

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Public Announcement by the Personal Data Protection Authority on Draft Documents on Standard Contracts and Binding Corporate Rules

The Personal Data Protection Authority ("Authority") published a public announcement on 17/05/2024 regarding the draft documents on standard contract and binding corporate rules. Within the scope of the public announcement;

- With the amendments made to the Law on the Protection of Personal Data, it is stipulated that the procedures and principles regarding the transfer of personal data abroad will be determined by regulation;
- In line with the relevant provision, the Authority submitted the "Draft Regulation on the Procedures and Principles Regarding the Transfer of Personal Data Abroad" for public opinion;
- This time, within the scope of the decision of the Personal Data Protection Board dated 16/05/2024 and numbered 2024/763; it has been stated that the draft documents containing the standard contract and binding company rules, which are envisaged as appropriate assurance methods for the transfer of personal data abroad, have been submitted for public opinion and that the opinions and evaluations should be sent to the e-mail address aktarim@kvkk.gov.tr until 27/5/2024.

Decision on the Excess Damage Support to be Committed by the State to the Agricultural Insurance Pool

- Official Gazette dated May 11, 2024 and numbered 32543, Presidential Decree



These amendments provide a certain amount of excess of loss support for the loss premium rates of risks that cannot be transferred to national and international markets in agricultural insurance contracts concluded through 2024. The support rates differ according to the risk's carrying shares on the Agricultural Insurance Pool and insurance companies. In case of need, this support amount will be covered by the budget of the Ministry of Agriculture and Forestry.

Amendment to the Regulation on the Qualifications of Tourism Facilities

- Official Gazette dated May 11, 2024 and numbered 32543, Regulation



These amendments regulate the qualifications and conditions of use of tourism facilities. Firstly, the amendments stipulate that the title deeds of accommodation facilities for tourism purposes shall be annotated with a note stating that these facilities cannot be used for other purposes and that timeshare, condominium or condominium ownership cannot be established. Secondly, it is stated that accommodation facilities will be considered as independent sections, but timeshare and similar rights cannot be established, and it is emphasized that applications including such rights will not be accepted. Thirdly, it states that certain open space arrangements can be made in the complementary areas of tourism facilities located on public immovable properties

Procedures and Principles Amending the Procedures and Principles on the Procurement of Goods and Services for the Repairs and Restorations of Foundation Cultural Assets and Landscaping

- Official Gazette dated May 11, 2024 and numbered 32543, Presidential Decree

This amendment allows for incremental price differential calculation and extension of time for restoration and construction works awarded before March 1, 2023 and ongoing as of December 28, 2023. According to the Presidential Decree dated January 15, 2024, contractors can calculate incremental price differential in their contracts and apply within 30 days to receive a time extension of up to six months. These regulations will also be implemented based on the relevant legislative provisions of the Public Procurement Authority.

Trade and Economic Partnership Agreement between the Government of the Republic of Turkey and the Government of the State of Qatar

- Official Gazette No. 32545 dated May 13, 2024, 1st Repeated, International Treaty



The objectives of this Agreement are to enhance economic cooperation between the Parties and raise the standard of living of their peoples; to promote the growth of bilateral trade through the harmonious development of economic relations; to contribute to the harmonious development and increase of world trade by removing barriers to trade in goods and services; to promote and facilitate electronic commerce between the Parties, to create an environment of trust and confidence and to ensure fair conditions of competition in trade.

Competition Authority Fines GOOGLE Daily for Failure to Fulfill Obligations



In its decision dated 08.04.2021, the Competition Board determined that Google had a dominant position in the general search services market and distorted competition in local search and accommodation price comparison services. Therefore, Google was imposed an administrative fine of TRY 296,084,899.49 million. The Board imposed obligations on Google to provide non-disadvantageous conditions. However, it was revealed that Google did not implement the new designs in its local search services. This resulted in Google being imposed a daily administrative fine of five thousandths of its 2023 gross revenues for each day.

Presidential Circular No. 2024/6 on the Protection and Strengthening of the Family

- *Official Gazette dated May 15, 2024 and numbered 32547, Circular*

Vision Document and Action Plan for the Protection and Strengthening of the Family (2024-2028)" was prepared under the coordination of the Ministry of Family and Social Services. The document adopts a holistic approach to protecting and strengthening the family and proposes various measures to this end. These include the establishment of a Coordination Board for the Protection and Strengthening of the Family, the establishment of a "Provincial Coordination Board for the Protection and Strengthening of the Family" at the local level and the preparation of Annual Activity Plans. For the implementation of this document, relevant ministries and institutions will cooperate and strive to achieve its objectives.

