

Turkey Widens Scope of Expropriation Candidates to Include Certain Immovable Properties and Rights Held by Public Bodies

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Turkey has amended expropriation requirements and procedures, tightening requirements for the contents of agreements for expropriated immovable property, while also expanding the scope of immovable property which is open to expropriation. Under the amendments, immovable property, resource rights and easements belonging to public entities and public enterprises are now open to expropriation if the Ministry of Internal Affairs requires them for security reasons.

The Law on Supporting Investments on Project Basis and Amending Certain Laws and Decrees numbered 6745 was published in Official Gazette number 29824 on 7 September 2016 ("**Amendment Law**").

Notable changes introduced by the Amendment Law include:

- Immovable properties, resource rights and easements belonging to public entities and public enterprises are now open to expropriation if the Ministry of Internal Affairs requires them for security reasons.
- The expropriation price will now be paid upon registration or cancellation of an immovable's registration, pursuant to the memorandum of agreement and the writ evidencing that the immovable is free from liens. It was previously paid upon owner's alienation declaration (legal declaration before the title registry regarding the property transfer) in the land registry.
- Memorandums of agreement for expropriated immovables must now contain:
 - The owner's identity information and declaration of acceptance regarding registration or cancellation.
 - The owner's alienation declaration.
- Memorandums of agreement for expropriated immovable is now considered as the legal reason of the registration to be made in the land registry.
- If the right of disposition on immovable property is restricted in a way which harms the core property right because those properties were spared to the use of public entities and official duties in complementary development plans, either:
 - The properties are expropriated within five years, upon developing new development programs and applications (measured from when the new development plans enter into effect); or
 - The restrictions are eliminated by making necessary changes to the development plans.

A lawsuit can be bought against the responsible administration if neither of these occur.

- The value of immovable property will now be assessed as per the date it was registered with the directorate of land registry. This valuation approach applies to debt actions and actions on increase of value filed as per the Law numbered 2981 on Certain Procedures to be Applied to Immovables Built Against Development and Slums Regulations and Amending One Article of Development Law numbered 6785.

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

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