

Descriptive Summary of Presidential Decree on Measures Taken with regard to Settlement and Construction under the State of Emergency

As indicated in the notice of derogation dated 10 February 2023, additional measures may be taken on issues required within the scope of the State of Emergency declared due to natural disaster pursuant to Article 119 of the Constitution.

In this regard, a pressing need has emerged to take certain measures in the field of settlement and construction in order to complete the new buildings to be constructed in the provinces, districts and villages that have been affected from the earthquakes, to repair the damaged public buildings and to swiftly carry out the construction process.

In this context, the Presidential Decree no. 126 on Settlement and Construction under the State of Emergency, which has been prepared to meet the needs in question, has entered into force after being published in the Official Gazette no. 32114 and dated 24 February 2023.

In Article 2 of the Presidential Decree no. 126 titled “Measures taken with regard to Settlement and Construction”, a translation of which is attached, regulations have been stipulated with regard to settlement areas to be determined with a view to promptly completing the temporary and permanent settlement areas in the provinces affected from the earthquakes, the preparation of planning concerning these areas, the approval and tender process and also the transfer of funds between institutions.

In this regard, it has been stipulated that the processes on planning, arrangement of land and plot of land be shortened in order to determine new settlement areas that are resistant to natural disasters and to construct earthquake-resistant structures. Certain measures have been taken to grant authorisation to the relevant public administrations in this regard. In addition, certain measures are included in order to make the classification change *ex officio* in the lands to be newly constructed in cases where the classification change is required and to carry out these processes in a rapid manner. Furthermore, the Ministry of Environment, Urbanisation and Climate Change and the relevant institutions are authorised to take decisions of transfer and urgent expropriation for immovable property subject to public or private ownership, to carry out the process in a rapid manner, to perform construction or have all kinds of construction works performed including infrastructure and superstructure and to swiftly deliver a decision on civil matters (to determine land shares, to establish construction servitude and condominium, etc.).

Lastly, certain regulations are introduced in order to take necessary measures with the aim of swiftly completing the infrastructure in the areas affected from earthquakes and preventing environmental pollution caused by earthquake-induced debris wastes.

It has been stated in Article 3 of the Presidential Decree, titled “*Personnel Assignment*”, that experienced personnel employed within the scope of the Law No. 6306 on the Transformation of Areas under Disaster Risk may be assigned to the Ministry of Environment, Urbanisation and Climate Change, its affiliated and related organizations and their subsidiaries.