

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



IN THIS ISSUE

Amendment to the Regulation on Distance Contracts

Presidential Circular No. 2024/10 on Vocational and Technical Education Policy Document

Communiqué on the Regulation of Fishing for Commercial Purposes (No: 2024/20)

Communiqué on the Regulation of Fishing for Amateur Purposes (No: 2024/21)

Amendment to the Ministry of National Education Secondary Education Institutions Regulation

General Communiqué on Collection Serial: A Sequence No: 1

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

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

General Communiqué on Real Estate Tax Law

And the ongoing developments...

Amendment to the Regulation on Distance Contracts

- *Official Gazette dated August 10, 2024 and numbered 32628*

The exceptions to the right of withdrawal are regulated in Article 15 of the Regulation. It was previously stipulated that the exceptions listed in paragraphs (i), (ii), (j), and (k) of Article 15 would not apply until January 1, 2025. With the recent amendment, it is now foreseen that these exceptions will not apply until January 1, 2026. These exceptions are as follows:

- (i) Contracts related to vehicles that must be registered under the Highway Traffic Law, and unmanned aerial vehicles that require registration or certification.
- (ii) Contracts related to mobile phones, smartwatches, tablets, and computers delivered to the consumer.
- (j) Contracts concluded through live auction conducted as a public auction.
- (k) Contracts related to goods for which installation or assembly is specified in the promotional and user manual to be carried out by the seller or authorized service, if the installation or assembly has been completed.

Presidential Circular No. 2024/10 on Vocational and Technical Education Policy Document

- Official Gazette dated August 10, 2024 and numbered 32628



In the circular, it is mentioned that vocational and technical education plays an important role in ensuring economic development and social welfare by training a qualified labor force and that this education enables individuals to participate in the labor market by providing them with lifelong skills. The Circular also stated that with technological developments, the joint responsibilities of the public, employers, and employees have come to the forefront to meet new skills and expectations, and in this context, the Vocational and Technical Education Policy Document prepared by the Ministry of National Education will be published on the official website of the Ministry.

Communiqué on the Regulation of Fishing for Commercial Purposes (No: 2024/20)

- Official Gazette dated August 11, 2024 and numbered 32629



The purpose of the Communiqué is to regulate the obligations, limitations and prohibitions regarding the fishing of aquaculture to ensure the protection and sustainable operation of aquaculture resources by taking into account scientific, environmental, economic and social issues to be applied in the fishing of aquaculture for commercial purposes between 1/9/2024 and 31/8/2028. In the Communiqué, the coordinates of the areas where fishing is prohibited are given.

Communiqué on the Regulation of Fishing for Amateur Purposes (No: 2024/21)

- Official Gazette dated August 11, 2024 and numbered 32629



This Communiqué has been prepared to regulate amateur fishing within the framework of certain rules between 1/9/2024 and 31/8/2028. Turkish citizens may engage in amateur fishing provided that they comply with the prohibitions and limitations and may obtain an Amateur Fisherman Certificate valid for five years from the provincial and district directorates upon request. Foreign nationals can fish with a Guest Amateur Fisherman Certificate. Foreign tourists can fish from the shore or through boats with a commercial amateur fishing permit, provided that they comply with certain conditions.

Amendment to the Ministry of National Education Secondary Education Institutions Regulation

- Official Gazette dated August 13, 2024 and numbered 32631



This regulation sets out the conditions for transfer from formal secondary education to open education high schools. In certain circumstances, students can apply for transfer to open education within six months. These circumstances include the death of a parent, a protection order, health problems, disability, children of martyrs or veterans, victims of crime, athletes, prisoners, those who cannot receive education due to health reasons, those who lose their right to study due to absenteeism, students who go abroad and those who receive hafiz education. Students can transfer to open education high schools when appropriate conditions are met in line with the parent's request.

General Communiqué on Collection Serial: A Sequence No: 1

- Official Gazette dated August 13, 2024 and numbered 32631



This regulation includes various changes made to the Collection General Communiqué. Key points are summarized as follows:

- **Precautionary Attachment:** Specific conditions have been introduced for the application of precautionary attachment during tax audits. Such attachment orders cannot be issued after the completion of the tax audit; however, attachments can be applied for other reasons.
- **Public Receivables:** Changes have been made regarding transactions that cannot be performed without paying public receivables. Receivables collected by collection offices affiliated with the Ministry have been included in this scope, and additional responsibilities such as document verification have been imposed.
- **Electronic Attachment Report:** Attachment reports can now be prepared electronically. These processes will be carried out according to the procedures and principles set by the Ministry of Treasury and Finance.
- **Real Estate Sales:** Different announcement methods for real estate sales have been determined based on a specific monetary threshold. These thresholds will be adjusted annually according to the revaluation rate.
- **Constitutional Court Decisions:** By the Constitutional Court's decision, no unjust enrichment interest will be collected in lawsuits filed against payment orders.

These changes introduce innovations in tax law, collection of public receivables, and electronic attachment, aiming to modernize relevant legislation and facilitate its application.

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

- Official Gazette dated August 15, 2024 and numbered 32633



This regulation includes changes made to the Main Regulation of the Union of Turkish Engineers and Architects. Key points are summarized as follows:

- **Announcement Location Change:** Announcements made in newspapers in locations where the chamber headquarters are situated will now be done through "the Union's announcement location" and "the Union's corporate website." This signifies a transition from printed media to digital platforms.
- **Extension of Deadlines:** Some deadlines specified in the regulation have been altered. For example, the term "four" in Article 19 has been changed to "eight," "six" in Article 26 has been changed to "eight," and "nine" has been changed to "eleven." These changes likely aim to provide more time for the completion of processes.

