

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Communiqué Amending the Social Security Institution Health Implementation Communiqué

- *Official Gazette dated December 12, 2024 and numbered 32750*

Amendments to the Social Security Institution's Health Implementation Communiqué include wording changes referring to disability regulations, conditions for the use and payment of blood glucose meters and strips for the treatment of diabetes, new principles of use and treatment guidelines for biologic agents, which expand and elaborate the scope of healthcare services. In addition, criteria for the indications and areas of use of biological medicines such as anakinra and kanakinumab have been updated, and new protocols for the use of these medicines in the treatment of specific diseases have been defined.

The amendments also updated the conditions and payment criteria for the use of certain medicinal products and therapeutic products. Indications for the use of drugs such as carmustine and osimertinib in certain types of cancer have been clarified, and it has been decided that supplementary foods used in mitochondrial cytopathy will be paid on an individual basis at 800 TL per month. In addition, adjustments were made in public institution discount practices for drug prices. These amendments aimed at standardization of health services, streamlining treatment processes and efficient use of resources.

Amendment to the General Communiqué on Implementation of National Vehicle Identification System (Sequence No: 1)

- 07 December 2024 dated and 32745 numbered Official Gazette

With the amendments made to the General Communiqué on the Implementation of the National Vehicle Identification System, the information and technical infrastructure used in vehicle identification systems have been updated. In addition to license plate information, information such as engine and chassis numbers were included in the definitions, and the concept of TIM (Gun Communication Module) was integrated into the system. TIM is designed to analyze and transmit signals from vehicle recognition devices to the data center and to communicate with fuel pump systems. In addition, the deadline for the installation of TIM devices at fuel stations was extended and it was stated that the technical specifications will be determined by the Mint. With the new regulations, as of 1/7/2025, the use of TTB has become mandatory for imported or newly purchased vehicles. In addition, taxpayers will be able to have their equipment installed until 30/4/2025 at the latest, provided that they apply by 31/1/2025. These regulations aim to facilitate the use of the system, harmonize deadlines and improve the technical infrastructure.

Communiqué (No: 2025/1) Regarding the Increase in the Lower Limit of the Administrative Fine Stipulated in the First Paragraph of Article 16 of the Law No. 4054 on the Protection of Competition to be Valid until 31/12/2025

- 07 December 2024 dated and 32745 numbered Official Gazette

This regulation includes the revision of the lower limit of administrative fines to be imposed under the Law No. 4054 on the Protection of Competition for the year 2025. The lower limit for administrative fines to be imposed pursuant to Article 16 of the Law is increased every year according to the revaluation rate. For 2024, based on the revaluation rate of 43.93%, this lower limit is set at TRY 241,043 as of January 1, 2025. This represents the minimum fine amount that can be imposed in case of violation of the law. The Communiqué will enter into force on January 1, 2025 and will be valid throughout the year. Thus, the lower limit of administrative fines will be calculated based on this amount throughout 2025.

Regulation on International Emergency Relief Expenditures

- Official Gazette dated December 10, 2024 and numbered 32748



The Regulation on International Emergency Relief sets out the procedures and principles regarding the transfer, expenditure, accounting and auditing of the appropriations allocated for international emergency relief activities. These activities are carried out by the Presidency and the relevant institutions in charge. While aid is provided for international needs such as disasters, humanitarian crises and emergencies, expenditures are made from the International Emergency Aid Special Account of the Presidency and the special accounts of the institutions in charge. Assistance may be provided through direct procurement or facilitated procedures in cases of urgent need and these processes are not subject to the provisions of Law No. 4734 and Law No. 5018.

The International Emergency Relief Committee of the Presidency takes decisions on the planning, implementation and supervision of the aid and these decisions enter into force with the approval of the Presidency. Amounts not used in the relevant activities are returned to the Presidency account and the processes are subject to the audit of the Court of Accounts. Using international emergency assistance accounts, mandated institutions can meet urgent needs such as the procurement of goods and services and the establishment of field hospitals. Furthermore, expenditures should be carried out in accordance with the principles of transparency, competition and equity.

Audit processes are carried out by internal audit units and accounting procedures are carried out in accordance with the provisions of the relevant regulation. Amounts remaining in the international emergency aid accounts shall be transferred and utilized in the following year. Transactions prior to the entry into force of the Regulation shall be finalized according to the old procedures and principles.

