WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter

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Health Services Licensing Regulation Published

The Health Services Licensing Regulation published by the Ministry of Health comprehensively reorganizes the procedures and principles for licenses that grant individuals and private legal entities the authority to open private healthcare facilities or provide specific healthcare services. The Regulation aims to ensure that private healthcare investments are now carried out within a structure that is subject to central planning, predictable, and more strictly supervised.

Pre-determination of License Types (Article 5)

- The Regulation stipulates that the Ministry shall determine in advance the types of health services to be licensed, the types of institutions, and the regions where they are needed, in line with planning principles.

This regulation ensures that investment decisions in the private healthcare sector are shaped based on regional needs analysis, away from randomness, making the licensing processes more predictable.

Principles and Transparency in License Auctions (Articles 7–8)

- Transparency, competition, equal treatment, reliability, confidentiality, and public oversight have been established as fundamental principles in license auctions.
- Furthermore, determining an estimated price in auctions is mandatory; it is stipulated that this price must be included both in the auction document and in the announcement.

These regulations aim to ensure that the license market operates in a transparent, predictable, and objective manner.

Conditions for Participation in Auctions and Prohibited Acts (Articles 9–10)

- Real persons and legal entities applying for a license must not have been convicted of certain crimes, dismissed from public office, or subject to bankruptcy, liquidation, or similar financial/legal impediments.
- Furthermore, acts such as presenting false documents or guarantees and disrupting the auction process are explicitly prohibited.

These provisions aim to ensure that the licensing process is conducted on the basis of integrity, public trust, and sectoral stability.

License Term, Transfer, and Revocation (Articles 26–28)

- The validity period of licenses will be determined in accordance with the legislation governing the relevant type of healthcare service.
- It is important to note that a license does not in itself confer the right to open or operate a healthcare facility; investors must also complete the licensing and operating permit processes.
- The regulation stipulates that the license cannot be transferred or combined, and may be revoked by the Ministry if the necessary permits are not obtained or if the license is suspended.

These regulations confirm that the license is not a freely transferable right in the market, but rather an administrative permit specific to the individual and the project.

Licenses for Incentive Purposes (Article 29)

- The Ministry may issue incentive-based licenses for regions deemed necessary or priority healthcare service areas. The initial fee for such licenses may be freely determined.

This regulation is important in terms of balancing regional healthcare capacity and increasing service diversity in strategic areas.

General Assessment

The regulation has made the licensing process for private healthcare institutions more systematic, controlled, planning-oriented, and compliant, while also making it more predictable for investors.

The fact that the license alone does not confer the right to operate and that a permit/authorization is also required shows that the process can be multi-stage and risky, especially for large-scale investments.

Regulation on Promotion and Information Activities in Health Services Published

The Regulation on Promotion and Information Activities in Health Services, published by the Ministry of Health, aims to impose strict rules on promotional activities by healthcare professionals and private healthcare institutions, specifically banning advertising-related activities on social media and digital platforms.

Basic Prohibitions and Principles

- The regulation strictly prohibits advertising in any content related to healthcare services; it only allows for informational sharing.
- Elements such as fees, discounts, campaigns, referrals, exaggerated promises, and claims of superiority are prohibited in all media.
- The promotion of methods without a scientific basis, the use of patient reviews for "advertising purposes," and the production of sponsored content are largely prohibited.

Patient Images and Privacy

- Patient photos, videos, and "before-and-after" images may only be used with explicit consent; providing benefits in exchange for consent is prohibited.
- Filters, photoshop, exaggerated visual effects, images taken during surgery, and photos containing private areas are explicitly prohibited.
- Patient privacy and the protection of personal health data are mandatory in all content.

Special Regime for Health Tourism

- Only organizations with an international health tourism authorization certificate are permitted to open social media accounts targeting foreign countries and make sponsored posts in foreign languages.
- Targeting domestic audiences is strictly prohibited.

Supervision and Sanctions

- Provincial Evaluation Commissions have been established to conduct regular scans and ex officio investigations on digital platforms.
- Content removal, administrative fines, and other sanctions under health legislation may be applied for violations.
- The Commissions will conclude complaints and ex officio investigations within 45 days.