These changes are aimed at adapting to digitalization and extending the timelines for procedures.

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

- *Official Gazette dated August 15, 2024 and numbered 32633*



This regulation includes some changes made to the Main Regulation of the Union of Turkish Engineers and Architects, Chemical Engineers Chamber. In summary:

- **Addition of New Engineering Fields:** The term "Material" has been added after "Polymer," and the terms "Chemical and Process Engineering, Chemical and Biology Engineering" have been added after "Genetic and Biotechnology."

These changes aim to expand the scope of the Chemical Engineers Chamber to include new engineering fields.

General Communiqué on Real Estate Tax Law

- *Official Gazette dated August 16, 2024 and numbered 32634*

This regulation concerns the determination of construction cost values per square meter for real estate tax calculations according to Article 29 of the Real Estate Tax Law. In summary:

- **Real Estate Tax Calculation:** Building tax will be calculated based on the normal construction cost values per square meter and land values determined by the Ministry of Treasury and Finance and the Ministry of Environment, Urbanization, and Climate Change.
- **2025 Construction Costs:** The normal construction cost values per square meter for buildings to be applied in 2025 have been determined by the relevant ministries and published in the annex of the communiqué.

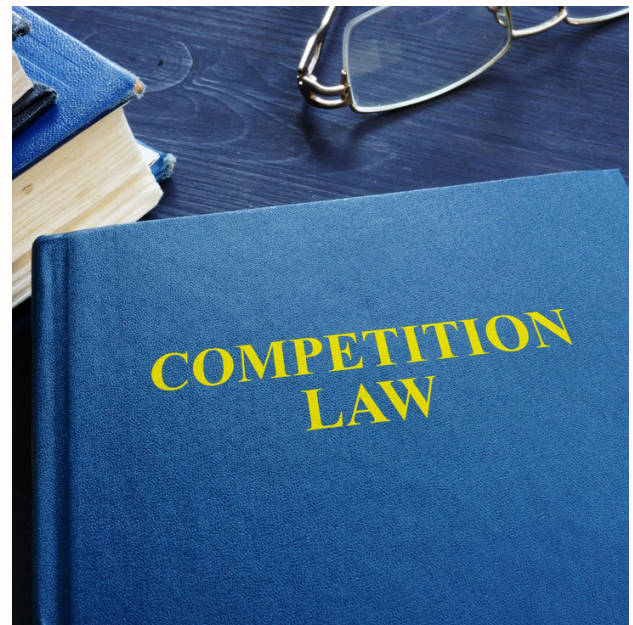
This regulation clarifies the building costs that form the basis for real estate tax assessments.

Data Breach Notification - Gündoğdu Mobilya Sanayi Ticaret Ltd. Şti.



In the announcement announced by the Personal Data Protection Authority, Gündoğdu Mobilya Sanayi Ticaret Ltd. Şti. reported that it experienced a data breach on 09.08.2024. The breach includes identity, communication, location, personal, legal transaction and customer transaction data. In this context, it was stated that the relevant persons can get information through the call center. The Personal Data Protection Authority decided to announce this situation on its website on 15.08.2024.

The Competition Authority's Investigation Against Hamzaoglu Kimya San. ve Tic. AŞ was concluded



13.04.2023, it was determined that Hamzaoglu Kimya San. ve Tic. AŞ violated Article 4 of the Law No. 4054 on the Protection of Competition by determining the resale price of its buyers. It was not possible to evaluate these practices within the scope of group exemption or individual exemption. Therefore, Hamzaoglu Kimya San. ve Tic. AŞ was imposed an administrative fine of TRY 1,941,954.27 based on its gross revenue for 2023.

Installation of Electric Vehicle Charging Units in Apartment and Housing Complexes Made Easier



The Ministry of Environment, Urbanization and Climate Change has issued a new circular on the installation of electric vehicle charging units in apartment buildings and housing estates.

According to the circular, the approval of the majority of floor owners will now be sufficient for the installation of charging units in common areas. Charging units can be installed in independent sections without any majority approval.

With the new regulation, since charging units to be installed in common areas are portable units that do not require construction and do not create a closed space, the consent of four-fifths of the owners will not be required.

These units are suitable in terms of fire and electrical safety and will not be included in the scope of structures that require a license.

In the installation of charging units in parking lots in independent sections, the decision of the board of condominium owners will not be required unless there is a change in the existing electrical installation.

In addition, the approval of electricity institutions and compliance with electricity legislation will be mandatory. However, this regulation will not cover stations for commercial purposes.

SSI Circular 2024/12



According to Circular No. 2024/12 issued by the Social Security Institution, the SSI operates a sustainable social security system in accordance with the principles of social insurance.

The most important financial source of the organization is social insurance and general health insurance premiums. In the circular, it is stated that premiums and other receivables that are not paid in due time within the framework of Laws No. 5502 and 5510 will turn into receivables of the Institution.

It is emphasized that except for certain articles of Law No. 6183, other articles will be applied in collection procedures.

Law No. 6183 regulates the methods used in the follow-up and collection of public receivables and the receivables to be collected by SSI under this Law include various items such as social insurance premiums, general health insurance premiums, unemployment insurance premiums, administrative fines and stamp taxes.

The Circular states that the collection of these receivables will be carried out in accordance with the relevant Law and regulations.