

# Turkish Energy & Infrastructure

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## Recent Changes in Legislation

### Amendments to the Administrative Fine Figures, Eligible Consumer Thresholds and License Fees in Energy Markets

- The Energy Market Regulatory Authority (“EMRA”) published four communiqués in the Official Gazette No. 30632 and dated 21 December 2018 escalating the administrative fines to be applied in 2019 in the electricity, natural gas, LPG, and petroleum markets by 23.73%.
- Pursuant to EMRA’s decisions No. 8261<sup>1</sup> and 8265<sup>2</sup>, the eligible consumer threshold has been decreased from 2,000 kWh to 1,600 kWh for the electricity market, and the eligible consumer threshold has remained unchanged as 75.000 m<sup>3</sup> for the natural gas market for 2019.
- Pursuant to EMRA’s decision No. 8275<sup>3</sup>, pre-license, license, license renewal, pre-license amendment and license amendment fees were

escalated under the Electricity Market Law No.6446<sup>4</sup> for 2019.

### The Law Amending Tax Laws, Certain Laws and Statutory Decrees

The Law Amending Tax Laws, Certain Laws and Statutory Decrees No. 7161 (“**Law No. 7161**”) was published in the Official Gazette No. 30659 and dated 18 January 2019 having different effective dates for its provisions. The Law No. 7161 amended various laws, including the Law on İller Bankası Anonim Şirketi No. 6107<sup>5</sup> (“**Law on İller Bankası**”), the Public Procurement Contracts Law No. 4735<sup>6</sup> (“**Public Procurement Contracts Law**”), Value Added Tax Law No. 3065<sup>7</sup> (“**Value Added Tax Law**”) and Pasture Law No. 4342<sup>8</sup> (“**Pasture Law**”). The amendments concerning Law on İller Bankası, Public Procurement Contracts Law, Value Added Tax Law and Pasture Law have entered into force on 18 January 2019.

<sup>1</sup> Published in the Official Gazette No. 30634, dated 23 December 2018.

<sup>2</sup> Published in the Official Gazette No. 30634, dated 23 December 2018.

<sup>3</sup> Published in the Official Gazette No. 30634, dated 23 December 2018.

<sup>4</sup> Published in the Official Gazette No. 28603, dated 30 March 2013.

<sup>5</sup> Published in the Official Gazette No. 27840, dated 8 February 2011.

<sup>6</sup> Published in the Official Gazette No. 24648, dated 22 February 2002.

<sup>7</sup> Published in the Official Gazette No. 18563, dated 2 November 1984.

<sup>8</sup> Published in the Official Gazette No. 23272, dated 28 February 1998.

Novelties brought with the Law No. 7161 to the abovementioned pieces of legislation are summarized below:

#### The Law on İller Bankası

The population condition (i.e. populated under 200.000 people) for the allocation of İller Bankası's 51% of profit to municipalities has been repealed. İller Bankası is, irrespective of the population of the municipalities, authorized to allocate 51% of its profit for financing of the works of urban transformation, map, construction plan, infrastructure and superstructure projects of all local authorities and the interest arising from this financing as well.

#### The Public Procurement Contracts Law

The agreements that were concluded in the scope of the Public Procurement Law No. 4734<sup>9</sup> by way of the tenders, which were executed before 31 August 2018, and were valid when the Law No. 7161 entered into force, can be terminated or assigned provided that there has been an unexpected increase in the applicant's manufacturing input cost. This termination or assignment was to be made after the written application in 60 days following the entry into force of the related provision. The administration was authorized to approve the application after taking the opinion of the Ministry of Treasury and Finance. The guarantee provided by the applicant shall be reimbursed after such termination or assignment.

#### The Value Added Tax Law

The construction and delivery of goods and services to the renewable and other energy facilities of organized industrial zones have been included in the scope of the value added tax exemption.

#### The Pasture Law

The allocation purpose of the pasture areas can now be changed in case geothermal resources or natural mineral water reserves are determined under the relevant land.

## **Nuclear Power Plants Project and Acceptance Regulation**

The Nuclear Power Plants Project and Acceptance Regulation ("**Regulation**")<sup>10</sup> entered into force with its publication in the Official Gazette on 18 January 2019. With the introduction of this Regulation, procedures and principles concerning project approval and facility acceptance transactions of nuclear power plants ("**NPPs**") are mainly established. Furthermore, the procedures to be followed during the testing, control, acceptance and operation periods of NPPs are set forth under this Regulation.

