

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Amendment to the Communiqué on Compulsory Personal Accident Insurance Tariff and Instruction for Mine Employees

- *Official Gazette dated 19 March 2024 and numbered 32494, Communiqué*

With the amendments made in the Communiqué:

- The coverage provided to the disabled and deceased in accidents that may occur in covered mines has been increased from 150 thousand TL to 1 million TL.
- The annual premium paid per person by mining companies to covered employees was increased from TL 700 to TL 4,675.
- The amount compulsorily reinsured by the Special Risks Management Centre was increased from TL 1.5 million to TL 10 million.
- The fees of loss adjusters and experts serving in risk review committees were increased at the same rate as the premium, and the current lump sum amounts for risk review committee fees were determined.
- Risk investigation reports were made accessible to the relevant administrations, thus enabling the relevant administrations to follow up the reports on minimum insurance conditions.

These amendments contributed to the holistic supervision of mining enterprises.

Turkey's Carbon Capture, Utilisation and Storage Potential Report Published



The "Turkey's Carbon Capture, Utilisation, and Storage Potential" report, which was shared with the public at an event held by the Resource, Environment, and Climate Association (REC) in Istanbul on March 20, 2024, was presented.

The report contains comprehensive findings on Turkey's potential for Carbon Capture, Utilisation, and Storage (CCUS), as well as barriers to the implementation and development of CCUS technology in Turkey and recommendations for overcoming these barriers.

Additionally, the report assesses the status of CCUS technology worldwide and contributes to our understanding of Turkey's position in this field by providing examples from other countries.

This study is an important resource in identifying Turkey's potential and future steps in reducing carbon emissions and combating climate change.

The Constitutional Court ruled that Article 17 of the Social Security and General Health Insurance Law is Unconstitutional

- *Constitutional Court Decision E.2021/61 K 2024/31*



In his petition, the applicant argued that social security is a right for individuals and a duty for the state. They contended that the regulation concerning workers seeking temporary incapacity allowance due to illness and maternity was contrary to the principle of equality. Additionally, they argued that imposing an upper limit on this allowance for workers with low working hours violated the Constitution.

As a result of the trial conducted by the Constitutional Court, it was ruled that the phrase "three months" in the first paragraph of the amended first paragraph and subparagraph b of the third paragraph of Article 17 of Law No. 5510 should be removed from the text of the law. Furthermore, the phrases "in case of illness and maternity" and "in case of maternity and illness, in the twelve months preceding the date of the onset of incapacity for work" were ordered to be canceled.

In the reasoning of the Court, it was stated that the reduction in the number of allowances in cases of maternity and sickness would adversely affect the insured who comply with the rules but are at risk. It was argued that the rules do not provide the necessary guarantees to prevent abuse, and this situation was deemed unfair and contrary to Articles 13 and 60 of the Constitution.

Regulation on the Operation of the Revolving Fund of the General Directorate of Mint and Stamp Printing House

- Official Gazette dated 22 March 2024 and numbered 32497, Regulation



This regulation outlines the procedures and principles governing the operation of the revolving capital of the General Directorate of Mint and Stamp Printing House. A capital of 150 million Turkish Liras has been allocated, comprising the ministry budget, Treasury aids, revenues from revolving capital activities, donations, and differences arising from the valuation of precious metals. The budget includes revenue and expenditure estimates for the fiscal year and is prepared according to specific principles. Purchase and sale transactions are conducted by the Public Procurement Law, and the regulation also outlines the process for reintroducing precious metals, which have become treasury property, into the economy.

Amendment to the Regulation on the Establishment Procedures and Principles of Agricultural Producer Associations

- Official Gazette dated 20 March 2024 and numbered 32495, Regulation



Amendments were made to the Regulation published in the Official Gazette dated 16/1/2005 and numbered 25702. Products and product groups related to aquaculture were determined. Minimum production capacities for marine and inland aquaculture were determined separately. While the minimum annual production capacity for marine aquaculture was determined as 300 tonnes, this amount was reduced to 80 tonnes for inland aquaculture.

Regulation on Those Conducting Trials for the Approval of Plant Protection Products

- Official Gazette dated 20 March 2024 and numbered 32495, Regulation



The Regulation mandates that authorized legal entities or organizations conduct trials for the approval of plant protection products. The General Directorate of Food and Control has established a system for conducting these trials and recording the results. Additionally, organizations with existing trial authorization are required to renew their certificates within one year, and the previous regulation has been repealed.

Amendment to the Communiqué on Maximum Interest Rates Applicable to Credit Card Transactions

- Official Gazette dated 16 March 2024 and numbered 32491, Communiqué



The Communiqué on Maximum Interest Rates Applicable to Credit Card Transactions has been amended. The phrase "131" in Article 4 of the Communiqué has been changed to "189". Additionally, a temporary article has been added, and the rates calculated within the framework of this amendment will be announced and applied by the Central Bank, valid between 16/3/2024 and 31/3/2024.

