PETDER

PETROLEUM INDUSTRY ASSOCIATION

PETROLEUM AND LPG MARKETS LEGISLATION

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PART-1
PETROLEUM MARKET LEGISLATION

LAW

PETROLEUM MARKET LAW

Law Number: 5015
Date of Enactment: 4/12/2003
Published in the Official Gazette: Dated: :20/12/2003, Issue No.: 25322,
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PART ONE
General Provisions

SECTION ONE
Objective, Scope, Definitions and Abbreviations

Objective and scope

Article 1- The objective of this Law is to regulate the guidance, surveillance and supervision activities in order to ensure the transparent, non-discriminatory and stable performance of market activities pertaining to the delivery of petroleum supplied from domestic and foreign resources to consumers, directly or after processing, in a reliable, cost-effective manner within a competitive environment.

This Law covers the regulation, guidance, surveillance and supervision procedures to ensure and improve the sound and regular operation of the markets pertaining to petroleum.

The activities of the Turkish Armed Forces within the scope of this Law and which are carried out directly via equipment and facilities under the ownership of the same and the activities which are carried out via equipment and facilities under the ownership of the Ministry of National Defense Liquid Fuel Transport and NATO POL Facilities Operation Directorate within the scope of Law No. 4636 dated 5 April 2001 on the establishment and duties of the same, shall not be subject to the provisions of this Law. **(Supplementary sentence as added by: article 91 of the Law No. 6586 of 22/1/2015)** However, the procedures, principles and exemptions for obtaining a license shall be determined by the Authority where the activities of the Agency within Law No. 4636 are associated with storage and transmission activities.

(Supplementary paragraph as added by: article 34 of the Law No. 6455 of 28/3/2013) The liquidation procedures by the Ministry of Customs and Trade, provincial special administrations and revenue offices shall not be subject to the provisions of this Law.

Definitions and abbreviations [(1)]

Article 2- The terms used in this Law are defined as follows:

1) Ministry: Ministry of Energy and Natural Resources,
2) Authority: Energy Market Regulatory Authority,
3) Board: Energy Market Regulatory Board,
4) AFRA: The valuation of average freight rate published in London,
5) Liquid fuel: Benzine types, naphtha (except for raw material and solvent naphtha) gas oil, jet fuel, diesel oil and fuel oil types and other products determined by the Authority,
6) Liquid fuel Station: Places established in conformity with the relevant legislation (technical, quality, safety) by distributors or vendors who have signed exclusive purchase contracts with those distributors, and are operated under the registered trademark of a liquid fuel distributor or distributors from a different sub-title, and are specifically serving to meet the liquid fuel, lube oil, auto-gas, LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles,
7) Products that can be blended with liquid fuel: Products which are or shall be subject to an equivalent tax as liquid fuel, such as methyl tarsier butyl ether (MTBE), ethanol (except for those produced artificially from domestic agricultural products and bio-diesel),
8) Asphalt: The product used for ground coating,
9) Vendor: Real or legal persons having the necessary equipment to perform vendor activities,
10) Vendor activity: The process of authorizing real or legal persons to deliver liquid fuel to consumers by liquid fuel distribution companies under a contract of the mutual liabilities, including a feasibility study,
11) Distribution undertaking: A capital company authorized to distribute liquid fuel and may perform storage, transportation, bunker and lube oil production activities provided that they are included in their licenses,
12) Distribution: All liquid fuel sale and transportation activities to vendors including wholesale and transportation of liquid fuel to eligible consumers,
13) Feasibility: The report that includes the analysis of the investments to be made and is enclosed to the vendor activity contract but shall not necessarily be submitted to the Authority,
14) Crude oil: Natural hydrocarbons produced from the ground in a liquid state,

(1) The paragraph numbers contained in this article were re-numerated by article 1 of the Law No. 5576 of 25/1/2007.

15) Bunker: Liquid fuel and lube oil supplied to sea vehicles in and/or next to territorial waters or to domestic or foreign airplanes at airports, whether taxed or not,
16) Bunker delivery company and vendor: Licensed capital companies and vendors which supply bunker obtained domestically or from abroad to air and sea vehicles,
17) Transmission undertaking: A capital company that performs transmission activities,
18) Transmission: Transportation of petroleum through pipelines (except for the producers' pipelines connected to the refinery or transmission grid and the pipelines within the facilities),
19) Processing: The procedures regarding the production of new products from petroleum and other chemical materials, except for the production of lube oil, and/or the alteration of the quality or quantity of products,
20) Processing undertaking: Capital company that is granted the right to perform processing activities due to its license,
1) **(Added by: article 1 of the Law No. 5576 of 25/1/2007; As amended by: article 35 of the Law No. 6455 of 28/3/2013)** Illegal petroleum: Petroleum and petroleum products which are considered as being illegal in the sense of Anti-Smuggling Law No. 5607 dated 21/3/2007,
22) Additive materials: Organic and inorganic materials that are aimed at improving the quality of liquid fuel products,
23) Kilometer limitation: The minimum distance between two liquid fuel stations on the same direction of public roads in the city or on high-ways that shall be determined by the regulation to be issued by the Board,
24) Malicious intent: Any act or negligence causing loss, contamination, deterioration or misuse of petroleum while performing market activities,
25) Consumer: Real or legal persons utilizing petroleum,
26) Utilization: The consumption of petroleum only for personal and operational needs,
27) License: The certificate granted to real or legal persons by the Board indicating the permission to operate in the market as per this Law,
28) Licensed storage undertaking: A capital company performing licensed storage activities,
29) Licensed storage: Storage of the petroleum under the ownership of third parties to meet the stocking and operational requirements of those performing market activities,
30) Lube oil producer: Real or legal persons performing lube oil production activities,
31) Lube oil: Natural or artificial materials turned into substances which reduce friction and/or abrasion between two moving and contacting surfaces or has cooling effect, upon addition of certain additives to base oil or to the materials processed with chemical synthesis method,
32) Special process: Methods determined by the Authority pertaining to the transformation of the petroleum into another product,
33) Petroleum: Those defined in the subparagraphs (5), (14) and (44) of this article,
34) Market activity: The import, export, refining, processing, storage, transmission, bunker delivery, transportation, distribution and vendor activity of petroleum,
35) Refining: The process of producing new products from crude oil,
36) Refining undertaking: A capital company which is granted the right to perform refining and petroleum trade activities due to its license,
37) Eligible consumer: The licensed consumer whose annual petroleum consumption is more than the amount determined by the Authority on product base, being no less than 5.000 tones in fuel-oil, heating fuel and diesel annually,
38) Solvent: Petroleum products consumed in chemical and industrial facilities and/or used for the production of new chemical and industrial products,
39) **(As amended by: article 27 of the Law No. 5784 of 9/7/2008)** Transportation: Transportation activities performed for the delivery of crude oil and fuel oil by coastal shipping and railway means,
40) Transportation undertaking: Real or legal persons performing transportation activities,
41) Unsafe act: An act or negligence in the conduct of any market activity that causes or is likely to cause the death, disability or sickness of a person that is lawfully at the place or within the vicinity where market activity is performed or that causes or is likely to cause environmental pollution, **(2)**
42) **(Supplementary paragraph as added by: article 1 of the Law No. 5576 of 25/1/2007)** Technical arrangement: All kinds of arrangements, including related administrative provisions, which are mandatory to be observed and cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil,
43) Transit transportation: Transportation of petroleum from abroad to another country through Turkey via road and marine transportation,
44) National marker: Additive to be added to the liquid fuel at the refinery exit point or at customs entry point,
45) Production: The drilling, pre-processing and transportation via pipelines to storages within or in the vicinity of the field, transmission line or to the refinery or storage of petroleum,
46) Product: Any hydrocarbon of product or by-product produced from crude oil and/or crude oil products via physical and chemical processes or refining and other methods.

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(2) The word "injury" contained in this subparagraph was amended as "disability" by article 1 of the Law No. 6462 of 25/4/2013.

SECTION TWO
Principles and Procedures that Licenses shall be subject to, and Basic Rights and Liabilities of the Licensees

Principles and Procedures that licenses shall be subject to

Article 3- Holding a license is obligatory for the following petroleum activities:

a) Performing refining, processing, lube oil production, storage, transmission, eligible consumer and bunker activities and to establish and/or operate facilities for the performance of aforesaid activities,

b) Performing liquid fuel distribution, transportation and vendor activities.

The Authority may impose exemptions for holding licenses for transmission and processing activities in line with the principles and criteria to be developed. Licenses shall not be granted based on commitments.

The evaluation of license applications shall be concluded and notified in accordance with the provisions of article 3 and other aspects to be decided by the Authority no later than sixty days. The justifications for the rejection of applications shall also be notified.

In accordance with this Law, the process of granting, updating and temporarily suspending or cancelling the licenses shall be undertaken by the Authority. In granting licenses, the technology, quality, safety and sustainability of the enterprise and service shall be taken into account with respect to market entry. **(Supplementary sentence as added by: article 92 of the Law No. 6586 of 22/1/2015)** It is not required to be a stock corporation for obtaining a license where the activities of Ministry of National Defense Fuel Supply and NATO POL Facilities Operating Agency within the framework of Law No. 4636 are associated with storage and transmission activities; licenses shall not be granted basing on commitments. **(3)**

(Supplementary paragraph as added by: article 36 of the Law No. 6455 of 28/3/2013) Those condemned with a final imprisonment sentence due to their acts against Law No. 5607 shall not be granted a license. Where the licensee is a legal person, the shareholders having more than ten percent of the shares in the legal personality as of the date of offense, resigned or active chairperson and members of the executive board and those authorized to represent and bind shall not be given a license and those persons are not entitled to directly have any share in the legal personalities applying for a license.

In the approval or rejection of the applications by the Authority, the conformity of the applications with terms and conditions stipulated in the legislation shall be taken into account.

Private law legal persons to perform the activities specified within the scope of a license shall be subject to the provisions of Turkish Commercial Code No. 6762 dated 29.06.1956. Private law legal persons that are capital companies as per the legislation of foreign countries, and performing market activities in Turkey shall be deemed settled in Turkey with regards to their activities in Turkey according to the legislation on the protection of value of Turkish Lira.

The licenses shall be issued in accordance with the aforesaid activity topics. Other sub-topics determined by the Authority shall also be specified in the licenses.

The license shall be issued in the name of the real or legal persons granted the right to perform the activity written on it. Beside the activity type, the license certificate shall also include information about the type and geographical position of facility, technology and quantities required to perform the activity.

The Authority, in line with the powers vested in it by this Law, shall be authorized to enact regulations on the following:

a) The scope of the activities and/or operations requiring licenses,

b) The rights and liabilities as per the license,

c) Limitations on activities within the scope of the license,

d) Determination of special terms and conditions regarding the performance of the activity.

The activities that require a modification in issues appearing on the license shall not be performed unless they are approved and noted on the license by the Authority.

The following procedures, principles and matters pertaining to licenses shall be regulated by the regulations to be issued by the Authority:

a) Procedures for application, evaluation, and granting of licenses and their duration, modification, fees, termination and extension,

b) Classification terms for licenses which are deemed adequate for classification and their minimum size according to the class,

c) Processes for class changes in licenses which are subject to modification and classification,

d) Minimum qualifications to be sought and minimum assets to be under the possession of the related parties,

e) Necessary records to be kept, registration methods and notification liabilities,

f) Sub-titles of activities and their definitions,

g) Issues regarding protection of life and property of public and consumers' rights,

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(3) The wording "No limitations shall be imposed with numeric quantities in the matters of the number of vendors, storage capacity (except for operating stock capacity)", contained in the second sentence of this article, was removed from the text of the article by article 30 of the Law No. 7164 of 14/2/2019.

h) Subjects to be included in the license,
ı) Guidance, surveillance, audit and similar issues of the market activities whether they are within the scope of the license or not.
Licensees or consumers shall be able to construct and/or operate any petroleum storage facility or mechanism, except for licensed storages, provided that the provisions of this Law are reserved and that all necessary official procedures are completed in accordance with the related legislation.
(Supplementary paragraph as added by: article 30 of the Law No. 7164 of 14/2/2019) The Authority may require the licensees to submit letters of guarantee for the issues to be determined by the Board, which will be used in the collection of their financial liabilities included in the scope of this Law. The license types for which such letters of guarantee will be obtained, the types and amounts of such letters of guarantee, the terms and conditions for their conversion into cash and other matters shall be determined by the regulations to be issued by the Authority.

Basic rights and liabilities of licensees

Article 4- The license shall convey the rights to the holder to perform activities included in the license and to enter into commitments on these matters.
The rights conveyed by the license shall be utilized provided that the specifics noted in this Law, related legislation and license, are fulfilled.
Those who perform market activities should avoid meticulously any kind of activity that would result in malicious intent or unsafe acts, take necessary measures to prevent their occurrence and eliminate any undesirable situations as soon as possible.
Those who perform activities as per this Law shall be obliged to:
a) Act in accordance with the commercial and technical legislation,
b) Take necessary measures to prevent environmental risks,
c) In case a condition arises that seriously threatens or adversely affects the security of life, property and environment of the public and their own facilities and activities, notify the public authorities and those related parties who might be adversely affected of such threat and also notify the Authority of the nature and dimensions of the threat and the measures being taken to prevent such threat,
d) Arrange insurance for the facilities and/or activities that are in the scope of compulsory insurance liability,
e) Compensate any loss or damage suffered by third parties or the environment as a result of their activities,
f) Make notifications in compliance with the procedures and principles determined by the Authority as per the first paragraph of article 14,
g) Submit the required information, documents and samples, sign the minutes and allow officials to conduct on-site investigation of the facilities when requested by the Authority as per the third paragraph article 14 of this Law,
h) Submit the copies of standard contracts pertaining to their main field of activity and notify the Authority of the modifications to be made on them before implementing such modifications,
ı) Supply liquid fuel in market activities in accordance with the technical arrangements to be determined by the Board,
j) Meet demands on non-discriminatory basis except for the capacity restrictions on transmission and storage,
k) Grant equal rights and liabilities to equal receivers (categories) and not stipulate different terms and conditions,
l) **(Supplementary paragraph as added by: article 37 of the Law No. 6455 of 28/3/2013)** Not to keep immobile or mobile tanks, mechanisms or equipment contrary to the principles in the documents constituting a basis for the license in a way to acquire, sell illegal liquid fuel or false marker or to associate them with a market activity. **(4)**

SECTION THREE
License Types and Restrictions on Activities
License Types

Refining undertaking

Article 5- Refining undertaking licensees shall also be able to perform the activities specified below in addition to the activities defined in article 9:
a) Provided that it is registered in the license, processing and storage activities within the facility or in the vicinity, and transportation activities to other facilities in the vicinity via pipelines,
b) Liquid fuel distribution activities via its distribution company.
The refining undertaking licensee should offer, on category basis, the same conditions to those demanding liquid fuel from himself as he does to his own distribution company.
The production and delivery of liquid fuel and other products needed for national security shall have priority. Refining undertakings shall be obliged to provide and protect the production capacity of tactical liquid fuels utilized by Turkish Armed Forces; in case such product is demanded.

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(4) For the fines that will be applicable as from 1/1/2018 in relation to the acts or violations referred to in this sub-paragraph; please refer to the table at the end of the text of this Law and the Energy Market Regulatory Authority's Communique on the Fines to be Applicable in 2018 Pursuant to the Article 19 of the Petroleum Market Law No. 5015, which Communique was published in the Official Gazette dated 21/12/2017 and issue no. 30277.