Bill on Amendments to the Capital Markets Law Submitted to Parliament



In summary, the amendments to the Capital Markets Law No. 6362 regulate the definition and regulation of crypto assets by authorizing the Capital Markets Board. Crypto asset service providers are required to obtain authorization, and their activities and establishment principles have been determined. The CMB is authorized to regulate the principles of transactions such as trading, custody, and share transfers of crypto-assets, and to supervise and sanction service providers. In addition, measures will be taken against unauthorized capital market activities conducted over the Internet and the activities of crypto asset service providers will be supervised. With these regulations, criminal sanctions and responsibilities for crypto asset service providers have been determined, and certain application processes have been stipulated for those who wish to start their activities.

Law Amending the Mining Law and Certain Laws

- *Official Gazette dated May 15, 2024 and numbered 32547, Circular*

These amendments update the Mining Law by making adjustments to mining licensing and reporting requirements; allow the establishment of renewable energy plants in coastal and water areas; introduce new regulations on natural gas liquefaction and LNG facilities; regulate the support and licensing processes for renewable energy projects; establish support and procedures for energy efficiency projects; and provide for meeting electrical energy demands in times of emergency. It also includes provisions on the transfer of insurance liability for the transportation of nuclear materials.

Regulation on Meteorological Services Provided in the Field of Air Navigation

- Official Gazette dated May 11, 2024 and numbered 32543, Regulation



This Regulation sets out the principles and procedures of civil aviation meteorology services provided in Turkish airspace. It covers relevant parties such as airport operators, aviation businesses, cockpit crews, air traffic service units, search and rescue elements, air navigation service providers, Meteorological Authority, Service Provider and Directorate General of Civil Aviation. Meteorological services are the responsibility of the Meteorological Authority and are provided under the ISO 9001 quality management system. The Regulation is based on relevant international and national legislation and covers issues such as coordination and delegation of tasks, provision of meteorological information to aviation businesses, air traffic service units and search and rescue elements. Compliance with international standards is ensured by the Meteorological Authority and the Directorate General.

Amendment to the Tender Regulation of the Union for Providing Services to Villages

- Official Gazette dated May 14, 2024 and numbered 32546, Regulation

According to the provisional article added to the Tender Regulation of the Union for Providing Services to Villages, for the construction works tendered before 1/3/2023 and ongoing as of 28/12/2023, an incremental price difference will be calculated for the parts realized during 2024 and an extension of time not exceeding six months can be granted to the contracts. For the time extension request, the contractor must make a written application to the administration within 30 days. Provisional Article 7 of the Public Procurement Contracts Law No. 4735 shall apply in other matters.

Amendment to the Regulation on Unlicensed Electricity Generation in the Electricity Market

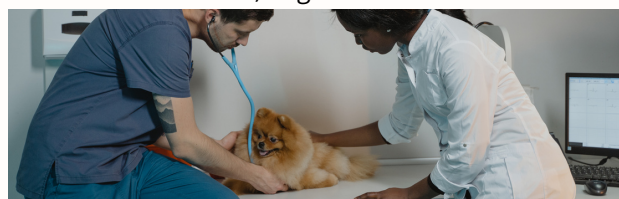
- Official Gazette dated May 14, 2024 and numbered 32546, Regulation



Amendments to the Regulation on Unlicensed Electricity Generation in the Electricity Market include issues such as the inclusion of the consumption of temporary subscriptions in offsetting, non-return of documents in electronic applications, extension of time for applications based on wind energy, extension of the period given to connection agreements and power limitations. In addition, new regulations have been introduced such as the periods required for the start of investment for generation facilities to be connected to the grid, pricing in monthly offsetting transactions, regulations on consumption facilities and transitional provisions.

Communiqué on Procedures and Principles Regarding the Collection of Fees and Application Fees for Veterinary Biological Products and Animal Identification Tools

- Official Gazette dated May 14, 2024 and numbered 32546, Regulation



The Communiqué contains a detailed regulation on the use of veterinary biological products and animal identification tools. The Communiqué addresses many issues such as which organizations have responsibilities, how application fees will be collected and associated with agricultural supports, how registration procedures will be carried out and which systems will be used in this process. It also includes practical details such as offsetting procedures, issuance of payment invoices, issuance of deduction invoices and cases where offsetting approval is not given. The Communiqué is an important guide for the regular and effective provision of veterinary services.