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WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter

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Communiqué on Commercial Electronic Message Management System Integrators

- *Official Gazette dated September 18, 2024 and numbered 32666*

This Communiqué aims to regulate the recording of commercial electronic message approval and rejection information in IYS, the authorization of integrators, and how these transactions will be carried out. The Communiqué covers service providers, integrators and the Organization authorized to establish the IYS. The Ministry must authorize integrators and certain conditions and documents are required.

Service providers may perform commercial electronic message transactions directly or through integrators. Integrators must act by the legislation, protect personal data, and keep trade secrets confidential; otherwise, their authorization may be revoked. While the Ministry supervises the activities of integrators, the Organization oversees the compliance of integrators and submits a report every year.

Principle Decision on Sales Methods and Distribution Principles to be applied in the Initial Public Offering of Shares (i-SPK.128.23) was published in the Weekly Bulletin of the Capital Markets Board dated 19/09/2024 and numbered 2024/48

This decision regulates the sales methods and share distribution principles to be used in the initial public offering (IPO) process of non-public companies. For IPOs with a market value of TL 750,000,000 or less, the sale method will be applied on the stock exchange, and for IPOs above TL 750,000,000, the demand collection method will be applied. While equal distribution will be made to domestic retail investors, at least 50% of the shares allocated to institutional investors must be allocated to investment and pension funds. In addition, requests will be recorded electronically and shares may be transferred to other groups if there is insufficient demand.

Investors' shares cannot be sold outside the stock exchange for 90 days, while existing shareholders are restricted from selling the shares offered to the public for 180 days. In distributions to foreign investors, transactions that violate the principles set forth are prohibited, and issuers and intermediary institutions are held responsible for such transactions. This resolution aims to ensure a balance between various investor groups by aiming to ensure that share distribution processes are fair and transparent.

Amendments to the Capital Markets Law and Principle Decision on Crypto Assets (i-SPK.35.B.1) published in the Capital Markets Board's Weekly Bulletin dated 19/09/2024 and numbered 2024/48

This policy decision aims to regulate the operation of cryptoasset platforms and protect client rights in line with the amendments to the Capital Markets Law. Client cash must be kept separate from the platforms, stored in special accounts at banks and transferred only through authorized entities.

Client orders can only be received and recorded on the platforms' official website or mobile applications. Crypto assets should be defined to be traded on a separate market and investors should be informed that these assets are not subject to CMB supervision. Promising returns through promotional campaigns is banned and platforms have until 08 November 2024 to strengthen their data storage and security infrastructure.

Special Consumption Tax Rates and Lump Sum Tax Amounts Applied to Certain Goods in the Annex of the Special Consumption Tax Law have been Redefined

- *Official Gazette dated September 14, 2024 and numbered 32662*

With the Presidential Decree dated September 13, 2024 and numbered 8958, the SCT rates for tobacco and tobacco substitutes in Schedule (B) of List (III) of the Special Consumption Tax Law numbered 4760 were redefined as 53.5% and the lump sum tax amounts were redefined as 7,8000 TRY. This decision entered into force on the date of publication.

Amendment to the Regulation on Agricultural Products Licensed Warehousing

- *Official Gazette dated September 14, 2024 and numbered 32662*

With the amendment made to Article 16 of the Regulation on Licensed Agricultural Products Warehousing dated April 12, 2013, licensed warehouses engaged in activities other than cereals, legumes and oilseeds and 51% or more of their shares are owned by certain legal entities will be able to fulfill their collateral obligation with a surety agreement. However, the amount of collateral provided by suretyship cannot exceed 90% of the total collateral determined by the Ministry and the surety party must be one of the legal entities.

Presidential Circular No. 2024/12 on Investment Program Preparations for the 2025-2027 Period

- *Official Gazette dated September 14, 2024 and numbered 32662*

Within the framework of the Twelfth Development Plan for the period 2024-2028, this circular aims to increase the welfare and happiness of citizens, maintain macroeconomic stability, and achieve sustainable growth. Among the priority targets are savings in public expenditures, lowering inflation, reducing the current account deficit, and strengthening fiscal discipline. Public investments will be allocated in a way to maximize their contribution to the policies, will be used efficiently, and will be planned to support the innovative investments of the private sector. Economic and social infrastructure investments that increase development potential will be prioritized.