<sup>9</sup> Published in the Official Gazette No. 24648, dated 22 January 2002.

<sup>10</sup> Published in the Official Gazette dated 18 January 2019 and numbered 30659.

In accordance with the Regulation, the Ministry of Energy and Natural Resources ("**MENR**") is authorized for the project approval and acceptance transactions of the facilities within the scope of the Regulation. The MENR is entitled to use this authority directly or through relevant institutions and/or organizations.

### **1. Project Approval**

It is set forth under the Regulation that construction licenses given by the Turkish Atomic Energy Institution ("**TAEK**") in accordance with the Bylaws regarding the Licensing of Nuclear Facilities<sup>11</sup> shall be deemed as project approvals for NPPs provided that a system connection agreement has been concluded with the system operator. Prior to pre-acceptance of the facility, project approval transactions regarding the energy transmission line ("**ETL**"), energy carrier line ("**ECL**") and switchyards will be conducted by the authorized institutions and organizations pursuant to provisions of Electricity Facilities Project Regulation<sup>12</sup> (provided that a system connection agreement has been concluded with the system operator).

### **2. Providing Voltage to the Facility**

Pursuant to the Regulation, no voltage shall be provided to the NPPs which do not have project approval. In the process following the project approval, relevant ETL and ECL acceptance transactions will be conducted by the authorized institutions and organizations in accordance with the provisions of Electricity Facilities Acceptance Regulation<sup>13</sup> and other applicable legislation.

Provided that a system use agreement has been concluded with the system operator and the safety of life and property ensured by the license/facility owner, upon the request of the license/facility owner, the system operator can temporarily provide voltage to the NPP during the testing process prior to fuel loading.

### **3. Acceptance**

The Regulation sets forth that an application shall be made to the MENR by the license/facility owner for acceptance with the information and documents indicated for such application under the Regulation, after obtaining the permission for operating in full capacity and the operation license, the completion of required permission processes for the installation of unit(s) and field tests before and after synchronization.

Important deficiencies and faults concerning the safety of life, property and field or fundamental issues are indicated as the reasons preventing the acceptance of the facility under the Regulation. In this case, the rejection report will be notified to the MENR by the acceptance committee's

<sup>11</sup> Published in the Official Gazette dated 19 December 1983 and numbered 18256.

<sup>12</sup> Published in the Official Gazette dated 30 December 2014 and numbered 29221 (bis).

<sup>13</sup> Published in the Official Gazette dated 7 May 1995 and numbered 22280.

president. Considering the public interest, the MENR is entitled to decide the disengagement of the facility from the network. If the license/facility owner certifies to the MENR that the issues preventing the acceptance of the facility are resolved and the MENR considers appropriate, the process of acceptance application and evaluation will be followed.

## The Law Amending Income Tax Law and Certain Other Laws

The Law No. 7162 Amending Income Tax Law and Certain Other Laws (“**Law**”) was published in the Official Gazette No. 30671 and dated 30 January 2019. This Law brought certain changes to the Electricity Market Law No. 6446 as well. Those changes are as follows:

- Electricity requiring *future-dated physical delivery* is included within the scope of the organized wholesale electricity market definition.
- Procedures and principles with regard to (i) the risk management in markets operated by Enerji Piyasaları İşletme A.Ş. (“**EPIAŞ**”) or the financial settlement, (ii) securities to be taken from market participant due to the center counter party and swap services, (iii) default management to be applied due to non-performance of market participants’ duties, and (iv) the dividend guarantee account to be formed shall be determined by the regulation to be published by Energy Market Regulatory Authority.
- Securities held before the EPIAŞ and center financial settlement center with respect to the markets operated by the EPIAŞ or the financial settlement and assets standing to the dividend guarantee account cannot be utilized for other purposes, attached, pledged, affected from the administrative institutions’ liquidation decisions, included into the bankrupt’s assets, and subject to an injunctive relief decision.