(Supplementary paragraph as added by: article 38 of the Law No. 6455 of 28/3/2013.) Refining undertaking licensees shall be obliged to have the domestic and foreign sales tanks as well as crude oil, by-product, product-excluding liquid fuel- and liquid fuel tanks in their facilities registered in their licenses and shall be obliged to communicate to the Authority the information about utilization of the tanks. The principles and procedures regarding implementation of this article shall be determined in a regulation to be issued by the Authority after receipt of the relevant opinions to be delivered by the Ministry of Energy and Natural Resources, the Ministry of Customs and Trade, the Ministry of Interior and the Revenue Administration.

Transportation, processing, storage, transmission, lube oil production, eligible consumer, bunker delivery company and bunker vendor

Article 6- The Authority shall set forth the evaluation criteria to be applied in granting licenses for performing the activities defined in sub-paragraphs (16), (18), (19), (28), (29), (36) and (38) of the first paragraph of article 2 and technical and financial provisions necessary for granting such licenses.

Distribution

Article 7- Distribution licensees shall have the right to distribute products defined as liquid fuel.

Distribution licensees shall also be able to perform transportation activities via pipelines to the facilities within the vicinity of storage facilities and liquid fuel wholesale activity to eligible consumers, besides liquid fuel distribution to the stations of vendors under their ownership or to be established by contracts. They shall not be able to distribute to vendors of other liquid fuel distributors.

Distribution undertakings shall be obligated to make annual marketing projections and submit them to the Authority with details in February of each year. They shall also be obligated to evaluate the realization of their projections quarterly every year and submit such evaluation to the Authority in January, April, July and October and provide explanations for an increase or decrease of more than ten percent in their projections.

Distribution undertakings shall establish vendors with contracts as defined in subparagraphs (10) and (13) of the first paragraph of article 2. In case the contract could not, three months before the end of the vendor activity, be renewed for the continuation of the vendor activity, the distribution undertaking shall meet the supply need of the vendor until the expiration of the contract term. At the end of the contract term, the vendor shall continue its activity in a way to make it evident that it markets the products of its newly contracted distribution undertaking, and remove all the indications regarding the former distribution undertaking within one month at the latest.

The sale by distribution undertakings through the stations they operate shall not exceed fifteen percent of the distributor's total domestic market share. The domestic market share of the distribution undertakings shall not exceed forty-five percent of the total domestic market share. Distribution undertaking shall not grant subsidies to stations they operate or treat them differently from vendor stations.

(Supplementary paragraph as added by: article 2 of the Law No. 5576 of 25/1/2007; The sixth paragraph as amended by: article 39 of the Law No. 6455 of 28/3/2013) Distribution undertaking licensees shall be obliged to establish and implement a monitoring system that also covers the technological methods to prevent sale of illegal petroleum at their vendors in conformity with the principles specified by the Authority. The distribution undertaking licensee shall allow the access of the Authority to the system. The Authority shall allow the direct system access of the Ministry of Science, Industry and Technology, the Ministry of Customs and Trade, the Ministry of Interior, the Ministry of Finance, the Ministry of Transportation, Maritime Affairs and Communication and the other relevant public institutions and organizations to the extent the scope of their responsibility requires. The Authority shall also provide the information and documents needed by the aforementioned institutions and organizations to the extent the scope of their responsibility requires. The distribution undertaking shall be charged with an administrative fine in an amount referred to in article 19, where it is found that the related distribution undertaking does not establish the mentioned system or that the system established is not in conformity with the procedures and principles prescribed by the Authority. Distribution undertaking licensees are not entitled to supply liquid fuel to the vendors that are found not to have established a vendor audit system or found to have the established the system not in conformity with the procedures and principles prescribed by the Authority.

Distribution undertakings shall be obliged to carry out an efficient monitoring regarding the quality control of the activities performed under their registered trademarks, and notify the Authority of the cancellations of the vendor contracts with their justifications. Technical, safety, environmental and similar criteria related to the facilities and the equipment to be established for the liquid fuel distribution shall be determined by a regulation to be issued by the Authority.

Vendors [(5)]

Article 8- The arrangements (technical, safety, capacity, environment, etc.) regarding vendor licenses shall be made by the Authority. Vendors shall perform vendor activities according to the exclusive purchase contracts to be entered into with their distribution undertakings.

Vendors shall have the following obligations during the license period:

a) Not to take the delivery of liquid fuel from other distribution undertakings and their vendors other than the liquid fuel distribution undertaking whom they are the vendors of,

(5) For the fines that will be applicable as from 1/1/2018 in relation to the acts or violations referred to in this sub-paragraph; please refer to the table at the end of the text of this Law and the Energy Market Regulatory Authority's Communique on the Fines to be Applicable in 2018 Pursuant to the Article 19 of the Petroleum Market Law No. 5015, which Communique was published in the Official Gazette dated 21/12/2017 and issue no. 30277.

b) Not to add products that could be added for adulteration and/or for fraud to liquid fuel and not to keep such material in their stations.
Upon notifying the Authority, vendors and distribution undertakings shall commence operating liquid fuel stations that are established according to their licenses. Liquid fuel stations shall be able to sell liquid fuel except LPG via tankers and village pumps for the requirements of agriculture sector by taking necessary measures.
The Board shall be able to establish vendor categories according to technical and economic criteria. In such case, vendor licenses shall be prepared in accordance with their categories. Distances between liquid fuel and LPG stations on the same direction shall be regulated by a regulation to be issued by the Board and shall be effective on 1.1.2005, being no less than 10 km. on highways and 1 km. within the city.

Restrictions of activities

Article 9- Suppliers of crude oil and liquid fuel from foreign countries shall hold a license of refining undertaking, distribution undertaking or bunker delivery company. Producers producing crude oil in Turkey shall be able to import crude oil at an amount to blend with the low gravity domestic crude oil. Imports of crude oil and liquid fuel shall be made at the authorized customs administrations having the necessary equipment to perform specific technical and quantity measurements. The import to be made by distribution undertakings shall be limited with the liquid fuels registered in the sub-title of the license of the related party and can be made upon the notification to the Authority of its compliance with the marketing projection submitted to the Authority together with vendor information. Liquid fuel trade between distribution undertakings shall be subject to the Board's permission. Crude oil trade within the country can only be performed by producers and refining undertakings and between each other.
Distribution undertakings should submit white product (petroleum, diesel oil) distribution projection at an amount of minimum 60,000 tons/year and vendor information to the Authority with their license applications and shall not deliver consumers liquid fuels that are not included in the sub-title of their licenses, except for the activities to be performed as a vendor of the distribution undertakings having a different license sub-title at the liquid fuel stations operated by vendors connected to their distribution network.
Bunker deliveries shall be performed by refining undertakings, distribution undertakings and bunker delivery companies. Those who perform bunker deliveries shall notify the Authority quarterly of the type and quantity of liquid fuel they bring to customs entrepots and take out with the purpose of supplying to sea/air vehicles.
The activities, including the import and export of petroleum products excluding liquid fuel (solvent, lube oil and base oil, asphalt, solvent naphtha, etc.), shall be performed as per the regulations to be issued by the Authority.
In the event that the product produced as a by-product at industrial facilities is used in a liquid fuel activity within the country, with the provision of notifying the Authority, the ones compliant with the technical arrangements shall be delivered to distribution undertakings and the ones which are not compliant shall be delivered to refineries on the condition that the refineries' approval is taken and an agreement is reached. Information regarding actual production and export shall be submitted to the Authority every month in the event that the products not delivered to refineries are exported.
Liquid fuels that are not in compliance with the technical arrangements set forth in subparagraph (ı) of the fourth paragraph of article 4, shall not be used in any type of activity.
Liquid fuel supply to vehicles shall not be made in places except for liquid fuel stations holding a vendor license and equipped sufficiently, excluding places such as factory, work sites, transportation fleet base and related places having storage facilities for their own needs and liquid fuel supply capacity for their own vehicles.
(The sixth paragraph was abolished by: article 27 of the Law No. 5784 of 9/7/2008)
Where a facility is required in order to perform activities, the facility must be actively operating in order to enjoy the rights set forth in this article.
Refining undertakings shall be obligated to deliver products of required quality and distribution undertakings and vendors shall be obligated not to change the quality, quantity and the purpose of usage of the liquid fuel.
Products blended with liquid fuel in accordance with the principles and procedures to be determined by the Board shall be subject to the equivalent tax rate imposed on liquid fuel. However, the products obtained from domestic agricultural products and blended with liquid fuel shall be exempt from this provision.
Distribution undertakings shall inform their vendors about promotional campaign to be carried out with their participation, in a transparent and clear manner, together with the documents regarding the costs of such campaigns. However, the participation of the vendors in the campaign shall be optional.

SECTION FOUR
Pricing, Expropriation, Access and Coordination

Pricing

Article 10- The pricing for the purchase and sales of petroleum shall be constituted according to the nearest accessible global free market conditions. For domestic crude oil, "Market Price" formed in the nearest delivery port or refinery shall be accepted as the price.

For the crude oil produced in Turkey, such market price shall be deemed as the actually applicable sales price, excluding taxes, calculated by adding whole of all the expenses -necessary for the delivery of crude oil of the same quality from the world market to the port or refinery which is the point of delivery in Turkey- to the free competitive price of the equivalent petroleum as determined in accordance with the usual adjustments of quality and specific gravity, within Turkey or in the nearest accessible world market; however, for the crude oil produced in or around Batman, it shall be deemed as the market price established at Batman refinery including the Suez Channel crossing and the Batman-Dörtyol Pipeline crossing fees; or as the price applied excluding the taxes at the points of delivery by the producers in Turkey where there is no accessible world market. **(6)**

Thirty-days term prices of Arab Heavy crude oil (27.5 API) for 26 API or lighter crude oil and Arab Medium crude oil (31 API) for crude oil heavier than 26 API shall be taken as basis for the domestically produced crude oil; and in the evaluation of the gravity differences between the equivalent petroleum and domestic crude oil with respect to prices: (1)

2 US cent shall be added to or deducted from the barrel price of the equivalent petroleum for each 0,1 API gravity difference between the equivalent petroleum and domestic crude oil. However, the price of the lower gravity group shall not be higher than the price of the higher gravity group.

In the calculation of all expenses necessary for the delivery of equivalent crude oil to Turkey, the nominal freight charge announced in the "Worldscale" shall be taken as basis; the transportation cost shall be calculated by applying AFRA percentage determined for LR-2 category tankers.

Current insurance legislation and premiums shall apply to the price (C+F) calculated by adding gravity adjustment and transportation costs. Insurance premium implementations regarding hazardous and war situations shall be subject to the evaluation of the Ministry. The insurance premium amount until revised shall not exceed 0,075%.

Market price of the domestic crude oil shall be calculated by adding customs duties and levies collected for import. Transportation market value formed in the liquid fuel prices shall be taken for the domestic land transportation fees.

Monthly foreign exchange average selling rate announced by The Turkish Central Bank, barrel and metric ton as petroleum unit and US Dollar as foreign currency shall be used in the market price proposals. The Board shall be authorized to evaluate and solve the problems that may arise during the implementation of the components forming the market prices.

Refining undertakings shall purchase the domestic crude oil from such minimum prices formed upon the proposal of the crude oil producers and shall give priority to domestic crude oil in crude oil supply. Refining undertakings shall give a written response within fifteen days to crude oil producers' proposals offering the crude oil with the minimum price referred to in this article or higher. Refining undertakings shall not make any monetary demand and offer concerning delivery point and conditions which may adversely affect producers. Disputes on prices shall be settled no later than thirty days under the arbitrage of the Authority, which award to be rendered in result of the arbitration shall be binding on the parties.

Imported crude oil prices shall be considered as prices obtainable according to spot market values and petroleum agreements concluded in line with the globally announced prices. Information regarding actual import shall be submitted to the Authority every month.

Prices regarding market activities performed within the scope of refining and distribution undertaking licenses shall be submitted to the Authority as ceiling prices prepared by licensees, taking into account the global free market prices at the closest accessible point.

Tariffs for processing, licensed storage that is not connected with pipelines and transportation activities shall be implemented after their preparation by the licensees and notification of the same to the Authority.

Tariffs for transportation and licensed storage activities within the facilities connected to these lines under the scope of transmission licenses shall be prepared by the licensees and implemented following the approval of the Board. The Board shall render decisions on the applications for tariff approvals within thirty days following the application date.

However, in the case that agreements or actions, which are aimed at hindering, disrupting or restricting the competitive environment or the activities in the petroleum market or which result in or may result in this effect, create impacts disrupting the market organization; the Authority shall be authorized to determine base and/or ceiling price(s) and take necessary measures to apply on regional or national basis in all phases of activities, not exceeding two months in each time, upon the initiation of the necessary procedures.

The principles and procedures and the amounts for the supporting of consumers without interfering with prices with respect to specific regions and specific purposes shall be determined by a Presidential Decree. **(7)**

Ownership, expropriation and special measures

Article 11- a) It is a principle that the acquisition of rights or properties regarding lands, estates and buildings necessary for the facilities included in the scope of this Law takes place primarily through agreements.

In the event that the activities put forward herein necessitate, the acquisitions regarding the following may also be realized through expropriation as per the provisions stated in the Expropriation Law No. 2942:

1) Refineries and licensed storage facilities,

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(6) By article 31 of the Law No. 7164 of 14/2/2019, the word "half", contained in the second paragraph, was amended as "whole" and the word "excluding", contained in the same, was amended as "including", and the wording "Ras Gharib crude oil (21.5 API)", contained in the third paragraph, was amended as "Arab Heavy crude oil (27.5 API)".

(7) By article 147 of the Decree Law No. 700 of 2/7/2018, the wording "by a Decree of the Council of Ministers upon the proposal of the Ministry", contained in this paragraph, was amended as "by a Presidential Decree".

2) The establishment of easement rights on lands and plots of land where transmission lines cross and on other buildings standing as an inseparable part of such transmission lines, as well as and real properties located in the vicinity, and
3) Processing facilities to be determined by the Authority. The ownership of the expropriated real property shall belong to the Treasury and the right to use it shall belong to the licensee who has paid the expropriation cost. The right of utilization shall be registered in the title deed register in the name of the licensee and such right shall be a part of the license and continue until the termination of the license period. Expropriation costs paid by licensees shall not be returned in the event that the license terminates or is cancelled.
The relevant expropriation decree to be issued by the Board shall be considered as a public interest decree and the expropriation process shall be realized as per the provisions of the Expropriation Law.
It shall also be noted in the title deed registers of the facilities owned by refining and transmission licensees, including the ones found appropriate by the Board, that no other note can be registered in the title deed registers unless approved by the Authority.
b) Real rights other than ownership, and leasing: In relation to their activities, on public lands, legal persons may request for establishment of real rights other than ownership and for the leasing of such lands, provided that the cost is paid by the related legal person.
If these requests are approved by the Board, the Authority shall consider the right of usufruct, servitude, right of construction or long-term leasing as per the related legislation and depending on the needs.
The legal person taking over the rights acquired in this way, shall be liable to pay the cost of holding these rights as determined by the Board. Utilization rights are an integral part of the relevant license or contract, and their validity period shall be limited with the period of the validity of the same.
The limitations regarding construction, agricultural and dangerous activities that may create risks, within a minimum of fifteen meters and maximum of one hundred meters distant on both sides of transmission lines, within a maximum of 500 meters distant surrounding the refineries, licensed storages and facilities necessary for pipelines, and the principles and procedures regarding the same shall be set forth in the regulations to be issued by the Authority.
The provision of article 11 of the Telegraph and Telephone Law No. 406 shall not apply to transmission lines and to the relevant premises which are the inseparable parts of such transmission lines.

