

WEEKLY NEWSLETTER

Metin & Çiçek Avukatlık Ortaklığı Haftalık Hukuk Bülteni



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Communiqué on Classification of Goods and Services for Trademark Registration Applications

- *Official Gazette dated December 20, 2024 and numbered 32758*

This Communiqué regulates the Classification List of Goods and Services to be used as a basis for trademark registration applications filed with the Turkish Patent and Trademark Office in accordance with the provisions of the Nis Agreement. The list in Annex-1 categorizes goods in 34 classes and services in 11 classes. While the list contains general headings, goods or services not covered by these headings will be evaluated according to their similar qualities. The goods and services specified in the applications must be organized according to the new list. In addition, the previous Communiqué No. 2016/2 has been repealed.

Regulation on the Control of XYLELLA Leaf Blight

- Official Gazette dated December 14, 2024 and numbered 32752

This regulation regulates the minimum measures to be taken to determine the presence and spread of the *Xylella fastidiosa* pest organism, to prevent its spread, to ensure its eradication and to regulate the minimum measures to be taken against this pest. The Regulation covers issues such as monitoring the harmful organism through annual surveys, implementing eradication and control measures, determining contaminated and restricted areas, regulations on the movement of plants within the country and conducting awareness campaigns. In addition, official controls on the movement of designated plants from infected areas, authorization of production sites as pest-free, eradication of the harmful organism and implementation of control measures are defined. It is envisaged to organize information campaigns to raise awareness of the public and relevant stakeholders and to publicize the measures to be taken in restricted areas.

Amendment to the Communiqué on Monitoring of Liquefied Petroleum Gases (LPG) Cylinders in the Market

- Official Gazette dated December 14, 2024 and numbered 32752



With the amendment to the Communiqué on the Tracking of Liquefied Petroleum Gases (LPG) Cylinders in the Market, the deadline for distributors to establish a tracking system was extended until December 31, 2025, and as of this date, the possession, filling and sale of full LPG cylinders that are not identified or do not have a QR code label is prohibited in filling facilities.

Customs General Communiqué (Customs Transactions) (Serial No: 210)

- Official Gazette dated December 14, 2024 and numbered 32752



This Communiqué regulates the species and export conditions of natural flower bulbs that are banned, limited by quotas and free from production for the year 2025. The export rules, related permits, quotas and production conditions for banned species, quota-limited species and free species are specified, and sanctions for unauthorized collection from nature and those who make false declarations are explained.

Communiqué on the Export List of Natural Flower Bulbs for 2025

- Official Gazette dated December 14, 2024 and numbered 32752

This Communiqué determines the types, export conditions, quantities and tradable sizes of natural flower bulbs, which are banned for export, limited by quotas and free from production in 2025. Provincial directorates and BÜGEM will organize the permits and controls for the species to be collected from nature or to be provided from production, while administrative sanctions will be imposed on those who illegally collect or make false declarations within the framework of the Environmental Law, Seed Law and Anti-Smuggling Law.

Communiqué on Administrative Fines to be Imposed in 2025 Pursuant to Article 25 of the Nuclear Regulation Law No. 7381

- *Official Gazette dated December 14, 2024 and numbered 32752*

This Communiqué regulates the updating of the administrative fines to be imposed within the scope of Article 25 of the Nuclear Regulation Law No. 7381 for the year 2025 by increasing with the revaluation rate of 43.93% for the year 2024. The fine amounts for nuclear facilities, radioactive waste facilities, radiation facilities and other related activities have been determined in detail and revalued based on the Tax Procedure Law.

Amendment to the Regulation on Private Health Institutions Providing Oral and Dental Health Services

- *Official Gazette dated December 15, 2024 and numbered 32753*



These amendments revise the regulations on the provision of oral and dental health services in private health institutions. The requirements for indoor usage area, patient waiting room and examination room have been redefined, and additional space standards have been introduced in parallel with the increase in dental units. In addition, licensing processes have been elaborated and the structure and duties of inspection and licensing commissions have been reorganized.

The rules on the working places of dentists have been updated, and the right to work in two different private health institutions has been granted, but only in one of them, provided that they are included in the minimum number of personnel. In addition, it has been made mandatory to issue sales receipts or invoices for patient examinations and treatments, and these documents must include a detailed breakdown of the services provided and unit prices. Previously licensed health institutions will be subject to the provisions of the old regulation, and the annexes of the regulation have been amended in accordance with the new regulations.

Amendment to Electricity Market Balancing and Settlement Regulation

- *Official Gazette dated December 17, 2024 and numbered 32755*

This regulation updates the Electricity Market Balancing and Settlement Regulation to cover aggregation activities ("aggregation") in the electricity market. Aggregator and related concepts are defined, and articles regulating the participation of aggregators in balancing and settlement processes are added or amended. Procedures for aggregators' participation in the balancing power market and ancillary services have been defined, and conditions and limitations have been introduced for aggregation of generation and consumption facilities within the scope of aggregation. In addition, provisions on the role of aggregators in balance responsibility groups, calculation of imbalance ratios and settlement procedures have been updated, and temporary provisions on the implementation of imbalance ratios until 2027 have been added.

