

Implications for Companies of Legislative Changes Made During Turkey's State of Emergency

6 Sep 2016

A range of legislative changes have been made in Turkey within the scope of the 90 days of State of Emergency declared throughout the country on 21 July 2016. Notable aspects include the Presidency of Telecommunication and Communication being closed down, measures introduced for assets transfers from closed institutions to government bodies, as well as the suspension period being extended to 30 days for transactions suspected of being related to money laundering or terror financing.

Presidency of Telecommunication and Communication Closed

Many amendments have been made to the Law No. 5651 on Regulation of Publications on the Internet and Suppression of Crimes Committed by Means of Such Publications.

The Presidency of Telecommunication and Communication was previously authorized to determine and listen to communication conducted via telecommunications. However, the body has now been closed down, with all duties and authority moved to the Information and Communication Technologies Authority.

Measures for assets of institutions have been closed and transferred to the General Directorate for Foundations or Treasury

Many institutions, entities, private radio and television channels, newspapers, magazines, publishing houses and distribution channels have been closed down after the coup attempt.

The activities of these entities have ceased and they will be deregistered from the trade registry. The assets of these institutions apart from those transferred by the General Directorate for Foundations or the Ministry of Finance will be deemed as transferred to the Treasury without any charge.

Parties who are owed debts or obligations by these closed institutions can apply to the General Directorate for Foundations or the Ministry of Finance by 16 October 2016, supplying convincing records, papers and documents to support their claim.

The General Directorate for Foundations and Ministry of Finance are respectively authorized to determine the movables, immovable, assets, receivables, rights, documents and records for closed institutions (transferred assets). They can also designate the scope of assets as deemed fit, together with administration and actual transfer of assets to public bodies.

Suspension Period for Suspicious Transactions Extended to 30 days

The Minister of Finance is authorized to suspend a transaction for seven working days if it is suspected of being connected to money laundering or terror financing. The suspension period has been extended to 30 working days during the State of Emergency, without needing any further court decision.

Please see these links for the full text of relevant legislation (only available in Turkish).

- [Decree Law No 670 regarding the Measures to be Taken within the scope of State of Emergency](#) (Official Gazette number 29804, published on 17 August 2016)
- [Decree No 671 regarding the Arrangement on Some Institutions and Entities within the scope of the State of Emergency](#) (Official Gazette number 29804, published on 17 August 2016)

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