

PRESIDENTIAL DECREE ON CERTAIN MEASURES TAKEN WITH REGARD TO PUBLIC PROCUREMENTS, RECEIVABLES AND SOCIAL FACILITIES UNDER THE STATE OF EMERGENCY

Decree no. 127

Purpose

ARTICLE 1- (1) The aim of this Presidential Decree is to take certain measures under the state of emergency declared by the Presidential Decree No. 6785 dated 8 February 2023 regarding the tenders made within the scope of the Public Procurement Law (Law no. 4734 dated 4 January 2002) and their contract processes, the seizures imposed by the tax offices, the transfer of funds to public social facilities and the postponement of the collection of certain public receivables.

Measures taken with respect to the process of public procurement

- ARTICLE 2- (1) Article 2 of the Presidential Decree No. 120 on Measures Taken in the Judiciary under the State of Emergency regarding the suspension of the periods of time shall not apply to the procedures regarding the tenders within the scope of the aforementioned Law, except for the procedures in the process of filing a lawsuit and trial and the application periods for filing complaint and objection stipulated in the Law No. 4734 regarding the tenders made in the provinces where the state of emergency has been declared.
- (2) Except for the periods reserved under the first paragraph, the periods related to the tenders within the scope of Law No. 4734 and suspended pursuant to the relevant provisions of Article 2 of the Presidential Decree No. 120 shall start to run on the third day following the date of entry into force of this Presidential Decree.
- (3) In the tenders made with a view to meeting the needs arising in the provinces where a state of emergency has been declared, a contract may be signed directly without applying the provisions regarding the periods specified in Articles 40, 41 and 42 of the Law No. 4734 during the state of emergency (without awaiting for the completion of this control in cases where preliminary financial control is required). In this case, although the contractor must

change upon the complaint or objection, if the new tenderer does not fulfil its obligations regarding the conclusion of the contract, the work shall be continued without terminating the existing contract.

- (4) Provided that the commercial headquarters (if the tender is submitted by the branch, the branch) of the tenderer invited to sign the contract within the state of emergency period is located within the provinces where the state of emergency has been declared as of 6 February 2023, in the tenders held in provinces where the state of emergency has not been declared, if the tenderer requests the extension of the contract signing period due to the force majeure caused by the earthquake, an additional period of up to ten days shall be granted by the administration conducting the tender.
- (5) In the tenders within the scope of the third and fourth paragraphs, in cases where the tenderers invited to sign the contract cannot sign the contract due to force majeure caused by the earthquake, a decision on prohibition shall not be issued against them from participating in the tenders and their provisional guarantees shall not be recorded as revenue.

Measures taken with respect to the process of contract of public procurement

ARTICLE 3- (1) On account of the force majeure situation arising from the earthquake, the administration, which is a party to the contract within the scope of the ongoing contracts in the provinces where a state of emergency has been declared, may decide to

- a) terminate the contract and the work according to the general provisions, if it is understood that the performance of the work subject to the contract has become impossible or there is no longer a need for the work which is the subject matter of the contract, without prejudice to the provision of Article 10 of the Law no. 4735 on the Public Procurement Contracts dated 5 January 2002,
- b) transfer the contract for only once until the end of the period of state of emergency upon the application of the tenderer.
- (2) As from 6 February 2023,
- a) Contracts of the contractor, whose commercial centre is located in the provinces where the state of emergency has been declared, in the provinces where the state of emergency has not been declared,
- b) Contracts of the contractor, whose branch is located in the provinces where the state of emergency has been declared, in the provinces where the state of emergency has not been declared by the same branch,

may be transferred with the approval of the administration which is a party to the contract according to the first paragraph.

(3) In the event that the contract and work is terminated or the contract is transferred under this article, the contractor cannot claim any financial rights from the administration except for the productions, works or deliveries carried out until the date of termination or transfer. In case of the termination or transfer of the contract, the restrictions and sanctions arising from termination or transfer shall not be imposed on the contractor and the guarantees

of the contractor shall be returned. In the transferred contracts, the conditions in the first tender will be sought in the transferees as of the date of transfer, and the qualification conditions in the first tender are not sought in the transfer or share transfers between the partners in the contracts carried out by the joint venture. Stamp tax is not collected from the termination and transfer agreements to be issued within this scope.