Access to transmission facilities and licensed storage facilities

Article 12- Transmission and storage licensees who have spare capacity in their facilities shall be liable to meet the transmission and storage demands on the condition that these demands meet the following conditions:
The demands should:
a) be in compliance with the tariff of the licensee,
b) be appropriate for the capacity of the relevant facility,
c) not have deteriorating or risk-increasing negative effects on the licensee's facilities, operational rules and conditions and the petroleum transmitted or stored by the licensee,
d) be in conformity with the quality of the facility, transmitted or stored petroleum, and be at the minimum quantity determined in the tariff of the licensee,
e) for transmission, be made by producer, transmitter or distribution undertaking, taking into account also the type of petroleum and for storage, be made by all with the provision of exceeding the minimum quantity determined in the tariff of the licensed storage undertaking.

Coordination

Article 13- It is a principle that the Authority is informed prior to and the participation of the Authority is provided in any of the preparatory studies (except for regulations regarding taxes, duties and levies) to be carried out by other authorities authorized for the matters related directly or indirectly with the petroleum market.
The representative of the Authority shall take part in laboratory preparatory studies to be carried out by the Turkish Standards Institution regarding petroleum market activities. The Turkish standards regarding petroleum market activities may be rendered mandatory by the Board's approval.
The Authority shall be authorized to deliver opinions or make requests from the relevant authorities in following cases:
a) in cases which may cause substantial hazards to licensed facilities,
b) in case misleading advertisements and announcements and other similar activities which may cause unfair competition in the market are made,
c) in regulations and implementations regarding importers, producers and providers of goods and equipment and their authorized services performing activities in the market.
(The fourth paragraph as amended by: article 40 of the Law No. 6455 of 28/3/2013) The Authority may be a third-party intervener in criminal cases filed against licensees or their officials in relation to market activities. In addition to filing criminal complaints for these matters, the Authority may also request the judicial or civil authorities to order or impose sanctions for the proper implementation of the legislation.

SECTION FIVE
Information Gathering, Records, Audit, Notification and Insurance

Information gathering, records, audit and notification

Article 14- The notification liabilities shall be determined by the Authority for the purpose of gathering information regarding market operations. The Authority may determine specific principles and procedures regarding the preparation of documents by and the record keeping system of the licensees, provided that the provisions of the Tax Procedure Law are reserved.

The Authority may request from public institutions and organizations as well as real and legal persons any information it deems necessary while fulfilling the duties assigned by this Law.

Regarding the market parties and/or facilities, the appointed Authority officials shall be authorized to review and examine any commodities and documents, including accounting books, take copies or samples, request for written or verbal explanations on the subject, prepare necessary records, inspect the facilities and operations. The letter of authorization shall include the framework of the objective, scope, duration and authority.

(The fourth paragraph as amended by: article 41 of the Law No. 6455 of 28/3/2013) The Authority shall audit the market activities via its own personnel or by the way of service procurement from other public institutions and organizations when necessary. The Authority may establish accredited stable and mobile laboratories to be used for audits in cooperation with the Turkish Accreditation Agency and allocate resources for their establishment. The principles and procedures to be followed in audits, preliminary investigations and inquiries shall be regulated by a regulation to be issued by the Authority after receipt of the relevant opinions to be delivered by the Ministry of Customs and Trade, the Ministry of Science, Industry and Technology, the Ministry of Interior and the Ministry of Finance.

The fundamentals, principles and procedures regarding the disclosure of information to related parties and the public shall be set forth in a regulation to be issued by the Authority. Commercially confidential information with respect to the market shall not be disclosed.

The abstract information on the content of the license certificates of the licensees shall be announced by the Authority.

The provisions of the Notification Law No. 7201 shall apply to any notifications to be made by the Authority in accordance with this Law. However, notifications by publication shall be published in the Official Gazette.

Insurance

Article 15- It is compulsory to arrange insurance for the activities carried out within the scope of a license. The activities to be exempt from insurance coverage may be determined by a Presidential Decree. The determination of the types of assets to be included to the insurance coverage, insurance types to apply to these assets and exemption issues shall be regulated in the relevant regulations to be issued by the Authority. **(8)**

SECTION SIX
Other Provisions

Petroleum stocks

Article 16- For the purposes of ensuring continuation in the market, preventing the risks in crisis or extraordinary cases and fulfillment of the liabilities regarding state of emergency petroleum stocks as a requirement of international agreements, a petroleum stock shall be kept in an amount of at least ninety days' amount of the net import in the previous year's average daily consumption.

The national petroleum stock shall be obtained through the liability of the refinery, liquid fuel and LPG distribution undertaking licensees to keep minimum twenty times of the average supplied daily product amount at their own storage or licensed storage facilities whether as a whole or separately according to their status. Loaded tankers within territorial waters to be unloaded into refineries and storage facilities and crude oil and semi-products in refineries shall be deemed as part of the national stock liability and shall be treated accordingly. The national petroleum stock might be kept tax-free according to the status of the stored place and with the provision of the allowance of the legislation.

Liquid fuel and LPG distribution licensees' twenty days' amount of the total stock, except for the portion in the bottom of their tanks, shall be taken as the minimum operational stock of the company and deemed as part of the national petroleum stock. **(Sentence repealed by: article 13 of the Law No. 7166 of 21/2/2019)**

The supplementary portion of the national petroleum stock shall be retained by refining undertakings and any funding need that may arise as a result of the acquisition of such supplementary portion, financing expenses and stocking and maintenance costs of such stocks shall be covered by the income added to the consumer prices (determined by the Board at a maximum of 10 US Dollars/ton) and the income at the utilization of the refining undertakings. In the event of imports except for refining undertakings, such income shall be paid to the refining undertaking by the importer. Refining undertakings are obliged to provide the Authority with information regarding the accounting of this income every year. The income shall be drawn to the level to cover the maintenance costs once sufficient storage facilities and stocks have been provided.

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(8) By article 147 of the Decree Law No. 700 of 2/7/2018, the wording "by a Decree of the Council of Ministers", contained in this article, was amended as "by a Presidential Decree".

The President of the Republic shall be authorized to render decisions on determination and increase of the actual number of days of the national petroleum stock, on managing and imposing liabilities on national petroleum stock, on the term, type and amount of the national petroleum stock and on determination of the location of stocking and on procurement of petroleum and services regarding the national petroleum stock, and shall be authorized to take other decisions and measures regarding stock and stocking, and shall be authorized to render decisions on performing sales from the national petroleum stocks in extraordinary cases, on the preparation of the proposals to be submitted to the President of the Republic, etc. and shall be authorized to determine the principles and procedures regarding the activities of the Commission established according to this Law. **(9)**

(Supplementary paragraph as added by: article 42 of the Law No. 6455 of 28/3/2013) Within the scope of national petroleum stock regulation, the Authority shall be authorized to audit the stocks that the refining, liquid fuel and LPG distribution licensees are obliged to keep, and to regulate the type of product and the conversion of products into each other in a way not to require a decrease in the stock amount. **(10)**

(**Paragraph repealed by: article 147 of the Decree Law No. 700 of 2/7/2018)**

Eligible consumers

Article 17- The principles and procedures for determining eligible customers and granting licenses shall be regulated by a regulation to be issued by the Board.

Distribution undertakings shall not perform sales at the liquid fuel stations operated by themselves to the consumers whose annual consumption of heating fuel, fuel-oil and diesel oil is below the annual consumption amount, to be determined by the Authority not being less than 5000 tones.

National marker

Article 18- (The first paragraph as amended by: article 43 of the Law No. 6455 of 28/3/2013) Refining undertakings and distribution undertakings shall add a national marker, at the refinery exit or at the entry into free circulation, in the quality and nature to be required by the Authority, to the liquid fuel and to the products blended with liquid fuel to be marketed in Turkey. The centers for the first-stage of biofuel production and the national marker injection points for the liquid fuel to be sold off shall be determined by the Authority. The national marker addition procedures shall be carried out before the independent audit companies authorized by the Authority, in accordance with the principles and procedures to be determined by the Authority. The licensees and the independent audit companies shall be conjointly liable for the irregularities to occur in the process of national marker addition.

(The second paragraph as amended by: article 43 of the Law No. 6455 of 28/3/2013) The licensees that are obliged to add national marker shall submit their marketing projections for the following year to the Authority in November every year, and the national marker to be provided by the Authority according to the said projection shall be delivered to the relevant licensees to be added to the liquid fuel in accordance with the principles and procedures principles to be determined by the Authority.

The Authority shall establish an audit system by adopting national marker, administrative and technological methods. In the event of an application by an authorized official, the governorates shall be obliged to ensure the collection of samples from consumers and vendors for the auditory purposes, and to ensure their security.

(The fourth paragraph as amended by: article 43 of the Law No. 6455 of 28/3/2013) When it is determined, by laboratory analyses in the tests to be implemented on the samples, that the national marker is not in the required quality and at the required level, the provisions of article 19 shall apply.

PART TWO
Miscellaneous Provisions

SECTION ONE
Penalties, Administrative Sanctions, Right to Legal Action, Regulation, and Repealed and Inapplicable Provisions

Administrative fines

Article 19- (As amended by: article 32 of the Law No. 7164 of 14/2/2019)

In case the activities are performed in breach of this Law or the related legislation, the following administrative fines shall be imposed on the liable persons by the Board:

a) In the following cases, an administrative fine at the rate of fourteen per thousand of the net sales revenue earned from petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than two million Turkish Liras and not more than ten million Turkish Liras:

1) In case the activities, included in the scope of refining undertaking, distribution undertaking, transportation, bunker, storage, transmission, lube oil production and eligible consumer license, are performed without obtaining license;

2) Violation of article 18;

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(9) By article 147 of the Decree Law No. 700 of 2/7/2018, the words "the Council of Ministers, contained in this paragraph, was amended as "the President of the Republic".

(10) By article 13 of the Law No. 7166 of 21/2/2019, the wording "licensed refineries, liquid fuel and LPG distribution undertakings and eligible consumers", contained in this paragraph, was amended as "refining, liquid fuel and LPG distribution licensees".

3) Violation of the subparagraph (l) of the fourth paragraph contained in article 4;
4) Violation of the subparagraph (b) of the second paragraph contained in article 8.
b) For vendor activity licensees, the fines referred to in the subparagraph (a) shall apply at the rate of fifty percent.
c) One fourth of the fine imposed on the licensee in relation to the national marker pursuant to the subparagraph (a) shall be imposed on the independent inspection firms authorized to supervise the national marker addition processes, in case they do not fulfil their obligations.
ç) In the following cases, with the exception of those performing vendor activities, an administrative fine at the rate of twelve per thousand of the net sales revenue regarding the petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than one million two hundred and fifty thousand Turkish Liras and not more than six million two hundred and fifty thousand Turkish Liras:
1) In case the restrictions referred to in article 9 are not complied with (except for the seventh paragraph);
2) Violation of articles 5, 6 and 7;
3) To hinder directly or indirectly or to attempt to hinder the implementations made by the Authority in accordance with article 10.
d) In the following cases, an administrative fine at the rate of eleven per thousand of the net sales revenue regarding the petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than five hundred and fifty thousand Turkish Liras and not more than two million seven hundred and fifty thousand Turkish Liras:
1) Violation of the third paragraph of article 4;
2) Violation of its provisions other than the subparagraphs (d) and (l) of the fourth paragraph and the third paragraph of article 4 with the exception of those performing vendor activities;
3) In case any activities -falling outside the rights granted by the license held by the licensee- are performed with the exception of those performing vendor activities;
4) In case the access to transmission and storage facilities are blocked directly or indirectly, within the provisions contained in article 12;
5) Violation of article 17.
e) In case the actions referred to in the subparagraph (d) are committed by eligible consumer licensees, an administrative fine at the rate of five per thousand of the net sales revenue regarding the petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed in such amount not less than fifty thousand Turkish Liras and not more than one hundred thousand Turkish Liras:
f) In the following cases, an administrative fine at the rate of ten per thousand of the net sales revenue regarding the petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than one hundred twenty five thousand Turkish Liras and not more than six hundred twenty five thousand Turkish Liras:
1) In case vendor activities are performed without obtaining license;
2) Violation of the seventh paragraph of article 9;
3) Violation of article 8 (with the exception of the subparagraph (b) of the second paragraph of article 8);
4) In case vendor activity licensees perform activities falling outside the rights granted by the license;
5) In case vendor activity licensees are in breach of its provisions other than the subparagraphs (d) and (l) of the fourth paragraph and the third paragraph of article 4;
6) In case vendor activity licensees are in breach of article 10.
g) As regards the licensees who are under the obligation to keep national petroleum stock pursuant to article 16 of the Law, in case it is found that they keep the national petroleum stock incompletely, an administrative fine shall be imposed on those licensees in the amount of two hundred and fifty Turkish Liras for each ton of product kept incompletely. Ton fractions shall not be taken into consideration in calculating the quantity of stock kept incompletely. The administrative fine imposed within the scope of this subparagraph shall be spent for the financing of the supplementary portion of the national petroleum stock.
ğ) An administrative fine in the amount of two hundred and fifty Turkish Liras -for each cubic meter of the product blended incompletely- shall be imposed on the licensees who are under the obligation of blending biodiesel, ethanol and similar ones pursuant to the arrangements made by the Authority.
h) An administrative fine at the rate of eight per thousand of the net sales revenue regarding the petroleum market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed in such amount not less than one hundred and ten thousand Turkish Liras and not more than five hundred and fifty thousand Turkish Liras by the Authority on those who are not included in the above provisions, however, who do not comply with the obligations introduced by this Law, who do not comply with the provisions of the secondary legislation or the license, who do not comply with the Board decisions.
In the event that the same act for which an administrative fine has been imposed is repeated by the same person before expiration of two years, the administrative fines shall be two-folds.

The administrative transactions carried out as per the provisions of this article and article 20 of this Law shall be notified to the electronic notification address declared by the licensee to the Authority. In case, for a compulsory reason, the notification could not be transmitted to the electronic notification address declared to the Authority; the notification made to the address declared to the Authority shall nevertheless be deemed to have been served on the relevant person. The administrative fines imposed within the scope of this Law shall be paid within one month as from the date that they are served on the relevant persons. The administrative fines not paid in due time shall be referred to the relevant tax offices for collection as per the provisions of the Law No. 6183 of 21/7/1953 on the Collection Procedure of Public Receivables.

In case a legal action is taken against an administrative fine imposed within the scope of this Law, such legal action shall not suspend the collection procedures, with the exception of the case where a bank letter of guarantee is submitted to the relevant tax office for the administrative fine. The amount of the letter of guarantee, the conditions under which the letter of guarantee shall be converted into cash, and the other relevant matters shall be determined under the legal arrangements to be made by the Authority.