## Organized Industrial Zones Implementation Regulation

The Organized Industrial Zones Implementation Regulation (“**OIZ Regulation**”) was published in the Official Gazette No. 30674 and dated 2 February 2019, which regulates the establishment and operation of the Organized Industrial Zones (“**OIZs**”) and abolished the previous regulation. The OIZ Regulation entered into force as of its publication date and in general, it simplified the former provisions. The provisions regarding the assignment of the OIZs’ organs, enterprising committees and its membership, general assembly, the representative of the Ministry of the Industry and Technology (“**Ministry**”), constructions and its principles, default interests for the amounts collected from the participants and lessees, allocation of the lands and its cancellation, the facilities that are not permitted to be established in the OIZs, are the ones

that are amended by the OIZ Regulation. Additionally, a provisional article is provided for the participants, who do not have a workplace opening and operating license. With this provisional article, the procedure for such participants is eased.

In addition to the above mentioned changes, the important novelties brought by the OIZ Regulation are as follows:

- Liquidation procedure for the OIZs that will be cancelled is regulated, and it is decided that the liquidation should be subject to the provisions of the Turkish Commercial Code.
- The authority to determine the procedures and principles of OIZs’ tenders is added to the duties and authorities of OIZs’ enterprising committees and general assemblies.
- For the duties and authorities of OIZs’ boards of directors, a general authorization provision is determined. The boards of directors are entitled to assign their duties.
- Provisions relating to the qualifications and employment of the OIZs’ personnel are annulled.
- Detailed provisions regarding the OIZs licenses and permits are annulled, and the legislation that will be applied to licenses and permits is determined.
- It is emphasized and clarified that, the establishment of the energy generation facilities using solar and wind power, other than the ones established for the OIZs’ and their participants’ needs, is not permitted.
- Purification and waste processing facilities are entitled to supply waste, from the outside of the OIZs.
- Provisions regarding the waste water management, drains and solid waste management are amended.
- The amount of securities, which the participants of OIZs’ tenders should provide, are decreased.
- The provision designating the threshold of the rentable areas in OIZs is abolished.
- The Natural Gas Market Law No. 4646 was amended<sup>14</sup> in a way that the distribution companies are now entitled to distribute natural gas in certain OIZs. It is added by the OIZ Regulation that, the rules and principles regarding the OIZs which do not utilize from this opportunity, will be determined with the procedures and principles issued by the Ministry.

<sup>14</sup> This amendment was made with the Law Amending Certain Laws and Statutory Decrees for the Development of Industry and Support of Production No. 7033, published in the Official Gazette No. 30111, dated 1 July 2017.

Organized Industrial Zones Location Selection Regulation (“**Location Selection Regulation**”) which abolished the previous regulation, was also published in the same Official Gazette with the OIZ Regulation. In the former regulation, suggesting a location during the establishment of the OIZs was optional; however, the Location Selection Regulation rendered the location suggestion as mandatory, to simplify the establishment process.

## **Amendment to the Electricity Market Licensing Regulation**

The Regulation Amending the Electricity Market Licensing Regulation<sup>15</sup> (“**Amending Regulation**”) was published in the Official Gazette on 16 February 2019 and came into force. The Amending Regulation introduced a new exemption to the share transfer restriction for legal entities holding a pre-license granted under the Renewable Energy Resources Area (“**YEKA**”) model.

Article 19(4)(a) of the Electricity Licensing Regulation<sup>16</sup> (“**Licensing Regulation**”) regulates that a pre-license shall be cancelled if the pre-license holder conducts a transaction which results in the transfer of its shares before obtaining the license. This being said, Article 57(1) of the Licensing Regulation lists certain exemptions to this rule restricting the transfer of shares.

The Amending Regulation added a new exemption item to the list regulated in Article 57 of the Licensing Regulation. Accordingly, the share transfer restriction shall no longer apply to direct and/or indirect changes in the shareholder structures of legal entities holding a pre-license granted under the YEKA model. It should be noted that this exemption will only be available for YEKA pre-license holders within the scope of the Renewable Resource Areas Regulation<sup>17</sup>.

## **Amendments in the Procurement Implementation Regulations**

On 16 March 2019, a series of amendments<sup>18</sup> have been introduced to certain public procurement regulations (“**Amendments**”), including (i) the Implementation Regulation for Electronic Procurement<sup>19</sup>, (ii) the Procurement Applications Regulation<sup>20</sup>, (iii) the Implementation Regulation for

Procurement of Construction Works<sup>21</sup>, (iv) the Implementation Regulation for Procurement of Services<sup>22</sup>, (v) the Implementation Regulation for Procurement of Goods<sup>23</sup>, (vi) the Implementation Regulation for Procurement of Consultancy Services<sup>24</sup>, and (vii) the Implementation Regulation for Procurement of Framework Agreements<sup>25</sup>.