Amendment to the Regulation on Compensation for Animal Diseases

- *Official Gazette dated December 10, 2024 and numbered 32748*

The amendments to the Regulation on Compensation for Animal Diseases regulate in more detail the procedures and principles regarding compensation payments in the fight against animal diseases. The Regulation sets out the conditions under which compensation will be paid, the places where payments will be made and the timing of implementation. While the diseases covered by compensation are determined by laboratory and official veterinarian determinations, compensation rates for some diseases such as anthrax have been revised. It is also stipulated that compensation will not be paid in cases covered by the Agricultural Insurance Pool and for animals whose import procedures have not been completed. Compensation payments will be made directly to animal owners through accounting units on the dates determined, depending on the budgetary possibilities of the Ministry. Some definitions and expressions in the Regulation have been updated and reference has been made to the Council of Ministers' decision on compensated diseases and their rates. In addition, the term "Food, Agriculture and Livestock" has been changed to "Agriculture and Forestry". These changes aim to ensure clarity in practice and compliance with current requirements.

Amendment to the Regulation on the Opening and Operation of Vehicle Inspection Stations and Vehicle Inspection

- *Official Gazette dated December 10, 2024 and numbered 32748*

With the amendments made to the Regulation on Vehicle Inspection Stations, regulations on personnel qualifications and inspection processes have been updated. The education and experience requirements for station supervisors, deputy supervisors and vehicle inspection technicians were redefined, and high school graduates were allowed to become technicians by receiving field and theoretical training. In addition, the provision that the inspection validity dates will be based on calendar days has been added. Language changes have clarified the wording in the text, and some references to articles of the regulation have been corrected or updated.

Amendment to the Implementing Regulation on Construction Tenders

- *Official Gazette dated December 10, 2024 and numbered 32748*

With the amendment made to the Implementing Regulation on Construction Tenders, the method for determining the work experience amount in construction works in return for flat and/or land has been updated. Accordingly, 85% of the amount calculated by multiplying the face measurement in the building license by the construction unit costs determined by the Ministry of Environment, Urbanization and Climate Change will be taken as basis. In addition, previous work experience certificates can be issued in accordance with the new criteria, if requested by the certificate holders. In this case, the new document will contain the date and number of the old document, as well as the annotation that it replaces the old document. These amendments aim to standardize the calculation and reissuance of work experience certificates.

Amendment to the General Regulation on the Establishment and Operating Principles of Central Clearing and Settlement Institutions

- *Official Gazette dated December 10, 2024 and numbered 32748*



Regulations on the use of cash resources of Central Clearing and Settlement Institutions have been updated. The cash resources of the ICC consist of cash collateral collected with its own resources and cash guarantee fund contributions. The ICC may utilize its own cash resources in various markets of the Central Bank of the Republic of Turkey (CBRT), banks in Turkey and Borsa Istanbul (BİAŞ). The collected cash collateral and guarantee fund contributions will be invested in specific areas such as the CBRT, banks in Turkey or Borsa Istanbul's Repo-Reverse Repo Market and Committed Transactions Market. At least 95% of the cash that cannot be utilized will be collateralized with debt securities with the specified qualifications and used in reverse repo transactions. This regulation aims to ensure effective and safe management of cash resources.

Amendment to the Regulation on the Rights of Passengers Traveling by Air (SHY-PASSENGER)

- *Official Gazette dated December 10, 2024 and numbered 32748*

With the amendments made to the Regulation on the Rights of Passengers Traveling by Air, passenger rights and compensation regulations have been updated. The legal regulation on which the Regulation is based has been specified and air carriers are now obliged to fulfill their obligations immediately in order to compensate passengers in case flights are delayed for 3 hours or more due to technical or operational reasons. Compensation amounts have been revised and set as EUR 100 for domestic flights and EUR 250, EUR 400 and EUR 600 for international flights, depending on the flight distance.

If compensation payments are to be made in Turkish Lira, the foreign exchange selling rate of the Central Bank of the Republic of Turkey on the day of payment will be taken as basis. These regulations aim to strengthen the rights of passengers and ensure standardization in practice.

Amendment to the Regulation on Official Announcements and Advertisements

- *Official Gazette dated December 10, 2024 and numbered 32748*

With the amendments made to the Regulation on Official Advertisements and Advertisements, regulations on advertisements and advertisement processes have been relaxed. By removing the terms "at least" and "1 correspondent" from Articles 82 and 88 of the Regulation, a more flexible structure has been created regarding the requirements for announcements and advertisements. This amendment aims to provide a wider scope of application regarding the number of correspondents or other requirements. With the paragraph added to Article 92, it is now possible to conduct official announcement and advertisement audits electronically. This regulation aims to speed up the audit processes through digitalization, reduce costs and make the processes more efficient. The procedures and principles on how electronic inspections will be conducted will be determined by the Board of Directors. The amendments reflect a digitalization and flexibility approach in line with the requirements of the age.