In case there is no net sales revenue or it could not be found that there is a sales revenue earned from the petroleum market activity relevant to the license in the preceding year from the date that the actions referred to in this article have been committed, the Board shall fix a penalty within the minimum and maximum limits and the rates set in the relevant paragraphs of this article in relation to the action by considering the liquid fuel procurement or sales and similar evidence it will determine; however, in case such determination is not possible, the Board shall fix a penalty within the minimum and maximum limits and the rates set in the relevant sentences of this article in relation to the action, by taking as basis the sales revenue earned from a petroleum market activity which can constitute a precedent for the petroleum market activity of the person that has committed the action in breach of the legislation.

Administrative sanctions

Article 20- (As amended by: article 33 of the Law No. 7164 of 14/2/2019)

Administrative sanctions comprise of measures, license cancellations and administrative fines. Enforcement of the administrative fines, measures and license cancellations as per this Law shall not constitute an impediment against the implementation of other provisions of this Law. The administrative fines imposed, the measures taken and the license cancellations enforced as per this Law shall not prevent the transactions and operations to be carried out by virtue of other laws.

As per this Law, administrative sanctions shall be conducted in accordance with the following procedures:

a) In the sense of the licensee persons, in case acts are committed in breach of this Law, the secondary legislation or license provisions, the Board decisions, the Authority or the entities empowered by the Authority shall warn the concerned person -for the acts curable by their nature as determined by the Board- that the breach should be eliminated within thirty days and that, otherwise, temporary suspension may apply. In case the circumstance in breach of the legislation is still ongoing at the end of the period granted in the warning, the relevant market activity of those -who have caused the breach to continue- shall be suspended temporarily for a period of sixty days. In case an act, which is possible to be cured by its nature, is repeated within two years of the date it has been found, the relevant market activity shall be suspended temporarily for a period of sixty days without warning. During the period of temporarily suspension, no market activity shall be carried out except the ones to prevent unsafe act or malicious intent or harm on the products and to eliminate the noncompliance causing the suspension. In case the noncompliance is not eliminated by the end of the period of temporary suspension, the suspension of the activity shall continue, an inquiry shall be initiated and the necessary administrative sanctions shall be imposed. Cancellations of licenses shall be decided pursuant to an inquiry to be carried out by the Authority. In case the circumstance in breach of the legislation ceases to exist after enforcing the temporary suspension, the temporary suspension shall be terminated.

b) In the sense of the licensee persons, in case acts are committed in breach of this Law, the secondary legislation or license provisions, the Board decisions, an administrative inquiry shall directly be initiated by the Authority and thus, the necessary sanctions shall be imposed on the concerned persons for the acts not possible to be cured by their nature and the liquid fuel smuggling-related acts set forth in the Anti-Smuggling Law No. 5607 of 21/3/2007. The licensee's relevant market activity may be suspended temporarily by the Authority due to the licensee's acts which are not possible to be cured by their nature, which result in malicious intent or unsafe act.

c) With the exception of the refinery where it is found that the smuggling acts referred to in the Law No. 5607 have been committed; at all kinds of facilities, the activities subject to license shall be suspended temporarily by the Authority until such time as the decision of non-prosecution or the court decision becomes final. Within this period of time, for that facility, a license shall not be granted to another real or legal person either. The licensees' licenses shall be cancelled as per the court decision that has become final. A license shall not be granted to the facility relevant to the license, before payment of the administrative fine imposed on the licensee.

ç) In case the smuggling act is only related to the national marker level, the temporary suspension decision shall be rendered as per the result of the analysis carried out by the accredited laboratory. Until such time as the result of the analysis carried out by the accredited laboratory is communicated, the measures which will prevent illegal liquid fuel sales shall be taken by the Authority. In case the result of the national marker control realized by means of a portable control device is found to be invalid, the sample taken shall be delivered to the laboratory in no later than five business days. The analyzes necessary to be performed shall be carried out by the laboratory within fifteen days without the sample characteristics undergo a change, the laboratory shall communicate the result to the Authority and to its relevant persons in no later than three business days.
d) In case it is found that an activity subject to license is carried out without obtaining license, the facilities shall be sealed until such time that the license is obtained or that the facilities are made fit for performing activities not requiring license under this Law, and an inquiry shall be initiated about the persons concerned. The principles and procedures regarding the sealing operation shall be set forth in a regulation to be issued by the Authority.
e) In case it is found that fraud against law is committed or a false statement is made in the requests, transactions or operations made under this Law, the license shall be cancelled.
f) The licenses of those who supply illegal products shall be cancelled. Those, who supply products not conforming to the technical arrangements, are obliged to compensate the losses and damages. The matter "compensation of the losses and damages caused against the consumers due to the liquid fuel supply which is noncompliant with technical arrangements" shall be stated in the licenses and contracts of the licensee real and legal persons. The principles and procedures regarding the implementation shall be determined in a regulation.
The provisions of article 203 in the Turkish Criminal Code No. 5237 of 26/9/2004 shall apply to the officials of real or legal persons, who act as an accomplice in the commission of the crime and continue carrying out activities despite the sealing.

Preliminary investigation, inquiry and the right to take legal action

Article 21- On its own initiative or upon a notification or complaint received by the Board, the Board shall decide directly to carry out an investigation or to initiate a preliminary inquiry in order to determine whether or not initiation of an investigation is necessary.
The principles and procedures to be followed in preliminary inquiries and investigations shall be determined by a regulation to be issued by the Authority.
(The third paragraph as amended by: article 67 of the Law No. 6352 of 2/7/2012) A legal action may be taken before the competent administrative court against the administrative sanction decisions. Any kind of legal action taken against the Board decisions shall constitute a priority.

Regulation

Article 22- The matters regarding market activities shall be regulated by the regulations referred to in the relevant articles of this Law and the regulations to be issued by the Authority on other matters needed during the operation of the market. These regulations shall be published in the Official Gazette.
Furthermore, the Authority is entitled to exercise its powers, by the decisions of the Board, to take specific decisions. Specific decisions concerning the public and the communiqués to be published for further clarification of the regulations to be issued shall be announced by press and broadcasting or special bulletins.

Repealed and inapplicable provisions

Article 23- A) Article 5 of the Law No. 79 of 10.9.1960 on the Discharge of National Preservation Crimes, National Preservation Organization, the Liquidation of Capital and Fund Accounts and Creating Other Provisions, and
B) Subparagraph 41 of the paragraph 2 of article 15 in the Municipality Law No. 1580 of 3.4.1930 are hereby repealed.
C) The provisions of the Petroleum Law No. 6326, which are contrary to this Law, shall be inapplicable.

SECTION TWO (11)
Amendments to the Electricity Market Law

Article 24-28 (They are related to the Electricity Market Law No. 4628 of 20.2.2001 and were inserted into the relevant text.)

Supplementary Article 1- (As added by: article 3 of the Law No. 5493 of 27/4/2006)

The sales price of the fuel oil sold by the holders of vendor activity licenses issued by the Energy Market Regulatory Authority under the fuel oil sub-heading and the vendor with station category, within the scope of article 7/A of the Special Consumption Tax Law No. 4760 and the paragraph (3) of article 14 of the Value Added Tax Law no. 3065, shall not exceed the obtaining price of the related fuel oil by more than eight percent.

(11) By article 3 of the Law No. 5576 of 25/1/2007; the supplementary articles 3, 4 and 5 were added after the supplementary article 1 contained in this section, and the numbers of the articles introduced by the Law were maintained exactly.

Determination and disposal of illegal petroleum
Supplementary Article 3- (Added by: article 3 of the Law No. 5576 of 25/1/2007; Repealed by: article 47 of the Law No. 6455 of 28/3/2013)
Bonuses
Supplementary Article 4- (Added by: article 3 of the Law No. 5576 of 25/1/2007; Repealed by: article 47 of the Law No. 6455 of 28/3/2013)
Penalty provisions related with illegal petroleum
Supplementary Article 5- (Added by: article 3 of the Law No. 5576 of 25/1/2007; Repealed by: article 47 of the Law No. 6455 of 28/3/2013)

PART THREE
Temporary and Final Provisions

Temporary Article 1- Before the enactment of this Law, the provisions concerning the rights, interests and obligations - provided by the related legislation- of certificate holders as per the Petroleum Law No. 6326, and liquid fuel distribution and marketing entities permitted to carry out activities according to the regulations issued by the Ministry shall be reserved until they are granted licenses regarding their activities within the period and in line with the conditions determined by this Law.
On the enactment date of this Law, those who are actively carrying out activities that require a license as per this Law should bring their situations in compliance with the provisions of this Law within one year following the enactment of this Law and apply to the Authority along with the information and documents as required by the Authority. The Authority shall be authorized to grant time extensions not exceeding three months, for the continuation of the activities of those who have filed their applications, however, whose procedures have not been completed.
The activities of those who have not filed their applications in time or those who have not brought their situations in compliance with this Law in the stipulated period despite they have filed their applications in time, shall be ceased as of the expiration date of the period. All kinds of decisions, procedures and documents already granting right, permission or power shall become null and void without the requirement of any further procedure.
The provisions, contained in the petroleum products-related decrees, legislation, regulations and communiqués effective on the publication date of this Law, shall be reserved until the Authority issues the relevant regulations. Until the entry into force of the regulations and other legislation to be prepared by the Authority, the duties regarding activities and operations carried out by the Ministry of Energy and Natural Resources and/or the General Directorate of Petroleum Affairs shall continue to be carried out. However, no new preliminary permission and statutes regarding the incorporation of liquid fuel distribution and marketing companies shall be granted on the basis of the said legislation within this period.
License applications regarding activities shall not be made until the Licensing Regulation comes into effect. The entry into force of the Licensing Regulation shall not exceed one hundred and eighty days following the publication date of the Law.
The implementation of article 5 of Law No. 79 of 10.9.1960 on the Discharge of National Preservation Crimes, National Preservation Organization, the Liquidation of Capital and Fund Accounts and Other Certain Provisions and of the Council of Ministers Decree No. 98/10745 regarding petroleum products shall continue until 1 January 2005. This period may be extended up to six months, if necessary, by a Decree of the Council of Ministers. Free import activities of the distribution undertakings shall commence upon the Council of Ministers Decree No. 98/10745 ceases to have effect.
The General Directorate of Petroleum Affairs shall continue issuing certificates until the secondary legislation is prepared and the necessary arrangements are completed by the Board after the enactment of this Law. At the end of this process, the certificates-related provisions of the Petroleum Law No. 6326 shall cease to have effect.
The limitations regarding the materials which have been imported under the provisions of Petroleum Law No. 6326 by certificate holders with the exemption of customs and other import taxes and duties shall be revoked without the requirement of any further action. All kinds of obligations, liabilities and records, which have arisen in this regard, shall be cancelled and deleted.
Temporary Article 2- The Authority shall be informed about the privatization processes concerning the petroleum market. Granting of licenses and modifications on licenses as a result of privatizations realized in accordance with the applicable legislation shall be carried out by the Authority without the requirement of any other procedures.
The entities, included in the scope of privatization and operating on the matters which are subject to licenses on the enactment date of this Law, shall not be subject to the Public Procurement Law No. 4734 of 4.1.2002, with regards to their production and trading activities until they are privatized. The Executive Boards of the entities shall be authorized to determine the total net monthly wages and other financial rights of the personnel working beyond the scope, provided that these wages and other rights do not exceed the two-folds of the net average monthly wage of the highest civil servant. However, as regards the personnel beyond the scope and whose wages and financial rights are determined according to this paragraph, in the event they are transferred to other public organizations or institutions in accordance with article 22 of the Law No. 4046 of 24.11.1994, while implementing the fifth paragraph of the same article, in determining the wages and other financial rights with regards to these personnel's previous positions; the amount shall be calculated by applying the increase ratios and/or amounts -which will take place in the wages of the public personnel within the period elapsed between

15.11.2003 and the date of the relevant declaration to the State Personnel Presidency with regard to their cadres and positions on the date of declaration- to their wages and financial rights applicable on 15.11.2003 depending on their positions, which amount shall be taken as the basis. **(The supplementary sentence as added by: article 18 of the Law No. 5398 of 3/7/2005)** Such amount shall also be taken into consideration in determining the financial rights pertaining to the former positions of the concerned persons within the period to elapse after the date when they are declared to the State Personnel Presidency. **(12) (13)**

Temporary Article 3- Special Consumption Tax-free liquid fuel sales to be made to commercial sea vehicles shall be performed directly by distribution undertakings, except for the limitations set forth in the second paragraph of article 7.

Putting into force of the regulations and arrangements

Temporary Article 4- (As added by: article 4 of the Law No. 5576 of 25/1/2007)

The regulations and arrangements referred to in Supplementary Article 3 and Supplementary Article 4 shall be put into force within two months following the publication date of this Law.

Temporary Article 5- (As added by: article 46 of the Law No. 6455 of 28/3/2013)

The regulation referred to in the fourth paragraph of article 14 shall be put into force within six months.

Temporary Article 6- (As added by: article 34 of the Law No. 7164 of 14/2/2019)

For the acts which are possible to be cured by their nature as determined by the Board and in respect of which an administrative fine has not been imposed by the Board prior to the effective date of this article; after the warning is made as referred to in the subparagraph (a) of the second paragraph of article 20, an administrative inquiry shall -if necessary- be initiated and the sanctions shall be imposed, depending the result of the warning. About those whose licenses have been terminated or cancelled prior to the effective date of this article, no administrative transaction shall be established for the acts possible to be cured.

The administrative fines, which have been ordered in a Board decision, however, whose collections have not been completed as of the effective date of this article, shall be collected by the relevant tax offices on the basis of the minimum fixed limit determined in the relevant clauses of article 19, in case it is prescribed, with this Law, that a lower administrative fine be imposed for the act committed. The administrative fines, collected in whole or in part, shall not be refunded.

Temporary Article 7- (As added by: article 34 of the Law No. 7164 of 14/2/2019)

As regards the facilities which are licensed in the name of transferee and whose lease contract or similarly whose right of use has been transferred prior to 11/4/2013; in case the smuggling acts referred to in the Law No. 5607 have been committed at these facilities during the duration of that license, the subparagraph © of the second paragraph contained in article 20 shall not apply to that facility, provided that the real right holders, who have transferred the right of use prior to the mentioned date, are not in the position of a suspected, accused or convicted due to these acts and in case the application for the new license is submitted to the Authority within three months as from the effective date of this article. The temporary suspension, if any, shall be terminated only if the new license is granted.

Effectiveness

Article 29 – This Law shall become effective on the date of its publication.

Execution

Article 30 – The provisions of this Law shall be executed by the Council of Ministers.

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(12) By article 18 of the Law No. 5398 of 3/7/2005, the wording "within the period elapsed until the date they are assigned in accordance with the paragraph 2 of the same article", which is contained in this paragraph, was amended as "within the period elapsed between 15.11.2003 and the date of the relevant declaration to the State Personnel Presidency with regard to their cadres and positions on the date of declaration", and the amendment was inserted into the text.

(13) By article 147 of the Decree Law No. 700 of 2/7/2018, the wording "Undersecretary of the Prime Ministry", contained in this paragraph, was amended as "the highest civil servant".

Table regarding the amounts of the administrative fines in article 19 of the Law No. 5015

(Under the Communique issued by EMRA and published in the Official Gazette dated 21/12/2017 and issue no. 30277, the amounts of the administrative fines referred to in article 19 of the Petroleum Market Law No. 5015 shall apply as indicated in the below table, as from 1/1/2018.)