Other measures with respect to the process of public procurement, acquisition and contract

- **ARTICLE 4** (1) If it is understood that in the provinces where a state of emergency has been declared, the procedures regarding the tenders under the Law No. 4734 cannot be completed by the administration due to the state of force majeure caused by the earthquake, the Public Procurement Authority is competent to suspend, postpone, renew, cancel and take other measures in respect of these tenders. In these cases, necessary notifications are made through the Electronic Public Procurement Platform.
- (2) The Public Procurement Authority is competent to determine the procedures which cannot be carried out by the administrations through the Electronic Public Procurement Platform with respect to tender, procurement and contract processes on account of state of force majeure arising from the earthquake in the provinces where a state of emergency has been declared and the measures to be taken regarding them.
- (3) With a view to meeting the needs arising in the provinces where a state of emergency has been declared, any kinds of procedures related to tenders on the Electronic Public Procurement Platform may be carried out outside of working days and working hours until the end of the state of emergency.

Direct procurement and exceptions

ARTICLE 5- (1) Articles 2, 3 and 4 of this Presidential Decree shall be applied, to the extent appropriate to its nature and until the end of the state of emergency period, without any need for an arrangement in the relevant legislation;

- a) to procurements and/or tenders and related contracts made by direct procurement method under Article 22 of the Law No. 4734,
- b) b) It shall also apply to the procurements and/or tenders and related contracts exempted in the Law no. 4734 or from this Law by other laws.

Lifting of the attachments applied by the tax offices

ARTICLE 6- (1) As of the date of entry into force of this Presidential Decree, the attachments applied to the assets, which are held by the banks, Central Registry Agency and Turkish Postal Service, before the earthquakes (apart from the attachments and preliminary attachments applied to the assets indicated as guarantee) will be lifted by the Ministry of Treasury and Finance due to the public receivables followed by the tax offices in the places where force majeure has been declared under Article 15 of the Tax Procedure Law (Law no. 213 and dated 4 January 1961) owing to the earthquakes as from 6 February 2023. This provision shall also be applied for the attachments applied to the assets listed in this article by

all tax offices for those who are liable for income, corporate or value added tax in the aforementioned places as from 6 February 2023 and for natural persons whose residential area is in these places as of that date.

Expenses of social facilities

ARTICLE 7- (1) In the event that the expenses of the disaster-victims, who are hosted in the social facilities of public institutions and organisations following the earthquakes as from 6 February 2023, cannot be covered with the revenues of these facilities, funds may be transferred from the budgets of the related institutions and organisations to the social facilities in question, providing that it is limited with the imperative accommodation length and exclusively be used for these expenses (apart from the maintenance and renovation expenses).

Suspension of some receivables

ARTICLE 8- (1) As of the date of entry into force of this Presidential Decree due to the earthquakes as from 6 February 2023, it was accepted that in the areas indicated as disaster area effective in general life:

- a) As regards the Treasury immovables, the Minister of the Environment, Urbanization and Climate Change is entitled to suspend the fees to be paid pursuant to the contract and adequate pays to be collected during the state of emergency as from 6 February 2023 (including this date) without requiring application. These receivables will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest.
- b) The fees to be collected during the state of emergency as from 6 February 2023 (including this date) from the recreation areas, forest parks and immovables rented by the General Directorate of Forestry pursuant to the permissions granted in the State-owned forests according to the Forest Law no. 6831 and dated 31 August 1956, and pursuant to the Public Procurement Law (Law no. 2886 and dated 8 September 1983) will be suspended without requiring application. These receivables will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest. Additionally, within the suspension period of the permissions, a performance bond may be obtained, and a site delivery may be performed for the first-year fees accrued.
 - c) the fees to be collected during the state of emergency as from 6 February 2023(including this date) from the rentals pursuant to the provisions of the Law no. 2886 of the places that are subject to the provisions of the Law on National Parks (Law no. 2873 and dated 9 August 1983), will be suspended during the state of emergency without requiring application. These receivables will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest.
 - ç) As regards the immovables in possession or at the disposal of the metropolitan municipalities, municipalities, provincial special administrations, and their affiliates and unions of local administrations of which they are members and companies of which more than half of their capital is directly or indirectly owned jointly or separately, the parts of the prices and amounts arising from the sales, adequate pay,

and rentals to be collected during the state of emergency as from 6 February 2023 (including this date) will be suspended during the state of emergency. The receivables in question will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest. Rents of the institutions, which have been closed or cannot operate, will not be collected regarding the period of inactivity.