The Amendments are mainly related to the promotion of the usage of the electronic procurement platform (“**EKAP**”) in public tenders. The most significant novelty introduced by the Amendments is the abolishment of the practice of purchasing hard copies of tender documents to participate in public tenders. Accordingly, as of 1 June 2019, the applicants will be required to download the tender documents through the EKAP, using their electronic signature. Downloading the tender documents will be free of charge.

Another novelty introduced by the Amendments is enabling the applicants to communicate with the procuring entity through the EKAP. Currently, the procuring entity may deliver official notifications to the applicants through the EKAP while the applicants are not permitted to carry out their communication with the procuring entity electronically. Starting from 1 June 2019, the applicants will also be able to carry out their correspondence with the procuring entity through the EKAP. This new mean of communication will not be a mandatory one.

## **Presidential Decree No.1044**

Certain significant amendments are made by the Presidential Decree No. 1044 dated 9 May 2019, published in the Official Gazette dated 10 May 2019 and No. 30770 (“**Presidential Decree**”), on the pricing, duration and local content support for generation facilities on renewable energy sources as previously determined under the Council of Ministers’ Decree dated 18 November 2013 and No. 2013/5625. Accordingly, any surplus generated electricity is subject to the market one-time active energy price of the Energy Market Regulatory Authority (“**EMRA**”) for a term of 10 years as of the operation dates of the generation facilities subject to the Renewable Energy Sources Support Mechanism (YEKDEM), that are entitled to receive invitation letters to enter into a connection agreement before the effective date of the Presidential Decree whose installed capacities are limited to the capacity of the connection agreement of the consuming facility, in the following circumstances:

- 10 kW (inclusive) for residential customers, roof and side installments of solar power production

<sup>15</sup> Published in the Official Gazette No. 30688, dated 16 February 2019.

<sup>16</sup> Published in the Official Gazette No. 28809, dated 2 November 2013.

<sup>17</sup> Published in the Official Gazette No. 29852 dated 9 October 2016.

<sup>18</sup> Published in the Official Gazette No. 30716, dated 16 March 2019.

<sup>19</sup> Published in the Official Gazette No. 27857, dated 25 February 2011.

<sup>20</sup> Published in the Official Gazette No. 27099, dated 3 January 2009.

<sup>21</sup> Published in the Official Gazette No. 27159, dated 4 March 2009.

<sup>22</sup> Published in the Official Gazette No. 27159 dated 4 March 2009.

<sup>23</sup> Published in the Official Gazette No. 27159 dated 4 March 2009.

<sup>24</sup> Published in the Official Gazette No. 27159 dated 4 March 2009.

<sup>25</sup> Published in the Official Gazette No. 27159 dated 4 March 2009.

facilities for industrial, commercial and lighting customers, and other electricity production facilities based on renewable energy sources,

- Roof, side and terrain installments of renewable energy production facilities installed by governmental bodies and authorities for agricultural irrigation customers, drinking water facilities and wastewater treatment facilities, and
- Roof, side and terrain installments of renewable energy production facilities installed by governmental bodies and authorities for multiple consumer facilities, in any case limited to the aggregate capacity under the connection agreements of such facilities.

In addition, the Presidential Decree increased the upper limit for the installed capacity of license-exempt renewable energy generation facilities from 1 MW to 5 MW.

#### **EMRA Decision No. 8587**

The Energy Market Regulatory Authority's ("EMRA") Decision No. 8587, dated 16 May 2019, which was published in the Official Gazette dated 21 May 2019 and No. 30780, listing the required documents to be submitted to EMRA with the applications for (i) license-exempt generation, (ii) transfer of generation facilities, and (iii) merger, de-merger, amendments in the trade name and the company type, and share transfers.

As such, the required documents for license-exempt generation applications are as follows:

- Application form,
- Authorization documents of the authorized signatories of the applicant,
- Documents reflecting the direct and indirect shareholding of the applicant,
- Title deeds or lease agreements, for at least a term of two years,
- Documents to be obtained from Ministry of Agriculture and Forestry in relation to the project site,
- Details on the generation facility,
- Environmental Impact Assessment report, if required,
- Bank receipt evidencing the payment of the application fees,
- Single-line diagram for the generation facility to be constructed,
- Technical assessment form to be prepared by General Directorate of Energy Works,
- Application plan approved by the Chamber of Survey Engineers,

- Declaration on compliance with restricted activities,
- Document on total productiveness of the facility,
- Document evidencing that rights to the renewable energy sources have been duly obtained, if the generation facility is using renewable energy sources, and
- Approval certificate to be obtained from the State Water Works (*DSİ*).