RELEVANT PROVISION IN ARTICLE 19 OF THE LAW NO. 5015	**ADMINISTRATIVE FINES APPLICABLE IN 2018 (TL)**
Subparagraph (a) of the second paragraph of article 19	1,436,030
Subparagraph © of the second paragraph of article 19	1,220,624
Subparagraph © of the second paragraph of article 19	502,609
Subparagraph (h) of the second paragraph of article 19 (per ton)	283
Seventh paragraph of article 19	21,150 – 100,250

Table regarding the amounts of the administrative fines in article 19 of the Law No. 5015

(Under the Communique issued by EMRA and published in the Official Gazette dated 21/12/2018 and issue no. 30632, the amounts of the administrative fines referred to in article 19 of the Petroleum Market Law No. 5015 shall apply as indicated in the below table, as from 1/1/2019.)

RELEVANT PROVISION IN ARTICLE 19 OF THE LAW NO. 5015	**ADMINISTRATIVE FINES APPLICABLE IN 2019 (TL)**
Subparagraph (a) of the second paragraph of article 19	1,776,799
Subparagraph © of the second paragraph of article 19	1,510,278
Subparagraph © of the second paragraph of article 19	621,878
Subparagraph (h) of the second paragraph of article 19 (per ton)	350
Seventh paragraph of article 19	21,660 – 124,373

TABLE INDICATING THE EFFECTIVE DATES OF THE LEGISLATION AMENDING AND SUPPLEMENTING THE LAW NO. 5015 OR OF THE PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT

No. of the Amending Law/Communique/Constitutional Court Annulment Judgment	Articles of the Law No. 5015, which were amended or annulled	Effective Date
The Communique published in the Official Gazette dated 6/2/2004 and issue no. 25365	19	1/1/2004
The Communique published in the Official Gazette dated 31/12/2014 and issue no. 25687 (3rd Reiterated)	19	1/1/2005
5398	Temporary Article 2	21/7/2005
The Communique published in the Official Gazette dated 7/1/2006 and issue no. 26046	19	1/1/2006
5493	Supplementary Article 1	1/6/2006
The Communique published in the Official Gazette dated 29/12/2006 and issue no. 26391	19	1/1/2007
5576	2, 7, Supplementary Articles 3, 4, 5 and Temporary Article 4	13/2/2007
5728	19, 20	8/2/2008
5784	2, 9	26/7/2008
The Communique published in the Official Gazette dated 5/12/2008 and issue no. 27075	19	1/1/2009
5911	Supplementary Article 3	7/10/2009
The Communique published in the Official Gazette dated 5/12/2009 and issue no. 27423	19	1/1/2010
The Communique published in the Official Gazette dated 17/12/2010 and issue no. 27788	19	1/1/2011
The Communique published in the Official Gazette dated 23/12/2011 and issue no. 28158	19	1/1/2012
6352	19, 21	5/7/2012
The Communique published in the Official Gazette dated 19/12/2012 and issue no. 28502	19	1/1/2013
6455	1, 2, 3, 4, 5, 7, 13, 14, 16, 18, 19, 20, Supplementary Articles 3, 4, 5 and Temporary Article 5	11/4/2013
6462	2	3/5/2013
The Communique published in the Official Gazette dated 30/12/2013 and issue no. 28867 (Reiterated)	19	1/1/2014
The Communique published in the Official Gazette dated 12/12/2014 and issue no. 29203	19	1/1/2015
6586	1, 3	3/2/2015
The Communique published in the Official Gazette dated 22/12/2015 and issue no. 29570	4, 19	1/1/2016
The judgment dated 7/4/2016 and E.2015/109, K.2016/28 rendered by the Constitutional Court	19	After 9 months starting from 3/5/2016 (3/2/2017)
The Communique published in the Official Gazette dated 8/12/2016 and issue no. 29912	4, 8, 19	1/1/2017
The Communique published in the Official Gazette dated 22/12/2017 and issue no. 30277	4, 8, 19	1/1/2018
DECREE LAW/700	10, 15, 16, Temporary Article 2	In result of the elections held both for the President of the Republic and the members of the Grand National Assembly of Turkey on 24/6/2018, on the date that the President of the Republic was administered an oath and came into office (9/7/2018)
7166	16	22/12/2019
7164	3, 10, 19,20, Temporary Articles 6, 7	On the date of its publication

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REGULATIONS

PETROLEUM MARKET LICENSING REGULATION

(It was published in the Official Gazette dated 17/06/2004 and Issue No. 25495.)

PART ONE
General Provisions

SECTION ONE
Objective, Scope, Legal Basis, Definitions

Objective

Article 1- The objective of this Regulation is to determine the principles and procedures concerning the licenses to be granted to real and legal persons in order to ensure the transparent, non-discriminatory and stable performance of market activities pertaining to the delivery of petroleum supplied from domestic and foreign resources to consumers, directly or after processing, in a reliable, cost-effective manner within a competitive environment as well as the principles and procedures concerning the notifications to be made to the Authority and concerning the record keeping systems.

Scope

Article 2- This Regulation covers the principles and procedures concerning the duties, powers and responsibilities of the Authority for the transactions of licensing in the petroleum market, the provisions necessary to be contained in the licenses, the rights and obligations of licensees, the notifications and the record keeping system.

Legal basis

Article 3- (As amended by: O.G.-5/10/2013-28786)

This Regulation has been prepared on the basis of the Law No. 4628 of 20/2/2001 on the Organization and Duties of the Energy Market Regulatory Authority and the Petroleum Market Law No. 5015 of 4/12/2003.

Definitions

Article 4- The terms used in this Regulation are defined as follows:

1. Law: Petroleum Market Law No. 5015 of 4/12/2003;
2. Authority: Energy Market Regulatory Authority;
3. Board: Energy Market Regulatory Board;
4. President: President of the Energy Market Regulatory Board;
5. Liquid fuel: Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, jet fuel, diesel oil types, fuel oil types and biodiesel;
6. Liquid fuel station: Places established in conformity with the relevant legislation (technical, quality, safety) by distributors or vendors who have signed exclusive purchase contracts with those distributors, and are operated under the registered trademark of a liquid fuel distributor or distributors from a different sub-title, and are specifically serving to meet the liquid fuel, lube oil, auto-gas, LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles;
7. Vendor: Real or legal persons having the necessary equipment to perform vendor activities,
8. Vendor activity: The process of authorizing real or legal persons to deliver liquid fuel to consumers by liquid fuel distribution companies under a contract of the mutual liabilities, including a feasibility study;
9. Distribution: All liquid fuel sale and transportation activities to vendors, including wholesale and transportation of liquid fuel to eligible consumers;
10. Crude oil: Natural hydrocarbons produced from the ground in a liquid state;
11. Bunker: Liquid fuel and lube oil supplied to sea vehicles in and/or next to territorial waters or to domestic or foreign airplanes at airports, whether taxed or not;
12. Bunker delivery company: License holding capital companies which supply bunker obtained domestically or from abroad to air and sea vehicles;
13. Transmission: Transportation of petroleum through pipelines (except for the producers' pipelines connected to the refinery or transmission grid and the pipelines within the facilities);
14. Related legislation: Petroleum market-related Laws, regulations, licenses, communiques, circulars and Board decisions;
15. Processing: The procedures regarding the production of new products from petroleum and other chemical materials, except for the production of lube oil, and/or the alteration of the quality or quantity of products;
16. Malicious intent: Any act or negligence causing loss, contamination, deterioration or misuse of petroleum while performing market activities;
17. Consumer: Real or legal persons utilizing petroleum;
18. Utilization: The consumption of petroleum only for personal and operational needs;

19. Licensed storage: Storage of the petroleum under the ownership of third parties to meet the stocking and operational requirements of those performing market activities;
20. Lube oil: Natural or artificial materials turned into substances which reduce friction and/or abrasion between two moving and contacting surfaces or has cooling effect, upon addition of certain additives to base oil or to the materials processed with chemical synthesis method;
21. Petroleum: Liquid fuel, crude oil and products;
22. Market: The market comprising of supply and sales, refining, processing, storage, transmission, bunker delivery, transportation, distribution, vendor activity, utilization of petroleum and the operations and processes associated therewith;
23. Refining: The process of producing new products from crude oil;
24. **(Repealed by: O.G.-14/10/2008-27024)**
25. (**As amended by: O.G.-12/8/2008-26965)** Transportation: Crude oil and liquid fuels transportation activities carried out by maritime and railway transportation vehicles within the scope of cabotage;
26. Unsafe act: An act or negligence in the conduct of any market activity that causes or is likely to cause the death, disability or sickness of a person that is at the place or within the vicinity where market activity is performed or that causes or is likely to cause environmental pollution;
27. Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;
28. **(As amended by: O.G.-12/8/2008-26965)** Facility: Maritime or railway vehicles or a structure comprising of the whole administrative sections and primary and secondary units where license-related activity takes place;
29. **(As amended by: O.G.-9/7/2019-30826)** National marker: Chemical product to be added to the liquid fuel at the refinery exit point or at customs entry point, or to ethanol to be blended to the benzine types or to the liquid fuel from liquidated illegal fuel in compliance with the technical arrangements or produced as a by-product or in other forms in industry before putting into commercial use and having the quality that will not deteriorate the characteristics of the liquid fuel;
30. **(As amended by: O.G.-9/7/2019-30826)** Production: Production drilling and improvement activities, extraction, pre-processing of petroleum, storage of petroleum within or in the vicinity of the field, transportation of petroleum via pipelines and by other means to these storages, to the transmission line or to the refinery;
31. **(As amended by: O.G.-9/7/2019-30826)** Producer: A legal person which produces petroleum in Turkey under the Turkish Petroleum Law No. 6491 of 30/5/2013;
32. Product: Any hydrocarbon of product or by-product produced from crude oil and/or crude oil products via physical or chemical processes or refining and other methods;
33. **(As added by: O.G.-31/1/2013-28545)** Ministry: Ministry of Energy and Natural Resources;
34. **(Added by: O.G.-28/11/2014-29189) (As amended by: O.G.-9/7/2019-30826)** Vendor activity organization: The structure comprised of minimum number of vendors necessary for the continuation of distribution activities;
35. **(As added by: O.G.-26/12/2014-29217)** Corporate Information System: The whole of computers used by corporation employees and the file, application, database, e-mail server and network infrastructure serving to those;
36. **(As added by: O.G.-26/12/2014-29217)** Industrial Control Systems: Information and communication systems which ensure the monitoring and sometimes the management, at one center or more than one centers, of the processes such as the generation of energy, the processing of crude oil, hard coal and similar raw materials providing energy and making them ready for consumption and the transfer of energy through transmission or distribution systems;
37. **(Added by: O.G.-20/12/2017-30276) (12) (Repealed by: O.G.-9/7/2019-30826)**

SECTION TWO
License, Activities Requiring License, and Exemptions

License

Article 5- License is a permission certificate which should be obtained from the Authority by a real or legal person in order to carry out activities in the market.

A license shall be obtained separately for each market activity and each facility where a market activity is carried out. Facility-specific provisions shall be contained in licenses, in case such facility is included in the scope of the license. A license is not transferable. However, in case a limited or an irrevocable project financing is provided with a licensee legal person by banks and/or financial institutions and in case, as required by the loan contract provisions, the banks and/or financial institutions make notification to the Authority along with the grounds thereof, they may request for grant of license to a another legal person they will propose within the framework of the terms and conditions provided for in this Regulation, provided that such legal person undertakes all the obligations included in the scope of the licensee legal person's license. A license shall be granted to the proposed legal person, provided that it fulfills the obligations included in the scope of this Regulation.

The sanctions referred to in the Law shall be imposed on the relevant real or legal person in case it is found that such real or legal person carries out activities in the market without obtaining the relevant license.
The persons that obtained license from the Authority should comply with the provisions of the related legislation, in addition the provisions of the other legislation.
(Paragraph added by: O.G.-9/7/2019-30826) The licensees are obliged to ensure and maintain the minimum paid-in capital amount set forth in sub-paragraph (a) of the seventh paragraph of article 7 of this Regulation.
Activities requiring license, and exemptions
Article 6- Licenses shall be granted under the following sub-headings:
a) Refining Undertaking License,
b) Processing License,
c) Lube Oil License,
d) Storage License,
e) Transmission License,
f) Eligible Consumer License,
g) Bunker Delivery License,
h) Distribution Undertaking License,
©) Transportation License,
j) Vendor Activity License.
Vendor activity licenses shall be granted under the sub-titles "liquid fuel or bunker", in accordance with the categories "vendor with a station or vendor without a station".
(Supplementary paragraph as added by: O.G.-23/1/2016-29602) [10] [11] Lube oil licensees or distribution undertaking licensees may perform production of base oil from waste lube oil, provided that this is registered in their sub-titles. Production of base oil from waste lube oil is included in production of lube oil.
The processes for obtaining liquid fuel as a by-product in industrial facilities; and as carried out by refining undertaking, distribution undertaking and bunker delivery licensees:
1) The processes of addition of organic and inorganic additives for betterment of characteristics of liquid fuel,
2) The blending processes which are in compliance with technical arrangements and do not bring a separate characteristic in liquid fuel,
do not require license.
It is not necessary to obtain transmission license for transportation activities performed via pipelines to storages/facilities owned by the persons that receive petroleum directly from refineries and/or that do not provide services to third parties.
(Paragraph as added by: O.G.-21/4/2011-27912) Licensees that perform bunker delivery activities at civil aviation airports which do not have a licensed storage facility may provide liquid fuel supply services to other licensees performing bunker delivery activities, in addition to their own activities, via liquid fuel tankers they use as an aircraft refueling vehicle at those airports, provided that the matters stated in the other related legislation are also fulfilled.
Whether included in the scope of the license or not; in case the products obtained as a by-product in industrial facilities are associated with an activity as liquid fuel in the country, the industrialists are obliged to deliver to the distributors the ones which are in conformity with the technical arrangements, provided that they inform the Authority, and are obliged to deliver to the refineries the ones which are not in conformity with the technical arrangements in the case that the refineries deliver affirmative opinions and that a consensus is reached.
(Paragraph repealed by: O.G-12/8/2008-26965)

SECTION THREE
License Application, Examination and Evaluation, Conclusion, The Matters to Be Contained in Licenses as a Minimum, and Entry into Force of Licenses

The matters to be contained as a minimum, and entry into force of licenses
License application
Article 7- (Paragraph amended by: O.G.-4/11/2011-28105) (Paragraph as amended by: O.G.-22/12/2018-30633)
License applications shall be filed by presenting the information and documents electronically or in writing, which documents and information should be submitted as per the Board Decision on the Explanations for License Applications in the Petroleum Market. The Board shall make the arrangements about what types of license applications may be filed electronically and/or in writing. Their documents and information, which should be submitted as per "The Explanations for License Applications and Notifications in the Petroleum Market", shall be evaluated within the framework of article 8 of "The Regulation on the Principles and Procedures to be Followed in the Provision of Public Services" which entered into force upon it was published in the Official Gazette dated 31/7/2009 and Issue No. 27305, and information and documents shall be requested in compliance with article 8 of that Regulation. In case the applicant wishes to perform more than one activity within the scope of the license the applicant requested, the annexes pertaining to the relevant activity shall also be contained in the application file.