- d) As regards the immovables in possession or at the disposal of the Investment Monitoring and Coordination Presidencies, the Minister of Interior is entitled to suspend the parts of the price and amounts arising from the sales, adequate pay, and rentals pursuant to the relevant legislative to be collected during the state of emergency as from 6 February 2023 (including this date) during the state of emergency. The receivables in question will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest.
- e) As regards the immovables owned by the Social Security Institution, the rent receivables arising from the rentals, (apart from the ones whose tenants are public institutions and organisations or banks) to be collected as from 6 February 2023 (including this date) will be suspended during the state of emergency. The receivables in question will be collected at the end of the suspension period, in equal monthly instalments up to the suspended period, without any default fee and interest.

Entry into force

ARTICLE 9- (1) This Presidential Decree shall enter into force on the date of its publication.

Execution

ARTICLE 10- (1) The provisions of the hereby Presidential Decree shall be executed by the President.

2 March 2023

Recep Tayyip ERDOĞAN



PRESIDENTIAL DECREE ON CERTAIN MEASURES TAKEN UNDER THE STATE OF EMERGENCY

Decree no. 128

Purpose

ARTICLE 1- (1) The aim of this Presidential Decree is to take certain measures with regard to local administrations, non-governmental organisations, migration and administrative sanctions within the scope of the state of emergency declared with the Presidential Decision no. 6785 dated 8 February 2023.

Measures concerning local administrations and other organisations

ARTICLE 2- (1) In the event that there are physical impossibilities in the provinces where a state of emergency has been declared, assembly meetings of special provincial administrations, municipalities and their affiliates as well as local administration unions of which they are member may not be convened until 31 March 2023 (including this date) as from 6 February 2023 (including this date).

As regards the associations whose centers are located in the provinces where a state of (2) emergency has been declared or the associations carrying out activities in these provinces for eliminating the damage caused by the earthquakes, the time-limits to submit a notification and declaration in accordance with the Law on Associations (Law no. 52533 dated 4 November 2004) shall be suspended during the state of emergency as from 6 February 2023 (including this date). These time-limits shall start to run as from the following day of the date on which the suspension period ends. The relevant associations' general assembly meetings required to

be held during the state of emergency as from 6 February 2023 (including this date) may not be convened until the end of the state of emergency. If the general assembly meetings are not convened, the procedures to convene a general assembly shall begin following the end of the state of emergency. The duties, powers and liabilities of the available organs shall continue until the first general assembly meeting to be convened following the suspension period. This provision shall also be applicable in terms of other organisations described in Article 1 of the Law no. 5253.

- (3) The notification time-limits regarding the activities of aid collection allowed under the Law on Aid Collection (Law no. 2860 dated 23 June 1983) in the provinces where a state of emergency has been declared shall be suspended during the state of emergency as from 6 February 2023 (including this date). These time-limits shall start to run as from the following day on which the suspension period ends.
- The associations may carry out activities concerning the disaster as from 6 February 2023 (including this date) regardless of their objectives and working fields set out in their bylaws. The foreign non-governmental organisations allowed to be operated in Türkiye under Article 5 of the Law no. 5253 may also carry out activities concerning the disaster as from 6 February 2023 (including this date) regardless of their place of duty or area of activity that have been allowed to be conducted. Where deemed necessary, this activity may be limited by the Ministry of Interior.

The foreign non-governmental organisations, which have not any authorisation to carry out activity in Türkiye and request to carry out activities concerning the disaster occurred in the provinces where a state of emergency has been declared, may be granted an authorisation by the Ministry of Interior without actions regarding the procedure set out in Article 5 of the Law no. 5253.

