

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Amendment to the Regulation on Contracts Established Outside the Workplace

- *Official Gazette dated August 23, 2024 and numbered 32641*

With amendments to the Regulation on Contracts Established Outside the Place of Business, regulations have been introduced on various types of sales and services, the conditions for exercising the right of withdrawal, the information required in contracts, and applications for authorization certificates. In particular, certain regulations have been made in areas such as sales at fairs, fairs, and shopping centers, cleaning and assembly services, and games of chance services, and information on the scope of the right of withdrawal has been added.

In addition, details on the application and renewal processes for authorization certificates, the validity period of the authorization certificate and its revocation have been specified. Issues such as the validity period of the documents, application and renewal processes, storage of information and documents have been clarified, and certain dates and regulations have been introduced for the transition period.

Amendment to the Ministry of National Education Inspection Board Regulation

- Official Gazette dated August 17, 2024 and numbered 32635



These amendments make various changes to the inspectorate processes of the Ministry of National Education Inspection Board. The phrase "economics and business administration" has been expanded to include fields such as "engineering and technology", and the duties of guidance inspectors and the guidance process for assistant inspectors have been clarified. Regulations have also been made regarding the examination and objection processes, and objections to exam results and evaluation periods have been redefined. In addition, changes have been introduced in appointments, qualification exams, and assignment of inspectors. While the independent study authorizations of assistant inspectors are shaped according to the evaluations of guidance inspectors, the exam questions for candidates applying from engineering and technology fields are determined according to their fields.

Amendment to the Regulation on Aquaculture

- Official Gazette dated August 17, 2024 and numbered 32635

These regulations include various amendments to the Regulation on Aquaculture. The definitions of the Ministry have been reorganized and new procedures and principles have been set for applications to be made in the field of aquaculture. Applications to provincial directorates are evaluated by the Application Evaluation Commission and preliminary authorization processes are planned. Special evaluation criteria have been introduced for aquaculture with new species and methods. The Regulation also regulates water and area leasing transactions and expands the powers of the Ministry of Environment, Urbanization and Climate Change. Inspection processes will be carried out at least twice a year by provincial and district directorates and reports will be entered into the registration system. Various changes have also been made in the annex documents and terminology under the Ministry of Agriculture and Forestry.

Amendment to the Regulation on Medical Devices for In Vitro Diagnosis

- Official Gazette dated August 17, 2024 and numbered 32635

In particular, the amendments include transitional provisions on information obligations on manufacturers and other economic operators in the event of interruptions in the supply of devices, the frequency of re-evaluation of notified bodies and the placing of certain devices on the market. In addition, detailed regulations are introduced on market surveillance and inspection, conformity assessment procedures and validity periods of certificates for certain devices. These amendments aim to strengthen legal harmonization between Turkey and EU member states and protect public health. A proactive approach will be adopted against potential disruptions in the supply chain, and transparency and consistency will be ensured in the conformity assessment and re-evaluation processes of devices.

Competition Authority's Investigation Against Bilim İlaç Sanayi ve Ticaret AŞ and Drogan İlaçları Sanayi ve Ticaret AŞ Concluded



With its decision dated 21.02.2024, the Competition Board fined Bilim İlaç Sanayi ve Ticaret AŞ and Drogan İlaçları Sanayi ve Ticaret AŞ for violating Article 4 of the Law on the Protection of Competition by making agreements not to hire competitors' employees. An administrative fine of TL 155,488,332.29 was imposed on Bilim Pharmaceuticals and TL 30,593,234.79 on Drogan and the investigation was concluded with a settlement for these two companies. This decision was published on the Agency's website on 22/08/2024.

Regulation on the Reclassification of Certain Active Non-Medical Product Groups

- Official Gazette dated August 17, 2024 and numbered 32635

This regulation aims to reclassify certain groups of active products that are not for medical purposes and are covered by the Medical Device Regulation of 2/6/2021. The Regulation regulates the classification of devices listed in Annex XVI of the Medical Device Regulation and intended for purposes such as adipose tissue reduction, skin applications and brain stimulation. In this context, devices for reducing adipose tissue have been reclassified as Class IIb, devices for hair removal as Class IIa and devices for brain stimulation as Class III. The Regulation has been prepared within the framework of harmonization with EU legislation.