Amendment to Electricity Market License Regulation

- *Official Gazette dated December 17, 2024 and numbered 32755*



This regulation adds new provisions on "aggregation" to the Electricity Market Licensing Regulation and sets out the rules for the inclusion of aggregation in aggregator licenses and supply licenses. Aggregation is defined as an activity carried out to enable grid users to participate in market activities by combining their production and consumption; license types, application processes, rights and obligations are detailed. A distinction between physical and information systems between distribution and supply companies, additional regulations on license amendments and obligations regarding aggregators' relations with grid users are introduced.

Amendment to Electricity Market Ancillary Services Regulation

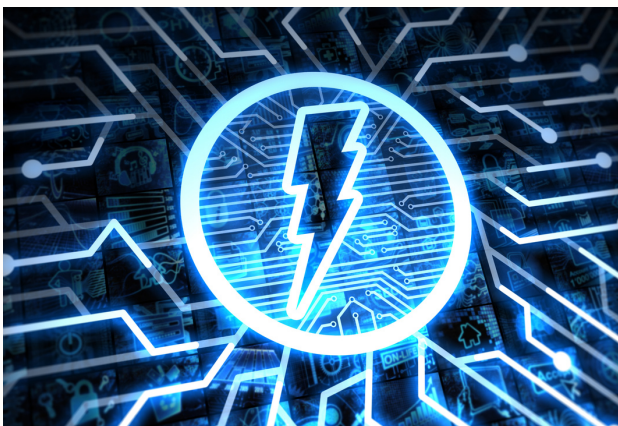
- Official Gazette dated December 17, 2024 and numbered 32755



This regulation added new types of ancillary services to the Electricity Market Ancillary Services Regulation, such as “demand response service” and “limited frequency sensitivity mode”, and detailed the obligations and procurement processes of service providers. Within the scope of the demand response service to be provided through aggregators, system balance will be achieved through consumption reduction of consumption facilities and this process will be managed by TEİAŞ. In addition, technical criteria for participation in ancillary services, tender procedures, pricing principles and penal sanctions for non-fulfillment have been determined.

Amendment to the Regulation on Storage Activities in the Electricity Market

- Official Gazette dated December 17, 2024 and numbered 32755



With the amendments, the energy generation of electricity generation facilities with storage is limited to the total installed capacity of the units based on the main source. In addition, supply or aggregator license holders were allowed to establish more than one independent electricity storage facility under the same license, provided that they have at least 2 MW installed capacity, and energy purchase and delivery transactions of these facilities were taken as basis for settlement.

Amendment to the Regulation on Unlicensed Electricity Generation in the Electricity Market

- Official Gazette dated December 17, 2024 and numbered 32755



The amendment stipulates that if unlicensed electricity generation facilities are found to consume illegal electricity, payments for the energy produced will be suspended and this energy will be considered as a free contribution to YEKDEM. In addition, wind energy-based facilities owned by the same person can be merged under certain conditions. In addition, it is regulated that unlicensed generation facilities that have completed their ten-year purchase guarantee can be included in portfolios within the scope of aggregation activities. While the surplus energy generated by these facilities will be utilized by the aggregators, price and offsetting transactions will continue within the framework of the existing rules.

Regulation on Aggregation Activities in the Electricity Market

- Official Gazette dated December 17, 2024 and numbered 32755

This regulation regulates the activities of aggregators in the electricity market and the duties, powers and responsibilities of the parties. Aggregators can trade in the organized electricity market, participate in ancillary services and manage balancing mechanisms by collecting energy generation, consumption and storage facilities in their portfolios. They are obliged to provide remote control, measurement and data for the facilities in their portfolios. In addition, principles regarding the participation of licensed and unlicensed electricity generation facilities in aggregation activities and portfolio limits have been determined. Compliance with the rules is supported by agreements with the grid and market operator.

Amendment to the Regulation on Renewable Energy Resource Guarantee Certificate in the Electricity Market

- Official Gazette dated December 17, 2024 and numbered 32755



This regulation aims to include aggregator license holders in the renewable energy resource guarantee system and to ensure their participation in the issuance and trading processes of YEK-G certificates. Aggregator license holders will take responsibility for the certification and disclosure of energy generated from renewable energy resources to consumers and will submit the necessary undertakings in this context. It is also stated that charging network operators will also have the rights and obligations granted to system users. The operations of those who violate the YEK-G system will be suspended and violations will be reported.

