WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter

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The Regulation on the Procedures and Principles Regarding Short-Time Working and Short-Time Working Allowance Has Been Published

- *Official Gazette dated June 11, 2024 and numbered 32573, Regulation*

The regulation aims to establish the procedures and principles for granting short-time working allowances to insured employees under the Unemployment Insurance Law in cases where working hours are significantly reduced or work activities are completely or partially halted due to a general economic crisis, sectoral or regional crisis, general pandemic, or compelling reasons.

The regulation covers aspects such as the employer's request for short-time working, the evaluation of this request, the conditions for the short-time working allowance, the amount and duration of the allowance, and the employer's obligations for notification and record-keeping.

The short-time working allowance is paid to the insured employee if the employer's request for short-time working is approved, the employee has been subject to an employment contract for the last 120 days, and has worked at least 450 days as an insured employee and paid unemployment insurance premiums in the last three years.

The amount of the allowance is calculated based on the employee's earnings subject to premiums in the last twelve months and cannot exceed a certain upper limit.

The regulation will come into effect on March 1, 2024, and will be implemented by the Minister of Labor and Social Security.

The Regulation on the Revolving Fund Management of the Center for Labor and Social Security Training and Research Has Been Published

- *Official Gazette dated June 12, 2024 and numbered 32574, Regulation*

The published regulation governs the activities of the Revolving Fund Management of the Center for Labor and Social Security Training and Research. It outlines the purpose and scope of the enterprise, its fields of activity, sources of income, expenditures, and administrative and financial procedures.

The regulation is prepared based on Article 96/Ğ of Presidential Decree No. 1 on the Presidential Organization. In the definitions section, terms such as Minister, Ministry, President, Vice President, Enterprise, and Center are defined.

The fields of activity of the enterprise include providing training services, conducting research, offering consultancy services, issuing documents, organizing publication and certification activities in Turkish and foreign languages, and organizing national and international events.

The enterprise's capital is composed of allocations from the Ministry's budget, donations, and profits generated from revolving fund activities.

In the section on management and personnel, the regulation explains how the enterprise's services will be conducted and specifies positions such as the spending authority, enterprise manager, accounting officer, and income and expenditure realization officers.

The section on financial transactions and auditing details the enterprise's accounting procedures, expenditure documents, and audit processes.

The regulation will come into effect on the date of its publication and will be executed by the Minister of Labor and Social Security.

The Competition Board Imposed an Administrative Fine of 482 Million TL on Google

In its decision dated 08.04.2021 and numbered 21-20/248-105, the Competition Board found that Google held a dominant position in the general search services market and distorted competition by favoring its own local search and accommodation price comparison services. Consequently, an administrative fine of 296,084,899.49 TL was imposed.

The Board also imposed an obligation on Google to provide equal conditions to rival local search and accommodation price comparison services on its general search results page.

To comply with these obligations, Google presented new designs related to local search services. In the meeting dated 21.03.2024, the Board decided to monitor these designs for a period of three months. However, it was found that Google did not implement these designs for hotel queries. As a result, the Board decided to impose an administrative fine for each day of non-compliance under Article 17 of Law No. 4054.

Google implemented the designs for hotel queries as of 21.05.2024, thus completing the process. Accordingly, the Board terminated the daily administrative fines as of 21.05.2024 and imposed a total fine of approximately 482 million TL.

The Communiqué on the Conversion of Foreign Exchange Funds Sourced from Abroad by Companies into Turkish Lira Has Been Published

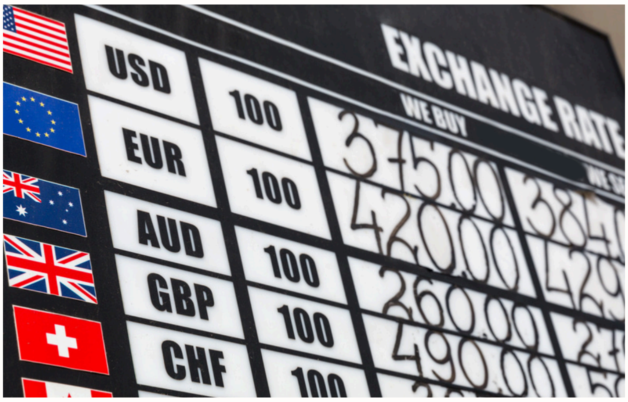
- *Official Gazette dated June 8, 2024 and numbered 32570, Regulation*

The Communiqué on Supporting the Conversion of Foreign Exchange Funds Sourced from Abroad by Companies (No: 2023/5), published in the Official Gazette dated January 26, 2023, and numbered 32085, has been amended as follows:

Article 1 has been revised to regulate the conversion of foreign exchange funds sourced from abroad, as determined by the Central Bank, into Turkish Lira and the procedures and principles for the support provided to companies during this process.