Conclusion and Evaluation

The regulation significantly restricts social media marketing, particularly in the fields of aesthetics, dermatology, dentistry, and plastic surgery.
Influencer collaborations, sponsored aesthetic posts, and commercial content production are all prohibited.
Clinics will need to make fundamental changes to their promotional strategies and establish a full compliance mechanism.

EPDK – Board Decision Regarding the Temporary Power Increase Application

Permission for Temporary Power Increases

EPDK has decided not to consider it a power excess when legal entities holding production licenses exceed their contracted power under certain conditions.

Accordingly, following applications by producers to TEİAŞ or the relevant distribution company specifying the amount and duration of the power increase:

- For facilities connected to the transmission system: Starting from the 5th business day after the application,
- For facilities connected to the distribution system: Starting from the 10th business day after the application,

the facility will be temporarily permitted to supply energy to the system at a higher power level.

Technical or System Security-Related Restrictions

TEİAŞ or the distribution company may

- partially or completely restrict
- the amount or duration of the power increase requested
- due to technical requirements or system operational security.

In case of restriction:

- The producer is informed,
- A reasoned written notification is made within 5 business days,
- The producer may appeal to the Authority within 30 days.

This mechanism applies to both new applications and facilities already in operation.

Distribution Companies' Notification Obligation

Distribution companies are obliged to forward the applications to TEİAŞ within 5 business days.

Calculation of Fees

The fixed transmission fee and fixed distribution system usage fee will continue to be calculated based on the contracted power.

Therefore, the power increase is temporary and will not affect the fixed fee calculations.

Effective Date and Application Period

- The decision entered into force on the date of its publication.
- Application period: December 1, 2025 – February 28, 2026

The application will automatically expire at the end of this period, and its continuation will require a new Board decision.

Communication Regarding the Re-determination of the Deferral Interest Rate

The Circular published by the Ministry of Treasury and Finance has reduced the deferral interest rate applied under Article 48 of Law No. 6183 on the Collection Procedures for Public Receivables from 48% to 39% per annum. The provisions of the Circular entered into force on the date of its publication, and the new interest rate will be applied to all deferral requests made from the date of entry into force.

Transitional Period Regulation

The Circular provides for different interest rates to apply depending on the date of application:

a) Applications made before the Circular but not yet finalized

- From the date of application to the date of publication of the Circular → the interest rate in effect on that date (48%)
- After the publication date → 39%

b) Public receivables currently subject to deferral and for which installments are being paid

- Until the publication date → current rates (old interest regime)
- Installments due after the publication date → 39% per annum

This approach allows for the forward-looking updating of interest rates on ongoing deferral relationships within the authority framework of Article 48 of Law No. 6183.

Late Payment Surcharge, Late Payment Interest, Penalty Surcharge Rate Re-determined

Pursuant to Presidential Decree No. 10556, the late payment surcharge rate applied at 4.5% per month since May 21, 2024, in accordance with Article 51 of Law No. 6183 on the Collection Procedures for Public Debts, has been set at **3.7%** effective November 13, 2025.

However, since the default interest rate pursuant to Article 112/3 of the Tax Procedure Law and the penalty rate pursuant to Article 371/5 of the same Law are applied by reference to the default interest rate, the late payment interest rate and the penalty rate will also be applied at a monthly rate of 3.7% effective as of November 13, 2025.

Constitutional Court Decision No. 2025/133

The claim that the decision of the Grand National Assembly of Turkey (GNAT) regarding the election of members of the Council of Judges and Prosecutors (CJP) dated May 21, 2025, and numbered 1450, violates Articles 2, 9, 10, 95, 138, 139,

140, and 159, the Constitutional Court stated that, in accordance with the relevant provisions of the Constitution, applications may be made to review the constitutionality of decisions on the removal of legislative immunity or the termination of membership of the Grand National Assembly.

The Court stated that for a Grand National Assembly decision to be examined within the scope of an alleged amendment to the Rules of Procedure, the decision must be a parliamentary decision relating to the working procedures and principles of the Assembly.

Upon examination of the TBMM decision in question, it was found that it did not envisage any amendment or regulation to the Internal Regulations concerning the working procedures and principles of the Assembly. Therefore, it was concluded that the review of the constitutionality of the aforementioned decision fell outside the jurisdiction of the Constitutional Court.