Renewal of Documents

ARTICLE 3- (1) In the renewal of the Turkish Republic identity cards, residence permit documents, work permits, work permit exemption documents, passports and driving licences that have been lost or unusable by the persons whose residential address are located in the provinces where a state of emergency has been declared as well as the persons who documented to have been found in the provinces where a state of emergency has been declared as from 6 February 2023, it shall not be charged a fee again from valuable papers as well as work permits, work permit exemptions and residential permits during the state of

emergency. Ordinary passports with a duration of less than three years shall be issued for a period of three years without any fee.

- (2) Valuable paper fee shall also not be charged for the driving licences which have been temporarily withdrawn by the traffic organisations under the Law on Road Traffic (Law no. 2918 dated 13 October 1983) and other relevant legislation, found in the traffic organisations or civil registry offices in the provinces where a state of emergency has been declared and which are lost or unusable due to the earthquake. The first paragraph and the acts and actions concerning the principles and procedures under the first paragraph shall be determined by the Ministry of Labour and Social Security and Ministry of Interior according to its relevance.
- (3) In respect of the vehicles (including jointly owned ones) belonging to natural or legal persons residing in the provinces where the state of emergency has been declared and those established by the competent authorities to be in those provinces during the earthquakes, the valuable paper fee for vehicle registration certificates shall not be requested for the duration of the state of emergency during the procedures of scrapping, decommissioning from traffic, transfer by inheritance, renewal of lost or damaged documents and replacement of lost or stolen license plates within the scope of the relevant legislation.

Measures concerning migration area

ARTICLE 4- (1) As regards the foreigners required to be deported pursuant to Article 54 of the Law on Foreigners and International Protection (Law no. 6458 dated 4 April 2013) on account of the acts committed by them in the provinces where the state of emergency was declared, the period of making an assessment and decision under Article 57 § 1 of the same Law shall be applied as 72 (seventy-two) hours. Where it is not possible to make an administrative decision due to technical reasons in the provinces where the state of emergency was declared, the foreigners in this scope may be transferred to other provinces so that necessary administrative decisions can be taken.

(2) As regards the foreigners subjected to an administrative detention order under Article 57 § 2 of the Law no. 6458 on account of the acts committed by them in the provinces where the state of emergency was declared, the time-limit for taking them to foreigners' removal centres shall be applied as 96 (ninety-six) hours.

Measures concerning administrative sanctions

- ARTICLE 5- (1) In respect of the vehicles arriving at the provinces where the state of emergency was declared in order to take part in search and rescue activities and other aid activities after the earthquakes occurring in the relevant provinces and the ones moving for such purpose between the provinces in question and other provinces, an administrative traffic fine report shall not be issued if the drivers of those vehicles violated Articles 31 § 1 (b), 47 § 1 (b), 49 § 2 and 51 § 2 of the Law no. 2918 as from 6 February 2023 (including this date) until the publication of this Article. Such reports which had already been issued shall be revoked irrespective of whether they were served on the persons concerned or whether the fines were collected. The driver's license cancellation and suspension procedures which were carried out on the basis of the administrative traffic fine reports revoked pursuant to this paragraph shall also be annulled.
- (2) Administrative traffic fine reports shall not be issued in connection with the traffic rule violations established on the basis of vehicle registration plates under Article 116 of the Law no. 2918 as from 6 February 2023 (including this date) until the publication of this Article. Such reports which had already been issued shall be revoked irrespective of whether they were served on the persons concerned or whether the fines were collected.
- (3) In respect of the vehicles arriving at the provinces where the state of emergency was declared in order to take part in search and rescue activities and other aid activities after the earthquakes occurring in those provinces and the ones moving for such purpose between the provinces in question and other provinces, an administrative traffic fine report shall not be issued under Article 26 § 1 (a) of the Law on Road Transport (Law no. 4925 dated 10 July 2003). Such reports which had already been issued shall be revoked irrespective of whether they were served on the persons concerned or whether the fines were collected.
- (4) Where the validity period of the vehicle inspection procedures required to be carried out pursuant to Article 34 of the Law no. 2918 and the relevant legislation as regards the vehicles belonging to persons residing in the provinces where the state of emergency was declared and to those proven by documents to be in those provinces after 6 February 2023 (including this date) expires from 6 February 2023 (including this date) to the end of the state of emergency, the inspection procedures shall be performed within one month from the end of the state of emergency. In respect of the vehicles falling within the scope of this paragraph, an administrative traffic fine report shall not be issued under Article 34 of the Law no. 2918 for

the duration of the specified period. Such reports which had already been issued shall be revoked irrespective of whether they were served on the persons concerned or whether the fines were collected.