Amendment to the Medical Device Regulation

- Official Gazette dated August 17, 2024 and numbered 32635



This regulation aims to reclassify certain groups of active products that are not for medical purposes and are covered by the Medical Device Regulation of 2/6/2021. The Regulation regulates the classification of devices listed in Annex XVI of the Medical Device Regulation and intended for purposes such as adipose tissue reduction, skin applications, and brain stimulation. In this context, devices for reducing adipose tissue have been reclassified as Class IIb, devices for hair removal as Class IIa, and devices for brain stimulation as Class III. The Regulation has been prepared within the framework of harmonization with EU legislation.

Amendment to the Regulation on the Sale of Refurbished Products

- Official Gazette dated August 21, 2024 and numbered 32639



These regulations make important amendments to the regulation on trade in refurbished goods. It has been made mandatory for persons trading in used goods with electronic identification information to register the specified information and documents in the Ministry's system. In addition, the processes of revocation and suspension of the renewal authorization certificate have been regulated; if the contradictions are not corrected, the document may be suspended or revoked, and if the deficiencies are not corrected, the renewal authorization certificate will not be issued for one year.

It is stated that renewal centers may operate through their branches and authorized buyers and sellers. These centers will be held jointly and severally liable for the renewal activities and will be obliged to supervise the compliance of the activities with the regulations. With a provisional article, the provisions on the registration of used goods with electronic identification information will be implemented three months after the announcement.

Communiqué on Providing Education and Training Support for Students Studying in Private Vocational and Technical Anatolian High Schools Opened in and Outside Organized Industrial Zones in the 2024-2025 Academic Year

- *Official Gazette dated August 21, 2024 and numbered 32639*



This regulation regulates the provision of education and training support to Turkish citizen students studying in private vocational and technical Anatolian high schools opened in and outside organized industrial zones within the framework of the Law No. 5580 on Private Education Institutions and the relevant regulations. In this context, it is stated that for the schools opened in organized industrial zones, as of the 2012-2013 academic year, each student may be provided with support not exceeding one and a half times the cost to the state. In addition, with the Presidential decree, vocational and technical education schools outside of organized industrial zones can also be supported in the same way. Those who cause overpayment by making untrue declarations are obliged to repay these amounts with a delay increase.

The types of schools to be supported, the fields and the support amounts to be given to students have been regulated, and separate support amounts have been determined for each field. The support will be provided from the budget of the Ministry of National Education, and the Ministry of National Education and the Ministry of Treasury and Finance will be responsible for the implementation of the communiqué. These regulations will be valid as of the 2024-2025 academic year.

Regulation on the Leasing of Uncultivated Agricultural Land for Agricultural Purposes

- *Official Gazette dated August 22, 2024 and numbered 32640*

This regulation is based on the Soil Conservation and Land Use Law No. 5403 and aims to ensure that agricultural lands that have not been cultivated for two consecutive years are returned to agricultural production by the Ministry. These lands, which are owned by real or legal persons, will be leased for agricultural purposes for a specific season. The Regulation covers the determination of agricultural lands, leasing procedures and how this process will be carried out. The identification of agricultural land to be leased is carried out by the Land Identification Commission and the leasing process is carried out through the Land Leasing Commission. The leasing process is carried out by announcing and receiving applications and evaluating offers. Priority for leasing is given to individuals and agricultural non-governmental organizations in the settlement where the agricultural land is located. Tenants use these lands on the condition that they engage in agricultural production and the rental fees are paid to the owners.

Amendment to the Regulation on the Principles and Procedures for the Establishment, Operation, Functioning and Audit of the Commodity Exchange

- *Official Gazette dated August 22, 2024 and numbered 32640*

With the amendments made to the regulation of the Commodity Specialized Exchange, Exchange personnel, except for information technologies, are required to be graduates of certain universities. In addition, the Exchange may receive collateral from its members and the details regarding the management of collateral are determined by Exchange directives. Payment, delivery and default situations are also regulated by the guidelines and the Exchange may establish a clearinghouse or contract with an existing one. In cases of default and non-fulfillment of obligations, a guarantee fund may be used. Exchange members and clearing organizations provide collateral according to their contributions to the fund. The details regarding the management and utilization of the guarantee fund and contributions are set forth in the Exchange's directives.