2025-2027 Budget Call and Supplementary Budget Preparation Guidelines

- *Official Gazette dated September 15, 2024 and numbered 32663 1st Repeated*

The President's Budget Call for the Period 2025-2027 aims to strengthen macroeconomic and fiscal stability, reduce inflation to single digits, accelerate the transition to a green and digital economy, and increase R&D capacity. It is stated that fiscal discipline will be maintained and savings in public expenditures will be prioritized, and it is emphasized that expenditures such as earthquake and disaster management will be covered, but public investments should be used efficiently and effectively. Public administrations are requested to prepare and submit their budget proposals in line with these objectives.

Regulation on Registration of Plant Varieties

- *Official Gazette dated September 17, 2024 and numbered 32665*

Bu yönetmelik, tarımsal bitki türlerinin çeşitlerinin kayıt altına alınmasını, kayıt listelerinin oluşturulmasını, çeşitlerin kütükte kalış süresi ve silinme koşullarını, bitki genetik kaynaklarının kaydedilmesini ve özel sektör tarımsal araştırma kuruluşlarının yetkilendirilmesi ile denetimini düzenlemektedir. Yönetmelik, tarla bitkileri, sebze, meyve, asma ve süs bitkilerinin çeşitleri ile genetik kaynaklarını kapsar. Tescil ve üretim izni başvuruları, başvuru sahibinin gerekli belgeleri sunması ve Tohumluk Tescil ve Sertifikasyon Merkezine (TTSM) başvurmasıyla yapılır. Eksiklikler durumunda başvuru reddedilebilir veya düzeltmeler yapılabilir.

Communiqué on Support for Aquaculture

- *Official Gazette dated September 17, 2024 and numbered 32665*

The purpose of this Communiqué is to regulate the procedures and principles of the supports to be given to aquaculture farmers within the scope of the Livestock Supports to be made in 2024-2026, which was put into effect by the Presidential Decree dated 25/7/2024 and numbered 8760. The Communiqué covers breeders who have an aquaculture certificate approved by the Ministry and registered in the Aquaculture Information System (SUBIS); support payments will be given to enterprises that carry out intensive aquaculture of certain species and meet various technical criteria. This regulation aims to develop aquaculture and support producers in the sector.

Regulation Amending the Regulation on Press Advertisement Agency

- *Official Gazette dated September 19, 2024 and numbered 32667*

This regulation contains amendments to the Press Advertisement Agency Regulation dated 12/12/1997. The expression “separate from each other” in Article 6 of the Regulation has been changed to “determined by the Board of Directors”. Articles 37 and 45 have been repealed, while Article 44 has been revised to regulate the appointment procedure for the general manager. Article 46 has been amended to specify the requirements for deputy general managers. In addition, Article 54 repealed and updated certain phrases. In general, the amendments aim to clarify the management structure and appointment requirements.

Regulation Amending the Regulation on Official Announcements and Advertisements

- *Official Gazette dated September 19, 2024 and numbered 32667*

This regulation contains amendments to the Regulation on Official Announcements and Advertisements dated 1/2/2023. In Article 4, the expression “by the General Assembly” has been changed to “by this Regulation”, and some expressions of Article 11 have been removed. In Article 35, the expression “second” has been updated as “third”. Article 61 has been replaced with Table-8, which includes certain page view numbers, and some arrangements have been made regarding the time periods.

Communiqué on the Implementation of Tariff Quotas on the Import of Oil Sunflower Seeds and Crude Sunflower Oil

- *Official Gazette dated September 20, 2024 and numbered 32668*

The purpose of this Communiqué is to determine the distribution method of the tariff quota to be applied for the import of oil sunflower seeds and crude sunflower oil in accordance with the Presidential Decree dated 5/8/2024. The tariff quota will be distributed primarily to domestic sunflower seed buyers between 1/7/2024-30/11/2024 and applications will be made via e-Government or the website of the Ministry of Trade. The Ministry will issue electronic import licenses to the allocated companies, which can only be used by the licensee. If falsification of import documents is detected, the allocation will be canceled. The Communiqué will not affect the provisions of other relevant legislation and the Ministry will be authorized to issue circulars when necessary.

Data Breach Notification - Kentaş Gıda Pazarlama ve Dağıtım Ticaret Limited Şirketi

Kentaş Gıda Pazarlama ve Dağıtım Ticaret Limited Şirketi reported that it was subjected to a ransomware attack on 12.09.2024 and as a result of this attack, information belonging to the accounting program was encrypted.

The breach affected approximately 1000 people, including employees, users and potential customers; personal data categories such as identity, contact, location, customer transaction, transaction security, finance and marketing were compromised. With the decision taken on 19.09.2024, the Personal Data Protection Board decided to announce the data breach notification on the Authority's website.