Amended provisions

ARTICLE 6- (1) The following sub-paragraph has been added to Article 2 § 2 of the

Presidential Decree No. 120 on Measures Taken in the Judiciary under the State of

Emergency:

"d) The time set out in the first sentence of Article 53 § 3 of the Law on Foreigners and

International Protection (Law no. 6458 dated 4 April 2013)."

(2) The phrase "intentional killing by a negligent act (Article 83), reckless killing (Article 85) and aggravated fraud (Article 158)" has been added after the expression "robbery

(Articles 148 and 149)" in Article 4 § 1 (a) of the Presidential Decree No. 120.

Entry into Force

ARTICLE 7- (1) In this Presidential Decree:

a) Article 6 § 1 shall enter into force on 6 March 2023,

b) Other provisions shall enter into force at the date of publication.

Execution

ARTICLE 8- (1) The provisions of the hereby Presidential Decree shall be executed by the

President.

2 March 2023

Recep Tayyip ERDOĞAN



PRESIDENTIAL DECREE ON MEASURES TAKEN IN THE FIELD OF HIGHER EDUCATION UNDER THE STATE OF EMERGENCY

Decree no. 129

Purpose

ARTICLE 1- (1) The aim of this Presidential Decree is to take certain measures in the field of higher education within the scope of the state of emergency declared with the Presidential Decision no. 6785 dated 8 February 2023.

Contribution and tuition fees

ARTICLE 2- (1) The State shall cover the contribution and tuition fees required to be paid for the spring semester of the 2022-2023 Academic Year by the students whose family or themselves reside in the provinces where a state of emergency has been declared and continue their education in any higher education institution of the State or continue their education in higher education institutions of the State in the provinces where a state of emergency has been declared as well as the students admitted from abroad who reside in the provinces where a state of emergency has been declared and continue their education in higher education institutions of the State in these provinces. If the contribution and tuition fees for the spring semester of the 2022-2023 Academic Year have already been paid by the students in question, they shall be reimbursed to the students by the higher education institutions.

Entry into force

ARTICLE 3- (1) This Presidential Decree shall enter into force on the date of its publication.

Execution

ARTICLE 4- (1) The provisions of the hereby Presidential Decree shall be executed by the President.

2 March 2023

Recep Tayyip ERDOĞAN



PRESIDENTIAL DECREE ON MEASURES TAKEN IN THE FIELD OF SOCIAL SERVICES UNDER THE STATE OF EMERGENCY

Decree no. 130

Purpose

ARTICLE 1- (1) The aim of this Presidential Decree is to take certain measures in the field of social services within the scope of the state of emergency declared with the Presidential Decision no. 6785 dated 8 February 2023.

Measures taken in the field of social services

ARTICLE 2- (1) The following requirements shall not be sought as from 6 February 2023 (including this date) during the state of emergency as regards the following persons who are in the provinces where the state of emergency was declared or who were transferred to other institutions in other provinces by the Ministry of Family and Social Services:

- a) The grave disability criterion and the income criterion set out in Additional Article 7 § 1 of the Law on Social Services (Law no. dated 24 May 1983) for the provision of care services in private care centres across the country to the persons with disability on the condition of the existence of a health status report;
- b) The income criterion set out in Additional 10 § 1 of the Law no. 2828 for the provision of care services by means of service procurement to the Turkish citizens who are 65 years old or over.

