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# Communiqué on Accreditation Fee/Share Applicable by Turkish Accreditation Agency

Communiqué on Accreditation Fee/Share Applicable by Turkish Accreditation Agency (“the Communiqué”) was published in the Official Gazette numbered 30879 and dated September 5, 2019. It is stated that the purpose of the Communiqué is to determine the accreditation fee and shares to be paid by the institutions accredited by the Turkish Accreditation Agency (“the Agency”) for 2019 and to regulate the procedures and principles for the payment of the same.

According to the Communiqué, institutions accredited by the Agency are obliged to declare and pay to the Agency their accreditation usage fee/share among their income earned by the activities they carry out within the scope of their accreditation, the gross incomes obtained in 2019 (including the tax and deduction paid by the accredited institutions) within the framework of the procedures and principles set forth in the Communiqué.

All accredited institutions operating in Turkey must calculate their gross incomes earned in by the end of 2019 within the scope of accreditation, in accordance with the procedures and principles of the Agency due to announcement published at [www.turkak.org.tr](http://www.turkak.org.tr), until the end of March 2020.

In case the institutions operating in Turkey do not make notification on the usage fee/share or do not deposit the fee and share in the accounts of the Agency within the given time period, both legal proceedings and suspension of accreditation will be initiated.

Accredited organizations operating abroad do not have any obligation to make any notifications regarding the use of accreditation and to pay the usage fee/share.



# Procrastination on Final Date of Record to Verbis

According to Article 16 of the Personal Data Protection Law No. 6998 (“DPL”) the individuals and institutions, who process personal data are required to register with the Data Responsible Register (VERBIS) before starting to process the data.

Decision No. 2019/265 of 3 September 2019 issued by the Personal Data Protection Authority provides for the extension of the deadline of the registration obligation to VERBIS until 30 December 2019, which will end on September 30, 2019, for those individuals and institutions, having more than 50 employees annually or more than TRY 25 million annual financial balance sheets, and the data officer individuals and institutions resident abroad.

Thus, an additional 3 months period is provided for the process of registration to VERBIS, for individuals and institutions.

As it is already known, according to Article 18 of the DPL, administrative fines will be applied to the data responsible not fulfilling the obligation to register and notify VERBIS. In this context, each data officer is required to fulfil the responsibilities stated in accordance with the DPL and to complete VERBIS records before 31 December 2019.



# The Decree on the Project-based Government Support for Unmanned Air Vehicles and Smart Systems Production Facility Investment in Istanbul

The Decree on the Project-based Government Support for Unmanned Air Vehicles and Smart Systems Production Facility Investment in Istanbul (“the Decree”), dated September 4, 2019 and numbered 1504 was published in the Official Gazette dated September 5, 2019 and numbered 30879.

The aim of the Decree is to support the unmanned air vehicles and smart systems production facility, which will be established in Esenyurt, Istanbul by Baykal Machine Industry and Trade Corporation, in accordance with the rules and procedures stated in the Decree on The Project-based Government Support for Investments effectuated with the Cabinet Decision numbered 2016/9495 pursuant to Article 80 of the Law of Project - based Government Support for Investments and Amendments on Some Codes and Decree Laws, numbered 6745.

In accordance with the Decree, the supports that the investors will benefit are defined as; tariff exemption, VAT return, VAT exemption, tax reduction, employer’s national insurance contribution support, income tax withholding support and investment area allocation.

Furthermore, in the cases of not actualizing the investment on time and not fulfilling the other obligations stated in the Decree -except for the situations arising from public administration- the investor will be held accountable for not actualizing the investment on time and not fulfilling the other obligations, and as a result, the unaccrued taxes and all the other supports will be taken back.



# The Ministry of Finance and Treasury has announced the Five Venture Capital Funds that will be resourced by the Tech-InvesTR Program

According to the additional Article 1 of the Public Finance and Debt Management Law dated March 3, 2002 and numbered 4749, published in the Official Gazette dated April 9, 2002 and numbered 24701, the Ministry of Finance and Treasury (“the Ministry”) is authorised to define and transmit the amount of fund that will be supplied to venture capital funds.