Turkish Pharmacists Association Disciplinary Regulation

- *Official Gazette dated December 10, 2024 and numbered 32748*



In this regulation, which regulates the procedures and principles regarding the disciplinary penalties of pharmacists, it is stated that the disciplinary investigation will be initiated and carried out by the Chamber of Pharmacists. Within the scope of the investigation, the pharmacist is given the right to defense and if no defense is made, action is taken according to the available evidence. The Court of Dignity may assess professional offenses and ethical violations and may impose disciplinary penalties such as written warnings, fines, temporary prohibition from practicing the profession and permanent prohibition from practicing the profession in a region. Penalties may be imposed for acts such as non-compliance with hygiene rules, prescription diversion, selling unlicensed medicines, and violations of seizure duty.

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

- *Official Gazette dated December 11, 2024 and numbered 32749*

With the amendments made to the Main Regulation of the Chamber of Food Engineers of the Union of Chambers of Turkish Engineers and Architects, membership procedures and documents have been updated. In addition to the requirement that the copy of the diploma must be notarized, the square-coded graduation certificate obtained through e-Government is also accepted. The term "identity card" has been changed to "Republic of Turkey Identity Card" and the obligation to comply with the principles of professional ethics and behavior has been added. In addition, the dates of the General Assembly meetings have been extended and changed to "December or January". It is stipulated that the decisions of the General Assembly be recorded and the decisions regarding membership/documentation procedures be announced on the chamber's website or in periodical publications.

7534 Law Amending the Village Law and Certain Laws

- *Official Gazette dated December 12, 2024 and numbered 32750*

The amendments introduce various regulations and new practices in the relevant laws. The temporary articles of the Village Law have been extended until 2028, while the Law on Slums details the demolition processes of unauthorized structures and emphasizes the responsibility of local authorities to ensure demolition safety. Tax exemptions for urban transformation projects have been expanded in the Value Added Tax Law. The Zoning Law introduced new provisions on transfer of development rights and regulatory partnership shares, and regulated processes for the creation of public service areas.

Under the Law on Building Inspection, new supervision and penalty practices were introduced for building inspection organizations and laboratories, and service fees were regulated. New duties were assigned to the Urban Transformation Presidency under the Law on Transformation of Areas under Disaster Risk. In the Law on Geographical Information Systems, data collection and sharing processes were regulated, administrative fines and data permission fees were rearranged. In the regulations on the Turkish Environment Agency, the employment of personnel was limited and the management structure and job descriptions were updated.

Regulation on the Procedures and Principles of Pregnancy Schools and Childbirth Services

- *Official Gazette dated December 12, 2024 and numbered 32750*

This regulation aims to determine the opening, functioning and supervision of pregnancy schools and the standards for the provision of services for preparation for childbirth, childbirth and the postnatal period. The regulation covers pregnancy schools opened by the Ministry of Health, universities, private hospitals, medical centers, polyclinics and medical practices. In pregnancy schools, childbirth preparation trainings and counseling services are carried out by the responsible physician and coordinator midwife. The educational and physical conditions of pregnancy schools are regulated in detail, registration procedures and inspection processes are determined.

Implementing Regulation on the Protection of Animals

- *Official Gazette dated December 12, 2024 and numbered 32750*



This regulation sets out the principles on the adoption of pets, rehabilitation and adoption of stray animals, establishment and operation of animal care homes, use of animals for commercial purposes, euthanasia processes, functioning of provincial animal protection boards, inspection procedures and administrative fines. While aiming to protect animal welfare and human, animal and environmental health, the Regulation regulates responsibilities on issues such as animal adoption, management and supervision of nursing homes, and stipulates sanctions in case of non-compliance.

Amendment to the Regulation on Tariff Implementation Principles in Compulsory Financial Liability Insurance for Motor Vehicles

- *Official Gazette dated December 12, 2024 and numbered 32750*



This regulation introduces several amendments to the regulation on Compulsory Financial Liability Insurance for Motor Vehicles on Highways. A discount of up to 20% on insurance premiums for disabled individuals has been authorized, and premium calculation and sharing procedures have been reorganized. When the insurance policy is terminated, premium accrual rates have been determined and the agency commission rate has been clarified. It was stated that changes in the loss cost index will be taken into account as zero if they are below zero, and increases were added to the maximum premium rates according to vehicle types. Premium and loss sharing principles for the policies within the scope of the pool have been updated and a two-stage method has been determined for sharing for the previous period. In addition, tables and related annexes have been revised.