Temporary assignment

ARTICLE 3- (1) Those employed as permanent workers in the organisations of the Ministry of Family and Social Services in the provinces where a state of emergency has been declared, may, irrespective of the requirements and restrictions set out in the relevant legislation, be temporarily assigned to serve in the units or to perform the services needed in the provinces to which the persons getting protection and care services were transferred due to the exigencies of the state of emergency.

Social support payments

ARTICLE 4- (1) The home care payments for persons with disability, the social and financial support payments and the foster care payments made under the Law no. 2828 in the provinces where the state of emergency has been declared and the old-age and retirement pensions paid in those provinces under the Law on Granting of Pensions to Turkish Citizens who are 65 Years Old or Over, Needy, Weak and Lonely (Law no. 2022 dated 1 July 1976) shall not be reclaimed in the event of the death of the right owners as a result of the earthquakes.

Entry into force

ARTICLE 5- (1) This Presidential Decree shall enter into force on the date of its publication.

Execution

ARTICLE 6- (1) The provisions of the hereby Presidential Decree shall be executed by the President.

2 March 2023

Recep Tayyip ERDOĞAN



PRESIDENTIAL DECREE ON MEASURES TAKEN IN THE FIELD OF EDUCATION UNDER THE STATE OF EMERGENCY

Decree no. 131

Purpose

ARTICLE 1- (1) The aim of this Presidential Decree is to take certain measures in the field of education within the scope of the state of emergency declared with the Presidential Decision no. 6785 dated 8 February 2023.

Transfer of funds to teacher's houses and evening art schools

ARTICLE 2- (1) In the event that the budget of the establishment is insufficient for the payment of the wages of the workers employed under the Labour Law (Law no. 5857 dated 22 May 2003) in the teacher's houses and evening art schools whose activities are temporarily or permanently suspended due to the destruction or damage of the service building in the provinces where a state of emergency has been declared, funds may be transferred to these institutions from the budget of the Ministry of National Education for three months.

Educational support with free boarding education and scholarships

ARTICLE 3- (1) In the event that students studying with a scholarship under the Law on the Education of Students with Free Boarding Education or Scholarship in Primary and Secondary Education and Social Assistance to be Provided to Them (Law no. 2684 dated 17 June 1982) are provided free boarding education in school boarding houses in the same province or in another province or transferred to private education institutions in the provinces where a state of emergency has been declared with scholarships, the scholarships paid within this scope shall not be suspended until the end of the 2022-2023 academic year as from 6 February 2023.

(2) Pre-school, primary and secondary education students whose parents or guardians lost their lives in the earthquakes occurring as from 6 February 2023 shall be granted monthly education support equal to the amount of scholarship paid in accordance with the Law no. 2684 until the end of the 2022-2023 academic year regardless of whether they are placed in free boarding education and provided that they continue formal education. The said education support shall not be granted to those who receive scholarships in accordance with Law No. 2684.

Covering accommodation and subsistence expenses

ARTICLE 4- (1) In the provinces where a state of emergency has been declared, meals, accommodation, cleaning and other services provided by the official schools and institutions affiliated to the Ministry of National Education and the circulating capital establishments affiliated to them shall be provided free of charge to the citizens affected by the earthquake. These expenses shall be covered from the budget of the Ministry of National Education.

Other measures

ARTICLE 5- (1) The periods specified in the first paragraph of Article 7 of the Law on Private Education Institutions (Law no. 5580 dated 8 February 2007) for private education institutions located in the provinces where a state of emergency has been declared shall be suspended for three months as from 6 February 2023 (including this date) when this Presidential Decree enters into force. These periods shall start to run from the day following the day on which the suspension period ends.

(2) In the event that the private education institutions that were closed or shut down in the provinces where a state of emergency has been declared fail to deliver the seals, all books, files and other documents related to administrators, teachers and students, which they are required to transfer and deliver under the fifth paragraph of Article 7 of Law no. 5580, due to the earthquake, the administrative fine specified in the aforementioned paragraph shall not be imposed on these institutions.

Entry into force

ARTICLE 6- (1) This Presidential Decree shall enter into force on the date of its publication.

Execution

ARTICLE7- (1) The provisions of the hereby Presidential Decree shall be executed by the President.

2 March 2023

Recep Tayyip ERDOĞAN