"Course and Emergency Lane File", prepared in compliance with the principles and procedures set forth in the Regulation on the Technical Criteria Applicable in the Petroleum Market, shall be enclosed with the refining undertaking, transmission and storage license applications.
Real or legal persons that are:
a) Domiciled in Turkey,
b) Registered with trade or industry registry,
c) Taxpayers of income or corporate tax
may file application in order to obtain license.
(Supplementary paragraph added by: O.G.-04/5/2007-26512) (Paragraph as amended by: O.G.-5/10/2013-28786)
No license shall be granted to those about whom there is a final verdict for conviction:
a) Due to their acts in violation of the Anti-Smuggling Law No. 5607 of 21/3/2007.
b) In case such final court decision is rendered about a licensee legal person: By the date when the crime was committed, the shareholders who hold more than ten percent of the shares in that legal person and those authorized to represent and bind the legal person and the chairperson and members of its board of directors, even if they have subsequently resigned, shall not be granted license, and these persons shall not hold shares directly in legal persons that file the license application.
c) Until such time as the decision of non-prosecution or the court decision becomes final, no new license shall be granted for a facility (except for refinery) in which it was determined that the act was committed.
Ç) No new license shall be granted for the license-related facility, until payment of the administrative fine imposed on the licensee by the Authority.
(Supplementary paragraph as added by: O.G.-28/11/2014-29189)[9] Legal persons whose licenses have been cancelled under the first and/or fifth paragraphs of article 20 of the Law due to their Special Consumption Tax-free (SCT-free) sales in violation of the legislation; and on the date when the license cancellation-related act was committed, the shareholders who have directly or indirectly hold more than ten percent of the shares in that legal person and those authorized to represent and bind the legal person and the chairperson and members of its board of directors shall not be granted license, and these persons shall not hold shares directly or indirectly in legal persons that file license application.
Private law legal persons, which carry out market activities in Turkey and are of a capital company nature under the legislation of foreign states, shall be deemed as domiciled in Turkey with regard to their activities in Turkey, in accordance with the legislation on the protection of the value of Turkish currency.
In addition to those mentioned above, the following conditions and qualifications shall be required in license applications, depending on the license types:
a) **(Paragraph as amended by: O.G.-9/7/2019-30826)** For refining undertaking, transmission, storage, processing, distribution undertaking and bunker delivery licenses; the applicant legal person should be a joint stock company or a limited liability company in line with the provisions of the Turkish Commercial Code No. 6102 of 13/1/2011, and its paid-in capital should be in the amount of minimum TL 150,000,000 for refining undertaking license, TL 2,000,000 for transmission license, TL 3,000,000 for storage license, TL 1,500,000 for processing license, TL 20,000,000 for distribution undertaking license and TL 6,000,000 for bunker delivery license;
b) **(Supplementary paragraph added by: O.G.-10/8/2011-28021) (Paragraph as amended by: O.G.-9/7/2019-30826)** In lube oil license applications, in case the activity "production of base oil from waste lube oil" will be performed, the capacity report which states that the production competence score pertaining to the license-related facility is minimum 55%, should be submitted to the Authority; and in other lube oil license applications, the capacity report which states that the production competence score pertaining to the license-related facility is minimum 50%, should be submitted to the Authority;
c) [4] For distribution undertaking licenses, the annual sales target for the liquid fuel of white product (petroleum, diesel oil) nature should be minimum 60.000 tons in the marketing projection;
d) [4] For bunker delivery licenses, permission shall have been obtained from the institutions and/or organizations in relation to the facilities;
e) [4] (**Repealed by: O.G.-15/6/2006-26199)**
f) [4] (**As amended by: O.G.-15/3/2011-27875)** For eligible consumer licenses, it is necessary to have a petroleum consumption within or over the eligible consumer limit determined in article 46. However, the amount of petroleum consumption which took place in the preceding year shall not be taken into consideration in the eligible consumer license applications to be filed for electricity generation facilities about which it is documented by the capacity report that they have a petroleum consumption capacity within or over the eligible consumer limit. For those facilities, the amount to be taken as basis for the petroleum consumption shall be calculated on the basis of the projection submitted to the Authority.
g) **(Added by: O.G.-28/11/2104-29189) (As amended by: O.G.-9/7/2019-30826)** It is necessary that the distribution undertaking and bunker delivery licensees have the adequate technical and economic power to be determined by the Board.

(Paragraph as amended by: O.G.-9/7/2019-30826) In transportation license applications, the applicant should own at least one transportation vehicle or obtain at least one transportation vehicle through leasing or there should be a lease or service agreement concluded with the relevant parties in relation to the transportation vehicle.
License applications shall be filed before supplying liquid fuel or bunker for the activities included in the scope of vendor activity license and before initiation of any attempts-which may be associated with a right- for other licenses.
(As amended by: O.G.-22/12/2018-30633) The evaluation on whether or not the information and documents requested from real or legal persons in the course of the application are in compliance with the related legislation shall be completed within ten business days following the date when the information and documents are submitted to the Authority.
(As amended by: O.G.-22/12/2018-30633) In case it is found that the license applications have not been filed in compliance with the related legislation, the applicants shall be notified in writing that those deficiencies should be completed within ten business days and that, otherwise, the application shall be deemed not to have been filed and the application documents shall be returned. In case those deficiencies are not completed within the said term, the application shall be deemed not to have been filed, and the application documents shall be returned.
Taking license applications under examination and evaluation
Article 8- For the license applications, found to have been filed without any deficiencies as per the license application principles, to be taken under examination and evaluation; a written notification **(Wording repealed by: O.G.-9/7/2019-30826)** (…) shall be served upon the license applicants and the license applicants shall be requested to transfer one percent of the license obtaining fee to the Authority's account within ten business days as from the notification date. The notification shall also contain the statement that the application shall be deemed to have been rejected in case this obligation is not fulfilled.
(Paragraph repealed by: O.G.-4/11/2011-28105)
With the exception of transportation, vendor activity and eligible consumer license applications; the license application shall be taken under examination and evaluation following submission of the document stating that one percent of the license obtaining fee has been transferred to the Authority's account. **(Supplementary sentence as added by: O.G.-4/11/2011-28105)** Transportation, vendor activity and eligible consumer license applications shall be taken under examination and evaluation as of the date when it has been found that they were filed without any deficiencies as per the license application principles or as of the date when the relevant deficiencies-if any-have been completed.
(Paragraph added by: O.G-7/12/2008-27077) (Paragraph as amended by: O.G.-31/1/2013-28545) In refining undertaking and storage license applications, following submission of the document stating that one percent of the license obtaining fee has been transferred to the Authority's account, the license application shall be taken under examination and evaluation; and the information, containing the application-related location's province, district, village, neighborhood, square, parcel, plot number in a scale of 1/25.000 and coordinate data determined in accordance with the UTM-ED50 (6º) system, shall be announced on the web page of the Authority. After the duration of the announcement made regarding the refining undertaking or storage license application expires; the license applications filed in order to perform another refining undertaking or storage activity in the market, to perform storage activity in the natural gas market, to perform generation activity in the electricity market at the announcement-related location shall be returned or rejected. In case a license application is taken under examination and evaluation, this shall not mean that the applicant becomes entitled to obtain the license.
Examination and evaluation
Article 9- In the examination and evaluation carried out by the Authority, the fitness for the purposes envisaged by the related legislation shall be taken into consideration for all licenses.
(Supplementary paragraph added by: O.G-7/12/2008-27077) (Paragraph as amended by: O.G.-31/1/2013-28545)
In the event that there is another application which has been filed for storage license in the natural gas market or for generation license in the electricity market, for storage and/or refining undertaking license in the market in order to perform activities at the announcement-related location, within ten business days following the announcement and/or within the period elapsed until the announcement made regarding the relevant refining undertaking or storage license and which has been filed within the framework of the fourth paragraph of article 8 as from the application date of the relevant refining undertaking or storage license and contains the application-related location's province, district, village, neighborhood, square, parcel, plot number in a scale of 1/25.000 and coordinate data determined in accordance with the UTM-ED50 (6º) system; the evaluation shall be carried out within the framework of the following principles:
a) The license applications, which have been filed for electricity or natural gas markets or for the market in order to perform activities at the site about which studies are carried out by the Ministry as a site of electricity generation facility based on nuclear energy in the electricity market or at the location allocated or envisaged to be allocated under an international agreement, shall be rejected at all phases.
b) In the event that the license application-related location, announced in accordance with the fourth paragraph of article 8, is not a location allocated or envisaged to be allocated under an international agreement or that the Ministry does not

carry out studies about the license application-related location as a site of generation facility based on nuclear energy and that, however, there is another license application or there are other license applications filed for storage license in the natural gas market or for generation license in the electricity market, for storage and/or refining undertaking license in the market in order to perform those activities at the announcement-related location; the matter that for which application the licensing process shall continue at the announcement-related location shall be determined by a Board decision in accordance with the following principles and procedures.

1) Among the license applications, the applications for underground natural gas storage in the natural gas market, generation based on other resources or combustibles-except for natural gas-in the market, storage to be carried out in a liquefied natural gas facility in the natural gas market, refining undertaking in the market, generation based on natural gas in the electricity market and storage license in the market shall be given priority, respectively.

2) The applications, falling outside the license application(s) given priority in accordance with the subparagraph (1) above, shall be returned or rejected.

c) In the event that there is a decision rendered for the conduct of refining undertaking or storage market activity at the license application-related location announced within the scope of the fourth paragraph of article 8 and that there is more than one refining undertaking or storage license application for the market; the application, which has been filed firstly for the location applied for, depending on the application's sequence number entered in the Authority's records, shall be taken into consideration in determining the application for which the licensing process shall continue. The applications, other than the application on the first rank, shall be returned or rejected.

In order to conclude the examination and evaluation process, the applicant may also be requested to submit all kinds of additional information and documents required, and the persons authorized to represent the applicant real or legal person may directly be invited to have an interview.

Conclusion of examination and evaluation

Article 10- The evaluation on a license application shall be resolved in no later than sixty days and the result shall be served upon the person concerned.

(Paragraph as amended by: O.G.-19/10/2016-29862) The report on the examination and evaluation shall be submitted to the Board, and the license application shall be concluded by a Board decision. In case the license application is rejected by a Board decision, the applicant shall be informed in writing about the grounds of the rejection **(Wording repealed by: O.G-9/7/2019-30826)** (…). The real or legal person that has fulfilled its obligations shall be granted license by a Board decision. However, all or a part of the Board's powers for the procedures and processes in relation to the grant of licenses and the rejection of applications for the licenses may be transferred to the Presidency or to the Presidency of the Petroleum Market Department by the Board.

By a notification to be served upon the real or legal person applicants **(Wording as amended by: O.G.-9/7/2019-30826)** found acceptable to obtain refining undertaking, transmission, storage, processing, lube oil, distribution undertaking or bunker delivery licenses by the Board decision; those real or legal persons shall be notified in writing that the license shall be granted if they submit the document stating that the remaining amount of the license obtaining fee has been transferred to the Authority's account and if the other obligations, if any, stipulated within the scope of the Board's affirmative decision, are fulfilled within ninety days **(Wording repealed by: O.G.-9/7/2019-30826)** (…).

(Supplementary sentence as added by: O.G.- 26/05/2007-26533) In case it is found that the license application-related project or investment is included in the scope the principles and procedures set forth in the legislation issued on the basis of the Environmental Law No. 2872; the applicant shall also submit to the Authority the document regarding the Environmental Impact Assessment Affirmative Decision or the Environment Impact Assessment Not Required Decision within this term.

(Paragraph as amended by: O.G.-20/10/2006-26325) Such affirmative decision shall not be taken about vendor activity, transportation and eligible consumer licenses.

(Paragraph as amended by: O.G.-26/05/2007-26533) In case the obligations, set forth in the affirmative decision taken about the license application, are not fulfilled within 90 days as from the date of notification to the real or legal person; the license application shall be rejected under the relevant Board decision. In case it is found that the license application-related project or investment is included in the scope the principles and procedures set forth in the legislation issued on the basis of the Environmental Law No. 2872, this term may be extended by a Board decision due to force majeure events or due to the failure in the fulfilment of the obligations-within this context- for reasons not arising from the real or legal person.

(Sixth paragraph repealed by: O.G.-19/10/2016-29862)

(Paragraph as amended by: O.G.-19/10/2016-29862) Limited to refining undertaking, transmission, storage, processing, lube oil, distribution undertaking and bunker delivery licenses; the licensee's name/trade name, the type of license obtained by the licensee and its duration shall be published in the Official Gazette.

The matters to be contained in licenses as a minimum

Article 11- As a minimum:

a) Name or trade name of the licensee,

b) Sub-title or category, if any, within the scope of the license,

c) Characteristics of the activity included in the scope of the license,

d) Effective date and duration of the license,
e) Information on the type and geographical position of the facility and on the technology and the quantities, if any,
f) Provisions specific to the license and/or to the facility or the facilities included in the scope of the license, if any,
g) The matter of compensating the losses and damages to the consumer due to petroleum supply not in conformity with the technical arrangements,
ğ) **(As added by: O.G.-7/11/2013-28814)** In refining undertaking licenses; information on the product type, utilization situation, status, capacity, tank number regarding the internal consumption tanks and the liquid fuel tanks to which national marker is applicable and inapplicable, tanks for products blended to liquid fuel, product except liquid fuel, by-product, crude oil, raw materials at the facilities,
h) **(As added by: O.G.-20/12/2017-30276)** [12] In processing licenses regarding production of liquid fuel from wastes; with regard to the products blended to liquid fuel, the products except liquid fuel, the by-products at the facility, information on the types of liquid fuel to be produced and on the wastes to be used and on the product type, utilization situation, status, capacity, tank number regarding the internal consumption tanks and the tanks containing liquid fuel to which national marker is applicable and inapplicable,
shall be contained in licenses.

Entry into force of licenses

Article 12- A license shall enter into force on the effective date specified therein, and the licensee's rights and obligations included in the scope of the license shall become effective as from that date.

SECTION FOUR
License Fees, Durations, Modification, Duration Extension, Termination and Cancellation

License fees

Article 13- (As amended by: O.G.-4/11/2011-28105)

License fees are the amounts mandatory to be transferred to the Authority's account for the procedures regarding license obtaining, license modification, license duration extension and making copies of licenses. License fees applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year. As for the changes in license fees; the license fee effective on the application date shall be paid for the procedures in consideration of which the license fee should be paid in advance, and the license fee effective on the conclusion date of the application shall be paid for the other procedures.

(As amended by: O.G.-19/2/2015-29272) The fees for all kinds of license modifications, license duration extensions, making copies of licenses and the license obtaining fees for vendor activity, transportation and eligible consumer licenses shall be paid in advance.

If there is an amount paid as one percent of the license obtaining fee, this amount shall be recorded as revenue by the Authority in case the license application is rejected, and the applicant shall not be entitled to request for reimbursement of the amount recorded as revenue.

In case more than one modification request is submitted for the same license in one application letter, one single license modification fee shall be paid. The license fees, paid for the applications returned or rejected, shall be reimbursed to the applicants at their request, with the exception of the portions recorded as revenue.

License durations

Article 14- Licenses shall be granted for a period of up to 49 years.