Amendment to Electricity Network Regulation

- Official Gazette dated December 17, 2024 and numbered 32755



These regulations regulate demand response, limited frequency sensitivity modes, shunt reactor and capacitor standards, electricity storage facilities, new monitoring and performance criteria for renewable energy generation facilities and the use of low frequency relays for system security. In addition, system frequency limits have been updated and new ancillary services participation and technical requirements have been defined, such as demand response and limited frequency sensitivity mode services. Frequency response and monitoring requirements for wind and solar power facilities are specified, and testing and certification processes for electricity storage and generation facilities are detailed.

Amendment to the Regulation on Certification and Support of Renewable Energy Resources

- Official Gazette dated December 17, 2024 and numbered 32755

These regulations updated the procedures and principles regarding generation, supply, aggregator and unlicensed generation facilities within the scope of YEKDEM (Renewable Energy Resource Support Mechanism) to support renewable energy resources. The obligations of incumbent supply companies and aggregators were detailed, and the evaluation, payment and calculation methods for exempt generation amounts were redefined. In addition, issues such as the rights and responsibilities of YEKDEM participants, free market assessments, local component supports and actions to be taken in case of incorrect payments have been clarified.

Communiqué on Determination of Antimicrobials or Antimicrobial Groups Reserved for the Treatment of Specific Infections in Humans (No: 2024/33)

- Official Gazette dated December 18, 2024 and numbered 32756



This Communiqué prohibits the use in animals of antimicrobial substances or groups of antimicrobial substances reserved for the treatment of certain infections in humans in order to combat antimicrobial resistance and introduces regulations on veterinary medicinal products and human medicinal products used in animals. The use of antimicrobials listed in Annex-1 in veterinary medicinal products and medicated feeds and their use in animals is prohibited and the license applications of products containing these substances are rejected or their licenses are revoked. It is aimed to harmonize with the European Union legislation.

Communiqué on Increasing the Monetary Limits in Article 10 of the Law No. 5957 on the Regulation of the Trade of Vegetables and Fruits and Other Goods with Sufficient Supply and Demand Depth

- *Official Gazette dated December 19, 2024 and numbered 32757*

With this Communiqué, the monetary limits set out in Article 10 of Law No. 5957 have been re-determined for 2025 by increasing the revaluation rate for 2024 by 43.93% and the obligation to apply to the arbitration committees is valid for disputes below 887,009.71 TL. For disputes above this amount, it is stated that the decisions of the committee can be submitted as evidence in the commercial court of first instance.

Communiqué on the Procedures and Principles to be Complied with in Foreign Notification and Requests for Recall

- *Official Gazette dated December 20, 2024 and numbered 32758*



This Communiqué sets out the costs applicable to foreign service of process and requests for service of process within the framework of international judicial cooperation. The Communiqué defines the scope of costs as postal expenses and other costs requested by the foreign authorities. In notification requests, postal expenses of TL 300 for the Turkish Republic of Northern Cyprus and TL 525 for other countries are charged, while different costs and payment methods are stipulated for certain countries. In addition, cost advances are required for requests for interrogation, while certain costs are deposited for procedures such as expert examinations and DNA tests. The Communiqué regulates the use of the services of correspondent banks for payments in currencies not in circulation in Turkey, the reimbursement of costs by the Treasury in legal aid or public cases, and the absence of translation or annexation in documents to be sent to foreign authorities. Detailed procedures have been established for the correct submission of receipts and harmonized management of expense processes.

Communiqué on Increasing the Monetary Limits in Article 68 of the Law No. 6502 on Consumer Protection and Article 6 of the Regulation on Consumer Arbitration Committees

- *Official Gazette dated December 20, 2024 and numbered 32758*

The Communiqué updates the monetary limits applicable to applications to the Consumer Arbitration Committees in line with the revaluation of 43.93% for 2024 in accordance with the Law No. 6502 on Consumer Protection and the relevant regulation. For 2025, Provincial or District Consumer Arbitration Committees are authorized for disputes with a value below TL 149,000. Applications can be made to the Consumer Arbitration Committees in the place of residence of the consumer or where the transaction is made. In districts where there is no Consumer Arbitration Committee, applications are made to the district governorship and forwarded to the authorized committee.

Communiqué on Administrative Fines to be Imposed in 2025 Pursuant to Article 77 of the Law No. 6502 on the Protection of Consumers

- *Official Gazette dated December 20, 2024 and numbered 32758*



This Communiqué updates the administrative fines to be imposed pursuant to Article 77 of the Consumer Protection Law No. 6502 according to the revaluation rate of 43.93% for 2024. Between January 1, 2025 and December 31, 2025, the fine amounts are determined in detail according to paragraphs. Depending on the nature of the violation, the penalty amounts start from TRY 3,126 and go up to TRY 79,171,438 for the most serious violations. Relevant updates have also been made for the penalties to be applied under the previous regulations.