Required documents for transfer of a generation facility are as follows:

- Application letter to be submitted by both the transferee and the transferor,
- Authorization documents of the authorized signatories of the applicants,
- Documents reflecting the direct and indirect shareholding of the transferee,
- Codes for the consumer facilities of the transferee,
- Environmental Impact Assessment report, if required,
- Notarized copy of facility transfer agreement, signed by the transferee and the transferor, and
- Bank receipt evidencing the payment of the application fees.

Required documents for merger, de-merger, amendments in the trade name and the company type, and share transfers are as follows:

- Application letter,
- Authorization documents of the authorized signatories of the applicant,
- Documents reflecting the direct and indirect shareholding of the applicant,
- Bank receipt evidencing the payment of the application fees,
- Environmental Impact Assessment report, if required,
- Documents evidencing the amendment in the trade name and/or the company type of the applicant,
- Documents required under the Turkish Commercial Code for applications related to mergers, de-mergers and share transfers, and
- Codes for the consumer facilities of the demerged entities.

## Draft Legislation

### The Draft Regulation Amending the Regulation on Precautions for Distribution and Supply Licenses in the Electricity Market

The Draft Regulation Amending the Regulation on Precautions for Distribution and Supply Licenses in the Electricity Market (“**Draft Regulation**”) was published by the Energy Market Regulatory Authority (“**EMRA**”) on 24 April 2019 and was available for public opinion until 8 May 2019. The Draft Regulation sets forth additional causes triggering implementation of precautions and sanctions to distribution and/or supply license holders. Under the Draft Regulation, the license holder, shall be subject to precautions or sanctions, in addition to the existing circumstances, in case:

- The distribution company delays making (i) timely payments to Elektrik Üretim A.Ş. (“**EÜAŞ**”) in exchange for the purchased energy, (ii) timely payments to Turkish Electricity Transmission Corporation (“**TEİAŞ**”) under the distribution tariff, and/or (iii) the support payments stipulated under the Communiqué on Price Equalization Mechanism<sup>26</sup> for an “unacceptable period” (the Draft Regulation is quite vague in the sense that any criteria or any definition does not exist) following a written notice issued by the respective counterparties,
- The supply company delays making (i) timely payments to EÜAŞ in exchange for the purchased energy, (ii) timely payments to distribution company under the distribution tariff, and/or (iii) the support payments stipulated under the Communiqué on Price Equalization Mechanism for an “unacceptable period” following a written notice issued by the respective counterparties,
- It is confirmed that energy purchase price of the supply company stipulated under its bilateral agreements, (excluding any agreements concluded with EÜAŞ and agreements executed within the organized wholesale market) is unacceptably high compared to normal market conditions,
- The financial sustainability of the distribution and/or supply company is prejudiced due to its endangered receivables arising out of the transactions it has entered into with its direct and/or indirect shareholders, including granting loans to such shareholders.

### Draft Legislation regarding Procedures and Principles for Determination of the Quantity and Implementation of Spot Natural Gas Importation through Pipelines

On 24 April 2019, the Energy Market Regulatory Authority (“**EMRA**”) published a draft legislation on spot natural gas importation by pipelines (“**Draft Legislation**”), that had been made available for public opinion until 24 May 2019. The Draft Legislation aims to regulate the determination principles and procedures for (i) quantity that is determined on a daily basis as per the calculation methodology and the formula stipulated under Article 4 of the Draft Legislation, and (ii) implementation of spot natural gas importation through pipelines, aiming to establish and ensure a productive, transparent and competitive spot natural gas market in Turkey.

As per the Draft Legislation, EMRA will publish a “call for submission” on its website, which will include the capacity available for spot natural gas importation and other information such as fees for the available capacity, participation fees for submission, application procedures for capacity reservation and application documents. Following such call, license holders wishing to be granted the right to reserve any of such capacity will submit their application within the stipulated time frame specified under such call for submission, which will include bank receipts evidencing the payment of participation fees for submission, an engagement letter provided by EMRA, and other required documents set forth under the call for submission, if any. The foregoing procedure and application process will entirely be conducted on an online platform to be maintained by EMRA.

