

Turkey Introduces Rules for Obtaining Rights to Develop Docks and Marinas on Public Property

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Turkey has introduced a regulatory regime for granting easements and usage licenses for building new docks, berths, and moorage for private boats, yachts and marinas on public property. Such rights are granted to investors for up to 30 years.

Turkey's Ministry of Finance ("**Ministry**") published the National Estate General Communiqué No. 373 ("**Communiqué**") in Official Gazette number 29851 on 8 October 2016, entering into force on the same date. The Communiqué sets procedure and principles for easements and usage licenses that will be issued according to this Communiqué.

Investors who wish to build facilities on estates owned by the Public Treasury must submit draft project reports (*avan proje*) and pre-feasibility analysis to the Ministry of Transport, Maritime Affairs and Communication ("**Administration**"). Upon receiving consent for the investments, investors must then apply (including the consent and related zoning plan) to the Regional Directorate of Ministry of Environment and Urban Planning.

Provisions of Public Procurement Law No 2886 will apply for tendering such easements and usage licenses unless an exemption applies and negotiated tendering will be used.

The Ministry will grant a one year preliminary license for investors to obtain or amend construction plans, or prepare an application project report, and then obtain related approvals.

If procedures are not finalized within the preliminary license period, investors can request a time extension by providing explanations to the Ministry for the delays.

If investors fulfill their obligations within the preliminary license period, the easement will be issued to them via an authenticated deed. Usage licenses are granted via usage license agreements.

According to the Communiqué, investors could be granted easement on Public Treasury's estates for 30 years at most. Usage licenses for the State's estates can also be issued for 30 years at most.

The Communiqué requires the easement owner and/or beneficiary of the usage license to obtain a construction license within six months of transferring the right or license, as well as to finish construction within two years.

The overall construction period cannot last more than five years, including the process to obtain consents and licenses from the Ministry and Administration.

Investors who are also easement owners and/or beneficiaries of the usage license can partially or fully transfer their rights and licenses to third parties under certain conditions.

Please see this [link](#) for the full text of the Communiqué (only available in Turkish).

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