The rights acquired and the obligations undertaken upon the grant of a license shall be effective during the license duration.

License modification

Article 15- (As amended by: O.G.- 28/09/2006-26303)

(Paragraph as amended by: O.G.-4/11/2011-28105) Licenses may be modified upon licensees' request or ex-officio by the Authority. The information on the registered distribution company shall ex-officio be modified in the licenses of vendors whose distribution undertaking's trade name has been changed. License modification fee shall not be collected for modifications arising from errors of fact and for modifications made ex-officio by the Authority.

(Paragraph amended by: O.G.-4/11/2011-28105) (As amended by: O.G.-22/12/2018-30633) A license modification, made at the request of the licensee, shall not contain any provisions disrupting the conditions of free competition. License modification applications shall be filed by presenting the information and documents necessary to be submitted in accordance with the Board Decision on the Information and Documents to be Required for License Modification Applications in the Petroleum Market. The Board shall make the arrangements about what types of license modification applications may be filed electronically and/or in writing. The evaluation on whether or not the information and documents requested from real or legal persons in the course of the application are in compliance with the related legislation shall be completed within ten business days following the date when the information and documents are submitted to the Authority. In case it is found that the license modification application has not been filed in compliance with the related legislation, the applicant shall be notified in writing that those deficiencies should be completed within

ten business days and that, otherwise, the application shall be deemed not to have been filed and the application documents shall be returned. In case those deficiencies are not completed within the said term, the application shall be deemed not to have been filed, and the application documents shall be returned.
License-related modification applications shall be concluded within sixty days.
In case the licensee needs a certain period of time in order to fulfill new and/or additional obligations to arise from license modification, such period of time shall be determined by a Board decision and be indicated on the licenses modified.
(Fifth paragraph as amended by: O.G.-19/10/2016-29862) License modifications shall be concluded by a Board decision. However; all or a part of the Board's powers related to license modifications may be transferred to the Presidency or to the Presidency of the Petroleum Market Department by the Board.
(Supplementary paragraph added by: O.G.-15/3/2011-27875) (As amended by: O.G.-19/10/2016-29862) In case it is understood that a document-except for business license and work permit- in the license modification file has subsequently expired or lost its validity; the circumstance shall be notified to the licensee and the licensee shall be requested to submit the valid document to the Authority within fifteen days following the notification date. In case the valid document is not submitted to the Authority by the end of this term, the license modification procedures shall be terminated. In case it is understood that the business license or the work permit in the license modification file has subsequently expired or lost its validity, the license modification procedures shall be terminated without granting a period of time.
Duration extension
Article 16- License durations may be extended upon request of the licensee, starting from the expiration of the license duration and by observing the maximum durations stipulated.
(As amended by: O.G.-22/12/2018-30633) The request for duration extension may be made by a written application to be filed with the Authority by the licensee in writing or electronically at the latest two months, at the earliest six months prior to the expiration of the license duration in force. The Board shall make the arrangements about what types of license duration extension applications may be filed electronically and/or in writing.
(Paragraph as amended by: O.G.-15/3/2011-27875) The matters to be taken into consideration in the examination and evaluation of requests for duration extension, shall be determined by a Board decision.
(Supplementary paragraph added by: O.G.-4/11/2011-28105) (5) (As amended by: O.G.-22/12/2018-30633) The evaluation on whether or not the application for duration extension is in compliance with the related legislation shall be completed within ten business days following the date when the information and documents are submitted to the Authority. In case it is found that the application for duration extension has not been filed in compliance with the related legislation, the applicant shall be notified in writing that those deficiencies should be completed within ten business days and that, otherwise, the application shall be deemed not to have been filed and the application documents shall be returned. In case those deficiencies are not completed within the said term, the application shall be deemed not to have been filed, and the application documents shall be returned.
(Paragraph amended by: O.G.-19/10/2016-29862) (As amended by: O.G.-22/12/2018-30633) The examination and evaluation on the application for duration extension shall be concluded within sixty days as from the date when the information and documents are submitted. The applications for extension of license durations shall be concluded by a Board decision. However; all or a part of the Board's powers related to conclusion of duration extensions may be transferred to the Presidency or to the Presidency of the Petroleum Market Department by the Board.
The Board decision on duration extension shall be published in the Official gazette upon it enters into force.
(Supplementary paragraph added by: O.G.-15/3/2011-27875) (Paragraph as amended by: O.G.-19/10/2016-29862) With the exception of the business license and work permit sought within the scope of the application for duration extension, in case it is understood that a document has subsequently expired or lost its validity; the circumstance shall be notified to the licensee and the licensee shall be requested to submit the valid document to the Authority within fifteen days following the notification date. In case the valid document is not submitted to the Authority by the end of this term, the procedures for extension of the duration shall be terminated. In case it is understood that the business license or the work permit, sought within the scope of the application for duration extension, has subsequently expired or lost its validity, the procedures for extension of the license duration shall be terminated without granting a period of time.
Termination and cancellation of licenses
Article 17- (As amended by: O.G.-15/3/2011-27875)
(Sentence as amended by: O.G.-9/7/2019-30826) License termination transaction shall be carried out by the Board, or in case this power is transferred, shall be carried out by the Presidency or by the Presidency of the Petroleum Market Department. Licenses shall be terminated:
a) In case the licensee is declared bankrupt and this bankruptcy becomes final;
b) In case the licensee's legal personality dissolves or terminates, including mergers and acquisitions;
c) In case the licensee is deceased;
ç) With the exception of refining undertaking, transmission and storage licenses, at the request of the licensee;

d) In vendor activity licenses, in case a new vendor contract is not submitted to the Authority or the application for replacement of the distribution undertaking is not filed with the Authority within sixty days as from the termination or cancellation of the distribution undertaking license pertaining to the distribution company registered in the license or as from termination of the vendor contract for any reason;
e) Upon it has been understood that a document has subsequently expired or lost its validity-with the exception of the business license and work permit sought within the scope of the license application-, and despite the circumstance has been notified to the licensee and despite the licensee has been requested to submit the valid document to the Authority within fifteen days following the notification date, in case the valid document has not been submitted to the Authority by the end of this term;
f) In case an obligation requiring fulfillment within a certain period of time, as registered in the license at the phase for license granting, has not been fulfilled in time;
g) In case sales could not be performed within the scope of vendor activity for a period of time longer than six months, with the exception of justifiable reasons or force majeure events;
ğ) In case it is understood that the business license or the work permit, sought within the scope of the license application, has subsequently expired or lost its validity;
h) In case the distribution undertaking licensees could not establish or maintain in due of time the vendor activity organization set forth by article 34/A of this Regulation.
Such licenses shall automatically terminate without the requirement of a notification at the end of the license durations.
(Paragraph as amended by: O.G.-1/2/2015-29254) It is mandatory for distribution undertaking licensees to have an economic power, equipment and capacity enabling distribution of minimum 60.000 tons of white products (petroleum, diesel oil) on a yearly basis. By virtue of the relevant articles of the Law, administrative sanctions shall be imposed on the distribution undertakings about which it has been determined that they could not, without resting on a legally valid reason, sell minimum 60.000 tons of white products (petroleum, diesel oil) on a yearly basis as declared in the marketing projection. In monitoring the distribution undertaking licensees' obligation to sell minimum 60.000 tons of white products (petroleum, diesel oil) on a yearly basis, a transition period of one year shall be granted to the distribution undertaking licensees as from the effective dates of their licenses. The periods, to be taken as basis for the fulfillment of this obligation, shall be determined by taking into consideration the calendar years following the expiration date of the transition period. In evaluating the obligation to sell minimum 60.000 tons of white products (petroleum, diesel oil) on a yearly basis, the quantities pertaining to the liquid fuel trading activities performed by distribution undertakings between each other and the quantities pertaining to the liquid fuel exports performed within the scope of the related and the other legislation shall not be taken into consideration.
In advance of minimum three months to the termination date of their activities, distribution undertaking licensees are obliged to notify their vendors of the circumstance and furnish information to the Authority.
In case refining undertaking licensees wish to terminate their licenses, their licenses shall terminate by a Board decision, following completion of transfer-delivery of the facility and stock inventory pertaining to the national petroleum stock and conclusion of the income accounting transactions.
However, transmission and storage licenses shall terminate by a Board decision, provided that the documents-proving that the commitments undertaken with third parties in the market were fulfilled- have been submitted to the Authority.
(Paragraph as amended by: O.G.-5/10/2013-28786) In the cases regulated by article 20 of the Law, the licenses shall be cancelled by a Board decision within the scope of "the Regulation on the Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections to be Carried Out in the Petroleum Market", which was published in the Official Gazette dated 6/1/2005 and Issue No. 25692.
(Added by: O.G.-22/12/2018-30633) The Board shall make the arrangements about what types of license termination applications may be filed electronically and/or in writing.

PART TWO
Provisions Regarding Licenses

SECTION ONE
Basic Rights and Obligations of Licensees

Basic rights and obligations of licensees
Article 18- A license shall grant its holder the rights to perform the activity contained in the license and to undertake commitments in this regard.
The rights granted by a license may be exercised provided that the matters set forth in the related and other legislation are fulfilled.
Licensees are obliged to construct, design and operate the facilities where the market activity will be carried out, which construction, design and operation should be realized as per the principles and procedures determined in the related and other legislation.

(Supplementary paragraph added by: O.G.-15/3/2011-27875) (As amended by: O.G.-22/12/2018-30633) In case a change takes place as to the information already registered in the license or it becomes necessary to add information into or delete information from the license, including the replacement of the distribution company registered in the vendor activity license; the licensee should, in no later than **(Wording amended by: O.G.-9/7/2019-30826)** sixty days as from the date when such circumstance takes place or when the licensee becomes aware of such circumstance, file the relevant application with the Authority along with all the necessary information and documents and request for modification of its license.
(Supplementary paragraph added by: O.G.-5/10/2013-28786) (Sentence amended by: O.G.-19/2/2015-29272) (As amended by: O.G.-22/12/2018-30633) In case a change take place in the shareholding/partnership structure of the licensee legal person, in the chairperson or members of its board of directors or in the persons authorized to represent and bind the legal person; the licensee shall notify this circumstance to the Authority along with the following documents in no later than six months as from the date when such change takes place or is published in the Turkish Trade Registry Gazette:
a) With regard to changes in associations, foundations, cooperatives and publicly-held shareholders, except for joint stock companies, in case a change takes place in the partnership/shareholding structure of the licensee legal person, the notarized copy of the share transfer agreement or the Turkish Trade Registry Gazette indicating the change;
b) In case a replacement takes place in the chairperson or members of the board of directors of the licensee legal person, the notarized copy of the resolution related to the change and the Turkish Trade Registry Gazette in which the resolution was published;
c) In case a replacement takes place in the persons authorized to represent and bind the licensee legal person, the authorization certificate containing the name and surname, identity information, specimen signature of and stating the boundaries of authority pertaining to the newly appointed person.
Those who perform market activities should avoid meticulously any kind of activity that would result in malicious intent or unsafe acts, take necessary measures to prevent their occurrence and eliminate any undesirable situations as soon as possible.

(Repealed by: O.G.-20/12/2017-30276) (12)
(Repealed by: O.G.-20/12/2017-30276) (12)
(Repealed by: O.G.-20/12/2017-30276) (12)
(Repealed by: O.G.-20/12/2017-30276) (12)

(Supplementary paragraph added by: O.G.-17/08/2007-26616) (Paragraph as amended by: O.G.-7/4/2012-28257) With the exception eligible consumers, in the crude oil and liquid fuel sales and provision of services to persons other than consumers, licensees are obliged to indicate also the license number pertaining to the sale addressee on the invoices and dispatch notes to be issued by the licensees as per the provisions of the Tax Procedure Law No. 213.
(Added by: O.G.-20/12/2017-30276) (12) (As amended by: O.G.-9/7/2019-30826) Licensees are obliged to obtain in their names and maintain the validity of an electronic notification address as defined in the Electronic Notification Regulation published in the Official Gazette dated 6/12/2018 and Issue No. 30617.

SECTION TWO
Refining Undertaking License

Activities that may be carried out within the scope of refining undertaking license
Article 19- Refining undertaking licensees are entitled to engage in the following activities in the market:
a) Establishment and operation of refining facility;
b) Purchases and sales of petroleum;
c) Obtaining new products from crude oil;
d) Domestic trade of crude oil with other refining undertakings and producers only.
In addition to the above activities; refining undertaking licensees may carry out transportation activities-viva pipelines-to other facilities nearby and processing and storage activities inside or in the vicinity of refining facility without obtaining license and bunker delivery activities other than the restriction set forth in Temporary Article 3 of the Law, provided that the said activities are registered in their licenses.
(Paragraph amended by: O.G.-21/09/2006-26296) Refining undertaking licensees may sell liquid fuel to distribution undertakings and/or other refining undertakings, and sell bunker to other bunker delivery companies provided that this is contained in their licenses.
Obligations of refining undertaking licensees
Article 20- Refining undertaking licensees shall have the following obligations:
a) To operate the refining facilities included in the scope of their licenses;
b) To produce and deliver by-products complying with the technical arrangements;

c) In the supply of crude oil, to give priority to domestic crude oil and not to make any financial demands or offers as to place and terms of delivery, which would be to the detriment of production companies;
d) To purchase domestic crude oil at the minimum prices occurred in the case of offer made by crude oil producers and to submit written replies to the offers-exceeding the minimum price-within fifteen days;
e) To retain the supplementary portion of the national petroleum stock;
f) To give priority to the production and delivery of liquid fuel and other products needed for the national security;
g) To prepare the pricing for the purchase and sales of petroleum, as ceiling prices, taking into account the global free market prices at the closest accessible point;
h) To provide and protect the production capacity of tactical liquid fuels utilized by Turkish Armed Forces, in case such product is demanded;
©) Within the scope of the national petroleum stock, to keep minimum twenty times of the average supplied daily product amount at their own storage or licensed storage facilities whether as a whole or separately according to their status;
j) To offer the same conditions to other distribution undertakings demanding liquid fuel from the refining undertaking licensee as the refining undertaking licensee does to its own distribution company;
k) To add a national marker, at the refinery exit or at the entry into the customs, in the quality and nature to be required by the Authority, to the liquid fuel they will market in Turkey;
l) **(As added by: O.G.-7/11/2013-28814)** To have the following registered in their licenses: Information on the product type, utilization situation, status, capacity, tank number regarding the internal consumption tanks and the liquid fuel tanks to which national marker is applicable and inapplicable, tanks for products blended to liquid fuel, product except liquid fuel, by-product, crude oil, raw materials at their facilities;
m) **(As added by: O.G-7/11/2013-28814)** As regards the license-registered utilization situation of the tanks at their facilities and the product type except liquid fuel tanks to which national marker is applicable, to declare to the Authority which one is utilized on de facto basis, which declaration shall be made within the scope of the provisions in "the Regulation on Petroleum Market Information System" published in the Official Gazette dated 9/12/2005 and Issue No. 26018;
n) **(Added by: O.G.-26/12/2014-29217) (Amended by: O.G.-13/7/2017-30123) (Amended by: 20/12/2017-30276) (12)** Within twenty-four months as from the facilities' commissioning date, to start operating corporate information system and industrial control systems in compliance with the TS ISO/IEC 27001 Information Security Management System standard, and to have their systems certificated, proving before a certification body-accredited to the Turkish Accreditation Agency- that they perform activities in compliance with the TS ISO/IEC 27001 standard, and to ensure that the said certificates maintain their validities, and to take also as a reference the ISO/IEC TR 27019 Guiding Document, in addition to the TS ISO/IEC 27002-Code of Practice, in the Information Security Management System they shall set up in compliance with TS ISO/IEC 27001.
o) **(Added by: O.G.-9/7/2019-30826)** In the purchases of domestic crude oil, by taking into consideration the crude oil processing capacities, to comply with the principles and procedures determined by the Board.

