

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Amendment to the Implementing Regulation on International Labor Law

- *Official Gazette dated October 15, 2024 and numbered 32693*

Amendments to the Regulation on the Implementation of the International Labor Law introduced time extensions and some exceptions to the work permit exemption process.

Article 48 of the Regulation changed the duration of work permit exemption from “six months” to “three years”, and the provision on visas with sports legitimization was removed. In addition, foreigners notified by the Ministry of Interior and foreign press members holding a permanent press card will be granted work permit exemption for the duration of their assignment.

With the amendment to Article 49 of the Regulation, applications for work permit exemption to be made domestically can be made when foreigners are legally present in Turkey. Article 53 stipulates that foreigners who have been granted work permit exemption in certain categories cannot apply for a new work permit until a certain period of time has elapsed and that only an exemption information form will be issued for those notified by the Ministry of Interior.

Regulation on the Audit of Sports Clubs, Sports Joint Stock Companies and Supreme Organizations

- *Official Gazette dated October 12, 2024 and numbered 32690*



This regulation regulates the procedures and principles regarding the auditing of sports clubs, sports joint stock companies and supreme organizations by the Ministry of Youth and Sports. It includes details such as how audits will be conducted, information and documents that may be requested during the audit, the formation of audit groups, and the appointment of experts. It also sets out the principles for auditing the financial transactions, activities and statutes of sports clubs and sports joint stock companies. If criminal acts are detected during the audit, they will be reported to the Chief Public Prosecutor's Office.

Amendment to the Regulation on Official Announcements and Advertisements

- *Official Gazette dated October 12, 2024 and numbered 32690*

This regulation amends the sixth paragraph of Article 107 of the Regulation on Official Announcements and Advertisements. According to the amendment, decisions taken against newspapers or online news websites for violations of the legislation will be submitted to the Board of Directors together with the documents on which they are based. The Board of Directors will decide to cut official announcements and advertisements within a maximum of two months. If the decision is finalized, monthly official advertisement quotas will be reduced and this will be shared with the relevant publication via the İLANBİS system. In addition, if there is only one newspaper or online news site at the publication site, action will be taken in accordance with the fourth paragraph of Article 112.

Regulation on Fluorinated Greenhouse Gases

- *Official Gazette dated October 15, 2024 and numbered 32693*



This regulation aims to control the emission of fluorinated greenhouse gases under the Montreal Protocol. It regulates the labeling, data collection, leakage controls, reporting, placing on the market, import, export, recycling and disposal of these gases. It also covers the training and certification processes of people who interfere with products and equipment containing these gases. The Regulation excludes air conditioning equipment in motor vehicles.

The release of fluorinated greenhouse gases into the atmosphere and their disposal without recovery is prohibited. When products and equipment are decommissioned, the disposal of these substances is carried out under the Waste Management Regulation. The Regulation also states that the import and export of fluorinated greenhouse gases must be licensed and aims to gradually reduce the consumption of hydrofluorocarbons. It also provides detailed regulations on the labeling of products containing these gases.

Amendment to the Regulation on Textbooks and Educational Tools of the Ministry of National Education

- *Official Gazette dated October 15, 2024 and numbered 32693*

This regulation amends the Ministry of National Education Regulation on Textbooks and Educational Tools and redefines the review and application processes for textbooks and educational tools. The Regulation updates the qualifications and characteristics to be sought in applicants for the review of textbooks and supplementary books, and specifies criteria such as the scientific adequacy, language and expression adequacy of educational tools. In addition, the Regulation regulates the review and review fees for textbooks of private and foreign schools, and introduces new rules on the fees to be paid to panelists and application processes.

Amendment to the Regulation on Legal Aid of the Union of Turkish Bar Associations

- Official Gazette dated October 15, 2024 and numbered 32693



The amendments to the Regulation reorganize the functioning of legal aid services, the process of assigning lawyers and how applications are made. The documents and processes required for legal aid applications have been updated, a training requirement has been introduced for lawyers to be assigned, and the principle of assigning lawyers through an electronic system based on the principle of equality has been adopted. In addition, the responsibilities of lawyers, the procedures for meeting legal aid costs and payment processes have been regulated in detail. The amendments state that some provisions will not apply until 2025.

Amendment to Unplanned Areas Zoning Regulation

- Official Gazette dated October 17, 2024 and numbered 32695

This regulation makes some changes to the Unplanned Areas Zoning Regulation of 1985. Firstly, disaster-prone areas, areas subject to certain floods, landslides, avalanches and rockfalls are excluded from the scope of construction. Furthermore, a temporary article has been added to this regulation for areas affected by the earthquakes that occurred on February 6, 2023.