Regulation on Plant Production Registration System in Closed Environment

- Official Gazette dated 16 March 2024 and numbered 32491, Regulation



The purpose of this Regulation is to govern the use, updating, monitoring, and development of the Indoor Crop Production Registration System (KOBÜKS) for registering plant production in controlled closed environments. Procedures and principles regarding the registration, updating, monitoring, and reporting of indoor crop production areas are determined within this context.

Based on the Agricultural Law and the Decree on the Organisation of the Presidency, the Regulation defines various terms and their meanings, including low tunnel, Ministry, GIS officer, farmer certificate, e-Government Gateway, additional unit, General Directorate, provincial/district exploration commission, provincial/district directorate, provincial/district arbitration commission, provincial/district determination commission, provincial system officer, monitor, KPS, greenhouse, system, system officer, system administrator, contracted production, TAKBIS, producer, and vegetation period.

In the Implementation Principles section, issues such as the units responsible, information and documents required from producers for registration in the system, application procedures for producers, registration, update, and control procedures in the system, exclusion of producers and areas from registration, and the duties of provincial/district directorates are regulated. Additionally, the duties and responsibilities of various personnel such as the system officer, system administrator, provincial system officer, data entry officer, GIS officer, and the duties of provincial/district determination commissions are outlined.

Communiqué on the Dissemination of the Use of Green Cement with Low Carbon Emission in Public Procurement Contracts

- Official Gazette dated 16 March 2024 and numbered 32491, Communiqué

The purpose of this Communiqué is to encourage the use of green cement (CEM II, CEM III, CEM IV, CEM V, and similar) with lower clinker ratio and carbon emission, which stand out with their environmental impacts, technical superiorities, and cost advantages, instead of CEM I-Portland cement and to define the limitations in public works contracts and tenders for the procurement of goods containing cement. According to the implementation, the clinker/cement ratio will be kept at a certain level between the dates specified in public works contracts and tenders for the procurement of goods containing cement. These ratios are determined by considering environmental sustainability and technical superiority.

Amendment to the Main Regulation of the Chamber of Agricultural Engineers of the Union of Chambers of Turkish Engineers and Architects

- Official Gazette dated 18 March 2024 and numbered 32493, Regulation

Changes made to the Turkish Chamber of Agricultural Engineers' Main Regulation include the following:

- Number of Delegates: In provinces where the number of delegates is up to five, one delegate is elected, while in provinces with more than five delegates, a number of reserve delegates equivalent to twenty percent of the delegate count for the Chamber General Assembly are selected. Additionally, for the TMMOB General Assembly, a number of reserve delegates equal to twenty percent of the current delegate count are designated.
- Candidate Limitations: Individuals elected to branch or provincial representation boards cannot run as candidates for management, audit, or honorary boards.
- Election Oversight: Elections in provincial representations with two or fewer delegates are conducted under observer supervision by the Central Office or a designated branch.

Amendment to the Regulation on Partial Payment in the Private Pension System

- Official Gazette dated 21 March 2024 and numbered 32496, Regulation



The Regulation amended the "Regulation on Partial Payment in the Private Pension System". Article 13 of the Regulation was amended, and the effective date was postponed from 26 March 2024 to 1 July 2024. With this amendment, issues such as the application process for participants in the private pension system to exercise their right to partial payment, situations where payment can be received, and the calculation and payment of the state contribution are regulated.

4.7 Million TL Daily Administrative Fine to Meta by the Competition Authority



In the investigation initiated by the Authority against Meta in 2021, it was determined that Facebook, Instagram, and WhatsApp data were combined, making it difficult for competitors to operate. An administrative fine of 346,717,193.40 TL and obligations for market competition were imposed. When Meta's suggestions were found insufficient, a daily penalty of 4,796,152.96 TL was imposed. Re-approval from users and a transparent approval screen were requested. The penalty will be applied until the obligations are fulfilled.

Temporary Injunction Decision to Meta by the Competition Authority



META Platforms, Inc. (META) was granted a temporary injunction on suspicion of abusing its dominant position by combining the Threads and Instagram apps. This was done out of concern that combining user data without their consent could cause irreparable harm. META's long-standing presence and large user base make competition difficult. Therefore, data transfer between Instagram and Threads will be temporarily blocked.

The Investigation Conducted by the Competition Authority on Oriflame Kozmetik Ürünleri Ticaret Limited Company Concluded



The investigation on whether Oriflame Kozmetik Ürünleri Ticaret Limited Company violated Article 4 of the Law on the Protection of Competition by determining the resale price of its resellers, restricting internet sales, and restricting customers was completed. The Competition Board finalized the investigation with an undertaking for the allegations of restriction of internet sales and customer restriction, and with a settlement for the allegation of determination of resale price. The reasoning of the decision will be communicated later and the judicial remedy will be open.