

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Regulation on the Internship of Assistant Judges and Prosecutors and Lawyer Trainees at the Constitutional Court

- *Official Gazette dated November 21, 2024 and numbered 32729*

This regulation regulates the procedures and principles regarding the internship of assistant judges and prosecutors and lawyer trainees at the Constitutional Court. Assistant judges and prosecutors may intern at the Court for up to four months, and lawyer trainees may intern at the Court for 15 days during the first six months of their legal internship. The internship period, duration and quotas are determined by the Court and notified to the relevant institutions.

Trainees work under the supervision of a rapporteur at the Court's General Assembly, Sections and Commissions; they may examine files and prepare reports and participate in events to learn about the Court's processes.

At the end of the internship, evaluation forms are issued by the Head of Department for assistant judges and prosecutors and by the Secretary General for lawyer trainees. These forms and reports are forwarded to the relevant institutions. Interns are obliged to comply with disciplinary rules and their internship may be terminated in case of violations.

Regulation on Market Control of Medicinal Products for Human Use and Foods for Special Medical Purposes

- *Official Gazette dated November 21, 2024 and numbered 32729*

This Regulation sets out the principles and procedures regarding market control activities to be carried out in order to ensure that medicinal products for human use and foods for special medical purposes are available in the market with the required efficacy, safety and quality standards. Market control covers the processes of monitoring, sampling, analyzing and, when necessary, withdrawing products from production to consumption. Medicinal products are excluded from the scope of this regulation.

Market control activities are planned according to the risk parameters determined by the Market Control Planning Board. Sampled products are analyzed for quality and safety at the National Control Laboratory. For defective products, sanctions such as withdrawal or blocking of supply to the market are applied. In the event that products or active substances are found to be faulty, license/permit holders are obliged to take the necessary actions and administrative sanctions in accordance with the legislation are applied for ongoing violations.

Amendment to the Regulation on Environmental and Drive Unit Performance Requirements for Type Approval of Two or Three Wheeled Vehicles and Quadricycles

- *Official Gazette dated November 16, 2024 and numbered 32724*



The Regulation includes amendments to the environmental and drive unit performance requirements for type-approval of Two- or Three-Wheeled Vehicles and Quadricycles. With the newly added provisional clause, existing EU type approvals will remain valid unless the conditions are changed or new conditions are added. Furthermore, extensions of these approvals will continue to be issued by the approval body.

The Regulation's annexes have been updated with technical details. Comprehensive amendments have been made in Annex I, and arrangements regarding purity ratios and gas use have been made in Annex II, Annex V, Annex VI, and other annexes. In addition, gear change instructions have been made available if the approval body accepts the manufacturer's guidelines. These amendments aim to improve the technical standards and application procedures of type approval processes.

Amendment to Customs General Communiqué (Transit Regime) (Serial No: 4)

- *Official Gazette dated November 16, 2024 and numbered 32724*



With this regulation, transit declaration and transportation processes within the Customs General Communiqué (Transit Regime) scope have been regulated with a focus on digitalization and transparency. Transit declarations will be sent to the system in Turkish with an electronic signature, and a local reference number (LRN) will be assigned to accepted declarations. During transportation, the type of declaration will be indicated by using T1, T2 or TR symbols. In addition, in cases such as vehicle change, seal damage or route change during transportation, the nearest customs office will be notified and the events will be recorded in the system.

Other important changes include streamlining procedures for container transfers and carrier changes, effective use of the Master Reference Number (MRN) in transactions and clarification of the responsibilities of Authorized Customs Brokers (ACBs). While the destination customs office will carry out goods controls, penal procedures will be applied in case of discrepancies. These regulations aim to make transit transactions more systematic, secure and auditable.

Amendment to the Communiqué on the Regulation of the Last Source Supply Tariff

- Official Gazette dated November 16, 2024 and numbered 32724



With this regulation, various amendments have been made regarding the tariffing and practices within the scope of the End-Source Supply Tariff. It is stated that the end-source supply tariff to be applied for high-consumption consumers cannot be lower than the approved retail sales tariff of those who do not qualify as eligible consumers and the higher tier will be taken as basis in tiered tariffs. Furthermore, the formula for calculating the Renewable Energy Resources Support Mechanism (YEKDEM) value has been added and it is emphasized that the realized YEKDEM price differences will be taken into account in the tariffs. In addition, it is regulated that “permanent data storage or written” methods will be used for notifications to consumers instead of “text messages and electronic mail”. In changes affecting end-source supply, it is stated that license holders may request information and documents to prevent collusive transactions.