Additionally, subparagraph (d) of Article 3 has been expanded to include foreign exchange amounts earned from services provided to foreigners within the definition of foreign exchange sourced from abroad.

Article 5 has been repealed. According to the amendments added to Article 6, if the commitment not to purchase foreign exchange is not fulfilled, or if it is determined that the foreign exchange conversion support has been misused, the support amounts will be reclaimed from companies along with the positive exchange rate difference accrued during the relevant period and the interest calculated at the highest interest rate announced by the Central Bank.



Furthermore, companies that fail to fulfill their commitments will be ineligible for credits and supports sourced from the Central Bank for specified periods. This Communiqué will enter into force upon its publication date, and its provisions will be administered by the President of the Central Bank of the Republic of Turkey.

Changes Have Been Made to the Regulation on Publishing Service Procedures and Principles

- *Official Gazette dated June 13, 2024 and numbered 32575, Regulation*

Changes have been made to the Regulation on Procedures and Principles Regarding Broadcasting Services, published in the Official Gazette dated 2/11/2011 and numbered 28103. According to these amendments:

The symbol system will only be used in program types other than sports competitions, religious ceremonies, and commercial communication broadcasts. In live broadcasts, pre-recorded images will be subject to encoding if used; however, live images that are not recorded will not undergo encoding.

Series, news bulletins, and other programs will be organized for encoding either as blocks or separately based on content differences. In news programs, encoded symbols will be displayed fixed on the screen throughout the program and after each interruption.

The regulation will come into effect upon its publication date and will be implemented by the Radio and Television Supreme Council (RTÜK).

The Communiqué Regarding the Circulation of Coins Valued at 5 TL Has Been Published

- *Official Gazette dated June 8, 2024 and numbered 32570, Notification*

The Communiqué has been published regarding the issuance of coins valued at 5 TL under the scope of Law No. 1264 dated May 28, 1970, administered by the General Directorate of Minting and Stamp Printing under the Ministry of Treasury and Finance.

Coins valued at 5 TL will be put into circulation following the publication of this Communiqué. The Communiqué will come into effect on the date of its publication, and its provisions will be administered by the Minister of Treasury and Finance.

Changes Have Been Made to the Regulation on the Physical Protection of Nuclear Facilities and Nuclear Materials

- *Official Gazette dated June 11, 2024 and numbered 32573, Regulation*

The "Regulation on the Physical Protection of Nuclear Facilities and Nuclear Materials" dated May 22, 2012 has been renamed to "Regulation on the Physical Protection during the Transport of Nuclear Materials."

The scope of the regulation has been limited to include only protection measures to be taken during the transport of nuclear materials, excluding safety measures related to nuclear facilities. The regulation is prepared based on the Nuclear Regulatory Law and relevant Presidential Decrees, and definitions of terms such as "nuclear security" and "Design Basis Threat (DBT)" have been updated.

Article 9 of the regulation pertains to the establishment and functioning of the DBT Commission. The Commission prepares, evaluates, and updates threat documents related to the transport of nuclear materials as necessary.

Additionally, it mandates mandatory exercises before the transport of Category I nuclear materials and requires that the resulting reports be submitted to the Authority as "Classified." For other categories, exercises may be requested depending on the transport conditions.

The regulation will enter into force upon its publication date and will be implemented by the President of the Nuclear Regulatory Authority.

The Regulation on the Safety of Nuclear Facilities and Nuclear Materials Has Been Published

- *Official Gazette dated June 11, 2024 and numbered 32573, Regulation*

The recently published regulation aims to define the security measures necessary during activities related to nuclear facilities and nuclear materials. Prepared in accordance with Law No. 7381 on Nuclear Regulation and relevant Presidential Decrees, the regulation imposes various definitions and responsibilities on individuals responsible for ensuring the safety of nuclear facilities and materials.

The regulation mandates the classification of nuclear materials into specific categories and requires them to be stored in areas appropriate to their classification. Authorized personnel are responsible for designing and operating physical protection systems, as well as promoting a safety culture. Safety plans and cybersecurity measures must be prepared by authorized personnel and submitted to the Regulatory Authority.

To ensure the security of nuclear materials, collaboration protocols must be signed and exercises conducted with law enforcement agencies. Information security and cybersecurity measures also fall under the responsibility of authorized personnel.

The regulation encompasses comprehensive measures for the safety of nuclear facilities and materials. It mandates regular updates to safety plans and necessitates collaboration with law enforcement agencies when required.

The regulation will come into effect upon its publication date and will be implemented by the President of the Nuclear Regulatory Authority.