The temporary article stipulates certain distance rules for the reconstruction of damaged houses in provinces under the state of emergency until December 31, 2026. In this context, certain distances from parcel boundaries are stipulated and restrictions on the number of buildings and building area will not apply. However, it is emphasized that the floor area coefficient of the buildings in a parcel cannot exceed 0.60.

Amendment to the Ministry of National Education Regulation on Lifelong Learning Institutions

- Official Gazette dated October 16, 2024 and numbered 32694

This amendment introduces various innovations and regulations to the Ministry of National Education's Regulation on Lifelong Learning Institutions. The regulation, which includes important changes to the functioning of maturation institutes, introduces electronic systems (e-Maturation) and new course programs to enable these institutes to carry out the processes of researching, designing and producing our cultural heritage more effectively. It also envisages additional spaces such as culture and arts centers, museums and workshops in the institute buildings and more comprehensive course programs. In addition, regulations have been made on issues such as the duties of teachers and master instructors, exams and scorecards, and various provisions have been added to carry out the work and operations of maturation institutes more efficiently. Innovations such as the establishment of an Advisory Board, the strengthening of research and development departments, and the alignment of course programs with professional standards aim to implement lifelong learning activities more broadly.

Income Tax General Communiqué (Serial No: 328)

- Official Gazette dated October 17, 2024 and numbered 32695



This regulation includes some updates to the General Communiqué on Disguised Profit Distribution through Transfer Pricing dated 2007. Firstly, the phrase "Large Taxpayers Tax Office Directorate" regarding the scope of taxpayers has been changed to "İstanbul Defterdarlığı Large Taxpayers Tax Office Directorate". In addition, some information in the section titled "Country-by-Country Report" has been updated. It is stated that multinational enterprises should submit the information that they will report as the ultimate parent enterprise or proxy enterprise electronically through the Digital Tax Office until the end of the sixth month after the end of the accounting period.

7528 Law on Teaching Profession

- Official Gazette dated October 18, 2024 and numbered 32696



The purpose of this Law is to regulate the selection, training, appointment, rights, duties and responsibilities of teachers and the establishment of the National Education Academy. The Law covers teachers working in educational institutions affiliated to the Ministry of National Education, teachers in special education institutions and teachers working outside the Ministry of National Education. Teachers are expected to support the development of students in accordance with the general objectives of Turkish national education and to ensure their continuous professional development. In addition, the appointment and assignment of teachers will be based on criteria determined by the Ministry, and teachers will be obliged to participate in in-service training activities to improve their professional competence. The regulations on the reward and punishment system also cover the penalties to be applied in case teachers fail to fulfill their duties. The Law will enter into force from the date of its publication and its implementation will be supervised by the Council of Ministers.

Data Breach Notification - Lokman Hekim University

According to paragraph 5 of Article 12 of the Law No. 6698 on the Protection of Personal Data, Lokman Hekim University notified the Board about a data breach during the hosting service it received from Natro. In this notification, it was stated that cyber attackers gained unauthorized access by capturing the login information of the university's Natro customer account. The breach started on 05.10.2024 and ended on 06.10.2024. The affected groups of people were students and employees, and the personal data in the breach included first name, last name, Turkish ID number, address, phone number, e-mail address, and encrypted website login passwords. The number of people affected by the breach was reported as 2,308.

Competition Authority's Investigation on Private Schools Operating in Kocaeli Province Concluded



Under the Board decision dated 23.11.2023 and numbered 23-54/1061-M, it was decided that there was no need to impose an administrative fine since the practices of Arı İnovasyon ve Bilim Eğitim Hizmetleri A.Ş. regarding the determination of meal fees did not violate Article 4 of the Law No. 4054 on the Protection of Competition.

However, the same company's practices regarding employee solicitation in labor markets and determination of employee wages were found to violate Article 4 of the Law No. 4054. Therefore, according to the third paragraph of Article 16 of the Law No. 4054 and the relevant regulation, Arı İnovasyon ve Bilim Eğitim Hizmetleri A.Ş. was imposed an administrative fine of 591,347.22 TL, which is a certain percentage of its gross income for the year 2023. The judicial remedy is open to Ankara Administrative Courts within 60 days following the notification of the decision. The decision was taken unanimously.