23, 2024 and numbered 32469, Regulation

The aim of the Center, which was established within the scope of the Regulation, is to conduct interdisciplinary research on next-generation communication technologies, contribute to the education of students, organize meetings at national and international levels, and carry out projects to develop technology in cooperation with industry. Its fields of activity are to conduct advanced research, support the education of students, and carry out applied projects in cooperation with industry.

Second Issue of the Competition Authority's "Competition Newsletter" Published



The magazine features 58 investigations concluded in 2023, resulting in a total fine of TL 2.3 billion. Emphasis is placed on opening the market to competition. Additionally, 6 investigations were resolved through agreements with companies like Obilet, Krea, and Sahibinden. Currently, work is underway on 45 investigations, with 35 initiated in 2023. Apart from investigations, the magazine also covers legislative studies, final examinations, sector research, and important news.

Investigation by the Competition Authority on Nestle Türkiye Gıda Sanayi A.Ş. Concluded



Following an investigation conducted by the Competition Authority, it was found that Nestle's distributors violated Article 4 of the Law on the Protection of Competition by establishing resale prices and enforcing regional/customer restrictions. Furthermore, it was concluded that these practices could not be exempted under the Group Exemption Communiqué on Vertical Agreements, and individual exemptions could not be granted. Consequently, the company was issued an administrative fine of TL 346,911,505.44 in accordance with legal regulations.

Decision on Granting Aid for Construction within the Scope of Urban Transformation Practices to be Conducted in Istanbul

- *Official Gazette dated February 23, 2024 and numbered 32469, Presidential Decree No. 8189*



This decision aims to provide construction assistance, including grants, loans, and eviction support, in urban transformation practices to be carried out in Istanbul. Here are the main provisions:

- After obtaining the license and establishing the condominium easement on the parcel where the risky building is located, construction assistance can be provided to existing residences and workplaces for new buildings.
- The number of new buildings on the parcel with the risky structure cannot exceed one and a half times the number of independent sections of the existing structure to be eligible for grant support.
- Construction aid cannot be obtained if a new building license was obtained before 1/4/2023 on the parcels with the risky building.
- The list of cooperative members and the number of existing independent sections are used as the basis for cooperatives eligible for construction assistance.
- Grants up to 700,000 TL for housing and 350,000 TL for workplaces can be given to beneficiaries.
- Evacuation support of 100,000 TL can be provided to those residing in the independent section.
- Grants and loans are paid in three equal installments based on the level of construction progress.
- Loan repayments are completed in 120 months following the grace period.
- The income and credit score of beneficiaries are not considered.
- The Presidency establishes a mortgage equal to the loan amount.
- If the parcel is unsuitable for construction assistance, it can be used on another parcel with the consent of the beneficiaries.
- The grant commitment letter and loan agreement for construction assistance can be made until 31/12/2026 within the budget facilities of the Istanbul Transformation Campaign Financing.

Decision on Supporting the Efficient Use of Agricultural Land

- *Official Gazette dated February 23, 2024 and numbered 32469, Presidential Decree No. 8194*



This Decision supports investment projects aiming to convert areas unsuitable for agriculture into productive agricultural land, effective from January 1, 2024, to December 31, 2024. Grant payments will be allocated to the following projects:

- Bringing uncultivated or fallow lands into agricultural production.
- Increasing the production of oilseed crops, legumes, cereals, and vegetables, considering climate change.
- Enhancing the production of high-value crops on lands not suitable for conventional agriculture.
- Implementing technical practices to enhance the productivity of plant species within their natural ecology.

Grant rates are capped at a maximum of 75% of the total project cost. Payments will be disbursed from the capital transfers appropriation allocated to the Ministry's Crop Production Development Project sub-project.

Bezm-i Alem Vakıf University Phytotherapy Education Application and Research Center Regulation was published

- Official Gazette dated February 19, 2024 and numbered 32465, Regulation



The objectives of the research center encompass education, research, application, and consultancy activities within the domain of phytotherapy. In this context, the proposed research center aims to undertake various initiatives, including the establishment of a collection of standardized herbal drugs relevant to phytotherapy, setting up a comprehensive library, developing educational materials, and procuring raw materials derived from medicinal plants.

Amendment to the Communiqué on Principles Regarding Licensing and Registry for Those Active in Capital Markets

- Official Gazette dated February 20, 2024 and numbered 32466, Communiqué



Those who have completed three years of service as assistants in investment institutions but were not eligible for a license were originally permitted to continue working as assistants until January 31, 2024. However, with the amendment, this period has been extended until January 31, 2025.

Koç University Hydrogen Technologies Application and Research Center Regulation Published



- Official Gazette dated February 20, 2024 and numbered 32466, Regulation

The objectives of the research center encompass the production of sustainable and environmentally sensitive technological knowledge within the realm of hydrogen technologies. These objectives entail conducting education and research initiatives, fostering industrial collaborations, and facilitating scientific publications. Key areas of activity include hydrogen production, storage, transportation, and fuel cell technology, as well as engaging in industrial collaborations and educational and training activities.