Likewise, according to Article 1 of the Decree on the Resource Transfer to Venture Capital Funds as attached to the Cabinet Decision dated June 5, 2018 and numbered 2018/11662, the Ministry is authorised to decide the matters regarding applications such as; the resource transfer to be made to venture capital funds, criterias for the election of the funds, the areas that will be resourced, the top limit of charges and expenses etc.

Within the scope of this authorisation, the Tech-InvesTR Venture Fund Support Program (“the Program”), which will be carried out jointly by TUBITAK and Undersecretariat of Treasury, come to existence.

The aim of the Program is to supply capital by way of the venture capital funds to SME enterprises that are able to provide added-value to the state economy, within their processes of commercializing the products and technology arising from the R&D and innovation activities.

Within the scope of the Program, which came into force with the execution of the collaboration contract between TUBITAK and the Undersecretariat of Treasury on June 14, 2018, TUBITAK announced the Program with a budget of TRY 100 Million on January 11, 2019. The institutions that can make the application are defined as Technology Transfer Offices, technoparks and Research Infrastructures, which have been considered as proficient.

It had previously been announced that TRY 400 Million at most would be supplied by the Ministry to the venture capital funds within a 5 years period. With the recent announcement of Ministry regarding the applications for the Program, the five venture capital funds that will be resourced have been announced. The funds that will be resourced are stated below:

- i. 500 Startups Istanbul Annex, L.P.
- ii. Arz Real Estate and Venture Capital Portfolio Management Corporation
- iii Collective Spark Fund B.V
- iv. Diffusion Capital Partners II SCSp
- v. Gedik Portfolio Management Corporation

# ICAO Aviation Security Certification to Turkey



On September 25, 2019 the 40th General Assembly Opening Ceremony of the International Civil Aviation Organization (“ICAO”) was held in Montreal. ICAO Presidency of the Council of ICAO awards parties with Aviation Safety Certificate (“the Certificate”) since 2015, and in the latest ceremony of this year, Turkey has been provided with the Certificate.

In order to encourage the success of the member states in the field of security, ICAO gives the Certificate to member states, who achieved at least 15 percent increase in the Application Effective Implementation of the Critical Elements of the Aviation Security Inspection System in the audits and at least 65 percent effective implementation success based on the Global Aviation Security Plan since 2015.

ICAO Permanent Representative, Ambassador Ali Rıza Çolak accepted the certificate on behalf of Turkey. According to Civil Aviation General Director Bahri Kesici, evaluation based on the success rate of controls that ICAO applies to member the states, Turkey has achieved to increase Critical Elements of an Effective Application Success Rate from 64.56% to 93.63% between the audits made due to Aviation Security Audit System in 2008 and 2014.



# Turkey Signed the United Nations Convention on International Settlement Agreements Resulting from Mediation

The United Nations Convention on International Settlement Agreements Resulting from Mediation (“Singapore Convention” or “the Convention”), written by United Nations Commission on International Trade Law is signed in Singapore.

The Singapore Convention aims to strengthen the predictability of cross-border business transactions and to ensure integrity and modernization of commercial law. Unlike the previous conventions on the subject, the Convention makes it possible to make decisions of arbitrators with foreign elements in another country and to enable mediation agreements made in the international arena to be recognized and enforced in another state.

The Singapore Convention was signed by 46 countries at the signing ceremony held in Singapore on August 7, 2019. The Convention will become enforceable after six months from the date on which the Convention enters into force in the domestic law of any three countries signed it.



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Kavlak Law Firm, growing since 2006 with its qualified and dynamic lawyers, is one of the leading law firms of Turkey. With our effective works provided for our client portfolio which includes, by majority, local, international and multinational commercial and financial organizations, we provide distinguished legal support. Kavlak Law Firm, with the lawyers it co-operates in all of the major cities of Turkey, and worldwide, is able to respond immediately to clients' demands, provides a time-efficient service, based on mutual trust, works on long-term cases with each client, and adapts the clients' working principles and provides service accordingly.

Please visit our web site at [www.kavlak.com.tr](http://www.kavlak.com.tr) for further information on our legal team and practice areas.

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