The Draft Legislation proposes several capacity products for spot natural gas importation. Such capacity may be reserved on intraday, daily, monthly, quarterly or annual basis under the Draft Legislation.

### Draft Amendments to the Electricity Market Licensing Regulation

On 6 May 2019, the Energy Market Regulatory Authority (“**EMRA**”) published a Draft Regulation Concerning Amendments to the Electricity Market Licensing Regulation (“**Draft Amendments**”) on its website for public opinions to be received until 17 May 2019.

The main purpose of the Draft Amendments is to accelerate the licensing procedures by using electronic means of communication. Accordingly;

- EMRA will establish an electronic platform (“**EMRA Application System**”) and the applications related to preliminary license and license will be made using this platform. Applications to be made for (i) acquisition, amendment, or termination of a preliminary

<sup>26</sup> Published in the Official Gazette No. 29579 (Repeated) dated 31 December 2015

license; (ii) acquisition, amendment, or termination of a license; (iii) transfer of shares, and (iv) merger and acquisition transactions will be made electronically. EMRA will further determine the types of applications that will be required to be made in writing and the applications which can be made via the EMRA Application System will be allowed to be made in writing until 31 December 2019.

- Applicants and license holders will be required to appoint an authorized person to use the EMRA Application System and notify EMRA accordingly. They will also be required to register with the National Electronic Notification System (“**UETS**”) to receive the notifications to be made by EMRA. Preliminary license holders and license holders will need to fulfil such registration requirement within 6 months as of the entry into force of the Draft Amendments, even if they do not intend to make any applications before EMRA.

The Draft Amendments also proposed certain changes to the preliminary licensing process:

- Security to be provided for preliminary licensing application will not be required to be in the form of a bank letter of guarantee.
- If it will be in the form of a bank letter of guarantee, it will not be required to be submitted at the time of the application and the applicants will be granted with 5 business days as of the application to submit the bank letter of guarantee.
- Except for the applications entering within the scope of Renewable Energy Resource Areas, measurement results for wind and solar power of the past 8 years will be valid for application (such term is currently 5 years). The Relevant Measurement Station Installation Report and Measurement Result Report will be submitted electronically to EMRA by the General Directorate of Meteorology or the accredited institution. If any missing documents are detected by EMRA in the application files of wind power or solar power based applications, EMRA will notify the same to the applicant and will grant a time for completion of the missing documents (in the current form of the regulation, EMRA rejects such applications without granting a grace period).

## Court Decisions

### Constitutional Court Decision – Health PPP Law

The Constitutional Court confirmed legitimacy of the supervisors appointed by the Ministry of Health (“**Ministry**”) for health public-private partnership (“**PPP**”) projects with its decision No. 2018/111 dated 20 December 2018, published in the Official Gazette No. 30736 dated 5 April 2019.

Pursuant to Article 4(4) of the Health PPP Law No. 6428 (“**Article**”), the Ministry has the right and duty to supervise the health PPP projects, and it can also assign third parties for performance of its supervision activities. Opposition party members requested annulment of the Article by stating that supervision authority is a governmental authority that must be used exclusively by the governmental institutions, and assignment of the third parties to perform relevant activities is contrary to the Constitution.

However, the Constitutional Court declared that the governmental institutions can receive preparatory services for supervision activities; and this would not cause transfer of governmental authorities as long as the service provider is not authorized to take executive decisions and impose sanctions. Pursuant to the Article, the third party supervisors can only be appointed for supervision and reporting, and cannot take any executive decisions or cannot impose any sanctions. Therefore, the Article does not allow transfer of governmental authorities; and it is in compliance with the Constitution.

The applicants also claimed under the annulment request that the Article is ambiguous and creates confusion. The Constitutional Court also rejected this claim by stating that the Article adequately shows the qualifications and obligations of the third party supervisors to be assigned by the Ministry and draws the frame of sanctions in the case of breach.

As a result, the Constitutional Court confirmed that the Article is in compliance with the law and there is no change in the Ministry’s right to assign supervisors for the health PPP projects.

## Other Recent Developments

### New Tenders for 500 Mining Sites

The General Directorate of Mining and Petrol Affairs announced in the Official Gazette No. 30786 dated 27 May 2019 that new tenders will be made for 500 mining sites, the legal status of which has expired. Detailed information and the specifications of the mining sites to be tendered will be open to the public in the official website of the General Directorate of Mining and Petrol Affairs for at least 15 days.

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