Amendment to Ports Regulation

- Official Gazette dated November 16, 2024 and numbered 32724



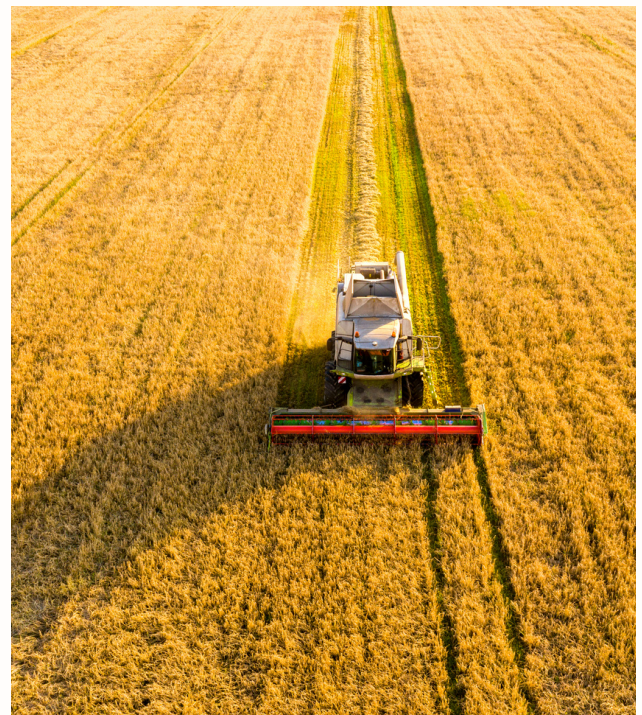
With this regulation, important amendments were made regarding port exit permits, inspection procedures and safety measures under the Ports Regulation. The port exit certificate issued by the port authority has become mandatory for merchant ships to leave the port. For yachts and boats for tourism purposes, the navigation permits under the Maritime Tourism Regulation will be valid.

For the issuance of port exit certificates, issues such as ship equipment, personnel suitability, loading conditions and validity of documents will be inspected. In addition, regulations have been made regarding pilot and tug services, and safety measures such as requiring high towing power tugs for LNG ships have been increased.

The coordinates and usage rules for the anchorage areas of ports have been updated. It is stated that pilotage and tug exemptions may be granted in special cases such as hydrocarbon exploration and offshore activities. Changes have been made in the annex maps and coordinates of the Regulation and new practices have been introduced to increase maritime safety.

Regulation Amending the Regulation on Agriculture Council

- Official Gazette dated November 22, 2024 and numbered 32730



With the amendments made to the Regulation on the Council of Agriculture, the term “Strategy Development Presidency” was changed to “General Directorate of Agrarian Reform”, the term “General Directorate of Agrarian Reform” was substituted for “Head of Strategy Development” in Article 6 and the term “less” was used instead of “more”. In addition, a new article was added regulating the formation of a “Council Advisory Board” to be composed of persons appointed by the Minister within the scope of the work of the Council.

Amendment to the Regulation on Intermediary Activities in the Turkish Commodity Exchange and the Supervision and Audit of Intermediaries

- *Official Gazette dated November 22, 2024 and numbered 32730*



The article added to the Regulation regulates the principles of utilization of unused cash in customer accounts. Depending on the authorization received from the client, intermediaries may utilize this cash on a collective or individual basis and distribute the proceeds proportionally to the clients. Cash receivable balances are paid within 1 business day at the latest upon request. Client cash is kept separate from the intermediary's own assets, cannot be used for other purposes and cannot be used as loan collateral. Accounts opened in banks for these cash shall be separated from the other accounts of the intermediary by clearly stating that they belong to the customer, otherwise they shall be transferred to another bank within 15 days. The scope of electronic transactions has been expanded by stating that customer instructions can be received in writing or electronically. Correction of erroneous orders in EWR and futures contracts and transactions made in line with the requests of customers with products below the minimum quantity are not considered as erroneous transactions. These amendments aim to make customer transactions more flexible and secure.

Data Breach Notification - Zello Inc.

The personal data breach reported by Zello Inc. occurred as a result of a threat actor accessing personal data belonging to the data controller through a ransomware attack. The breach was detected after the threat actor contacted the data controller. Groups affected by the breach include users, subscribers/members, customers and potential customers.

The personal data affected are username, hashed password encrypted with MD5 algorithm, e-mail address and phone number. The total number of people affected by the breach was reported as 494,746.

While the investigation on the issue is ongoing, with the decision of the Personal Data Protection Board dated 19.11.2024 and numbered 2024/1949, it was decided to announce the breach notification on the website of the Authority.

Mehmet Salih Ay- Veyssel Elektronik and 2B İnş. Eng. Taah. Tour. Food Tek. San. Tic. Ltd. Şti. Investigation Concluded



The Competition Board determined that Mehmet Salih Ay - Veysel Elektronik violated Article 4 of the Law No. 4054 on the Protection of Competition by determining the sales price of re-sellers. However, since this violation was time-barred under Article 20 of the Law on Misdemeanors No. 5326, no administrative fine was imposed on the said undertaking.

As for 2B İnşaat Mühendislik Ltd. Şti., no evidence of violation of Article 4 of Law No. 4054 was found and it was decided not to impose an administrative fine on this undertaking. The decision was taken unanimously, with an open judicial remedy at the Ankara Administrative Courts within 60 days following the notification of the reasoned decision.