SECTION THREE
Processing License

Activities that may be carried out within the scope of processing license
Article 21- (As amended by: O.G.-20/12/2017-30276) (12)
In the market, processing licensees are entitled to engage in production of petrochemical products, production of bio-diesel or production of liquid fuel from waste with the exception of those classified as hazardous waste under the legislation of the Ministry of Environment and Urbanization.
Obligations of processing licensees
Article 22- Processing licensees shall have the following obligations:
a) **(Repealed by: O.G.-14/10/2008-27024)**
b) To obtain products complying with the standards and the technical arrangements.

SECTION FOUR
Lube Oil License

Activities that may be carried out within the scope of lube oil license
Article 23- (As amended by: O.G.-23/1/2016-29602) (11)
Lube oil licensees or distribution undertaking licensees having lube oil sub-title may perform the following activities in the market: Production of lube oil at their lube oil production facilities included in the scope of their licenses, and production of base oil from waste lube oil provided that this is registered as a sub-title in their licenses.

Obligations of lube oil licensees
Article 24- (As amended by: O.G.-9/7/2019-30826)
Lube oil licensees are obliged:
a) To comply with the standards and the technical arrangements in productions or imports of lube oil;
b) Not to produce any products which are not contained in the capacity report;
c) Not to use, in the productions, any products which are not contained in the capacity report;
d) In the facilities where base oil is produced from waste lube oil, to hold the TSI Service Adequacy Certificate which indicates the conformity with the standard "TS 13541 Workplaces – Rules for Waste Oil Raffination and Regeneration Facilities".

SECTION FIVE
Storage License

Activities that may be carried out within the scope of storage license
Article 25- In the market, storage licensees are entitled to engage in operating storage facility for provision of storage services.

Obligations of storage licensees
Article 26- Storage licensees shall have the following obligations:
a) Within the framework of the related legislation, to prepare and submit to the Authority their tariff offers regarding the facilities connected with transmission lines, and to apply the tariffs approved by the relevant Board decision;
b) To prepare the tariffs regarding the facilities not connected with transmission lines, and to apply them after the notification to be made to the Authority;
c) To meet storage demands on non-discriminatory basis, except for the capacity restrictions, in case the matters listed in article 47 take place.

SECTION SIX
Transmission License

Activities that may be carried out within the scope of transmission license
Article 27- In the market, transmission licensees are entitled to engage in transportation of petroleum via pipelines and operation of transmission facilities.
Obligations of transmission licensees
Article 28- Transmission licensees shall have the following obligations:
a) Within the framework of the related legislation, to prepare and submit to the Authority their tariff offers, and to apply the tariffs approved by the relevant Board decision;
b) To meet transmission demands on non-discriminatory basis, except for the capacity restrictions, in case the matters listed in article 47 take place.

SECTION SEVEN
Eligible Consumer License

Activities that may be carried out within the scope of eligible consumer license
Article 29- (As amended by: O.G.-21/09/2006-26296)
In the market, eligible consumer licensees may, depending on their types of consumption, procure heating oil, fuel oil and diesel-oil from distribution undertaking licensees.
(Paragraph repealed by: O.G.-12/8/2008-26965)
Obligations of eligible consumer licensees
Article 30- (Repealed by: O.G.-9/7/2019-30826)

SECTION EIGHT
Bunker Delivery License

Activities that may be carried out within the scope of bunker delivery license
Article 31- (Paragraph amended by: O.G.-9/7/2019-30826) In the market, bunker delivery licensees may engage in:
a) Procurement of bunker from refining undertaking, distribution undertaking and other bunker delivery licensees, from abroad or in the country, and supply of bunker-which is subject to transit regime or released for free circulation- to sea and air vehicles and supply of bunker to other bunker delivery licensee legal persons;
b) In preparing marine fuels included in the scope of the bunker subject to transit regime, limited to the warehouse area, intermixing of the products, provided that the end product is a marine fuel

c) Operation of bunker delivery facilities.
(Re-regulated by: O.G.-31/5/2011-27950) (As amended by: O.G.-19/10/2016-29862) Third parties may provide collection intermediary services in the supply of bunker to sea and air vehicles within the scope of export or transit regime, provided that its physical delivery is performed by bunker delivery licensees or distribution undertaking licensees in whose licenses bunker delivery activity is registered and that it is utilized for the needs of the vehicles to which the supply is performed. The Board may regulate the scope of this operation.

Obligations of bunker delivery licensees

Article 32- Bunker delivery licensees shall have the following obligations:
a) **(Paragraph repealed by: O.G.-9/7/2019-30826)**
b) To add national marker to bunker, in such quality and condition to be determined by the Authority;
c) Not to sell Special Consumption Tax-free liquid fuel to commercial sea vehicles;
d) For the liquid fuel which is procured from abroad and released for free circulation, to pay to the concerned persons the revenue share determined by the Authority.
(Paragraph added by: O.G.-3/8/2012-28373) (Paragraph as amended by: O.G.-27/3/2014-28954) The persons that will sell jet fuel within the scope of bunker delivery license or distribution undertaking license associated with bunker delivery activity are obliged to submit to the Authority the Business License and the Work Permit they obtained-in their own names- for storage or supply activities at the airport or submit to the Authority a storage or supply services procurement contract which should have a term of minimum one year and which they concluded with persons holding the appropriate license type and holding such Business License and Work Permit or submit to the Authority the Heliport Operating License they obtained-in their own names-relating to large heliports under the Heliport Construction and Operations Regulation (SHY-14B) published in the Official Gazette dated 23/1/2009 and Issue No. 27119, and those persons are also obliged to have the matter "sales of jet fuel" registered in their licenses. The duration of the authorization to sell jet fuel shall not exceed the term of the storage or supply services procurement contract submitted. The licensees are entitled to provide jet fuel storage or supply services to maximum three persons in total, who should submit a storage or supply services procurement contract under this paragraph in order to have the authorization to sell jet fuel. In case the licensees concluded such contract with more than three persons, the licensees shall declare to the Authority the names of maximum three persons they prefer to provide the services, along with the documents stating that the other storage or supply services contracts have been terminated; and in case they do not submit this declaration properly, their requests for registration of the matter "sales of jet fuel" in their licenses shall be rejected.

SECTION NINE
Distribution Undertaking License

Activities that may be carried out within the scope of distribution undertaking license

Article 33- In the market, distribution undertaking licensees may engage in:
a) **(As amended by: O.G.-28/11/2014-29189)** Import of liquid fuel, provided that this is limited to the liquid fuels included in the scope of the sub-title contained in their licenses after creation of vendor activity organization;
b) Domestic sales of liquid fuel and wholesales to eligible consumers within this scope;
c) Transportation of liquid fuel-via pipelines-to the facilities located nearby their own storage facilities;
d) **(Repealed by: O.G.-28/11/2014-29189)**
e) **(As amended by: O.G.-4/11/2011-28105)** Distribution of liquid fuel to their own licensed vendors and to liquid fuel stations that they operate on the basis of vendor activity license they obtained under their own trade name;
f) Other than the restrictions set forth in the second paragraph of article 7 in the Law, direct sales of Special Consumption Tax-free liquid fuel to commercial sea vehicles.
In addition to the above activities, distribution undertaking licensees may carry out bunker delivery, storage, lube oil and transportation activities without the requirement to obtain a further license, but provided that these are registered in their licenses.
Distribution undertaking licensees may sell liquid fuel to vendors of distribution undertakings whose activities are suspended temporarily, provided that such sales are performed only within the period that the activity is suspended temporarily.
Distribution undertaking licensees may sell liquid fuel to other distribution undertakings, provided that those licensees have obtained permission from the Board.

Obligations of distribution undertaking licensees

Article 34- Distribution undertaking licensees shall have the following obligations:
a) Not to change the quality and intended use of liquid fuel types, with the exception of the blending processes referred to in article 6;
b) Not to perform sales to vendors of other distribution undertakings, other than the exceptions set forth in article 33;

c) **(As amended by: O.G.-9/7/2019-30826)** In such quality and condition to be determined by the Authority, to add national marker to the imported liquid fuel at the customs entry point, or to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use;
d) To perform effectively the quality control monitoring related to the activities carried out under their registered trademark and to fulfill the inspection duties assigned by the Board within the scope of the related legislation;
e) To prepare and declare to the Authority the pricing for the market activities, as ceiling prices, taking into account the global free market prices at the closest accessible point;
f) Within the scope of the national petroleum stock, to keep minimum twenty times of the average supplied daily product amount at their own storage or licensed storage facilities whether as a whole or separately according to their status;
g) To meet the supply needs of their vendor until the expiration of the contract term, in case the contract is not renewed within the term stipulated in the Law;
h) **(Repealed by: O.G.-9/7/2019-30826)**
i) To inform expressly their vendors about the promotion campaigns they carry out with the participation of vendors, along with the documents related to the costs of the campaigns;
j) To make annual marketing projections and to submit them to the Authority with details in February of each year, and to provide explanations for an increase or decrease of more than ten percent, if any, in their projections;
k) Not to grant subsidies to stations they operate and treat them differently from vendor stations;
l) **(As amended by: O.G.-9/7/2019-30826)** In the sales that they perform through the stations they operate within the scope of the vendor activity license, not to exceed fifteen percent of their own domestic market share;
m) For the liquid fuel which is procured from abroad and released for free circulation, to pay to the concerned persons the revenue share determined by the Board;
n) Not to conclude vendor contracts with real or legal persons whose situations are not appropriate to the related and/or other legislation;
o) **(Added by: O.G.-4/11/2011-28105) (As amended by: O.G.-28/11/2014-29189)** In case the vendor contracts:
1) are terminated through a notarized notice of unilateral termination, forwarded to the vendor by the distribution undertaking, to declare the notice to the Authority within one month;
2) are terminated through a notarized notice of unilateral termination, forwarded to the distribution undertaking by the vendor, to submit the relevant declaration to the Authority, along with the notice, within one month as from the date of receipt;
3) are terminated mutually by a termination protocol, to submit the relevant declaration to the Authority, along with the termination protocol, within one month as from the date of the protocol;
4) In other cases of termination or expiration, to submit the relevant declaration to the Authority in no later than two months as from the date of termination/expiration, which declaration shall expressly contain the date of termination/expiration, along with the grounds of such termination as well as the documents, if any, related to the termination;
ö) **(As added by: O.G.-4/11/2011-28105)** Before their vendors obtain license, have distribution undertaking(s) replaced, operate fixed village pump or agricultural sale tanker associated with the license, to set up station automation system for fixed village pumps, for agricultural sale tankers and for liquid fuel stations registered in their relevant vendor activity license;
p) **(Added by: O.G-5/10/2013-28786) (As amended by: O.G.-28/11/2014-29189)** During the effectiveness of their licenses, not to transfer to third parties their registered trademark or the right to use their trademark, without modification of the license through replacement with a registered new trademark covering the commodity codes no. 4 and 37;
r) **(Added by: O.G.-28/11/2014-29189) (Repealed by: O.G-9/7/2019-30826)**
s) **(As added by: O.G.22/12/2018-30633)** Unless otherwise requested by vendors, to perform license transactions, through electronic systems, of their existing vendors or of the vendors they will include into the vendor activity organization.

Creation of vendor activity organization

Article 34/A – (As added by: O.G.-9/7/2019-30826)

Distribution undertaking licensees shall create a vendor activity organization containing at least ten vendors -with station- within three months as from the effective date of their license, at least twenty-five vendors -with station- within six months as from the effective date of their license and at least fifty vendors -with station- within one year as from the effective date of their license.
Distribution undertaking licensees are obliged to maintain their vendor activity organizations. In case the number of the vendors -with station- included in the scope of the vendor activity organization drops below the numbers referred to in this article, it is mandatory for the distribution undertaking licensee to reach the required number within thirty days.
In order for the distribution undertaking licensees' requests for national marker are taken under evaluation, it is necessary for the licensee to have a vendor activity organization comprised of the vendors in the following numbers:
a) At least ten, within the first six months as from the date that the licensee has obtained the license,

b) At least twenty-five, from the seventh month by the end of the first year, as from the date that the licensee has obtained the license,
c) At least fifty, after the first year, as from the date that the licensee has obtained the license. The persons that hold distribution undertaking license on the effective date of this paragraph shall be deemed to have obtained a new license as of the effective date of the paragraph, within the context of the evaluation of their requests for national marker.

SECTION TEN
Transportation License

Activities that may be carried out within the scope of transportation license
Article 35- In the market, transportation licensees may engage in provision of transportation services through petroleum transportation vehicles, with the exception of pipelines.
Obligations of transportation licensees
Article 36- (As amended by: O.G.-28/09/2006-26303)
Transportation licensees are obliged to carry out their activities in compliance with the Law and the related legislation.

SECTION ELEVEN
Vendor Activity License

Activities that may be carried out within the scope of vendor activity license
Article 37- In the market, vendor activity licensees may sell to consumers the bunker or liquid fuel they procured from the distribution undertaking of which they are the vendor in their capacity as vendor with station or vendor without station by category; in their capacity as bunker vendor, liquid fuel vendor by the sub-title regulated in their licenses. **(Supplementary sentence as added by: O.G.-4/11/2011-28105)** A vendor activity license-from a different category-shall not be granted to the same person and/or to the same address.
(Paragraph as amended by: O.G.-28/09/2006-26303) Through the liquid fuel stations included in the scope of their licenses, liquid fuel vendors with station may sell liquid fuel-except LPG- via tankers and village pumps for the needs of the agricultural sector, provided that this is registered in their licenses and that they take the necessary measures.
(Paragraph repealed by: O.G.-12/8/2008-26965)
(As amended by: O.G.-4/11/2011-28105) In the case of cancellation of the license granted to the distribution undertaking of which they are the vendor; such vendors shall, without waiting for termination of the contract, conclude the contract with another distribution undertaking and file the relevant license modification application. In the case of temporary suspension of the activities of the distribution undertaking of which they are the vendor; such vendors may, without waiting for the distribution undertaking to resume performing its activities, procure liquid fuel from another distribution undertaking, provided that it is limited to the period of time when the activities are temporarily suspended and that they have their licenses modified.
Obligations of vendor activity licensees
Article 38- Vendor activity licensees shall have the following obligations:
a) Not to change the quality and intended use of liquid fuel;
b) With the exception of factory, work site, transportation fleet base and similar locations that have the capacity to supply liquid fuel to their own vehicles and have the possibility of storage for their own needs; not to supply and sell liquid fuel outside liquid fuel stations;
c) To carry out their activities in accordance with the exclusive purchase contracts to be signed with distribution undertakings;
d) Not to procure liquid fuel from any entities other than the distribution undertaking of which they are the vendor;
e) Not to add products that could be added for adulteration and/or for fraud to liquid fuel and keep such material in their stations;
f) (**As amended by: O.G.-21/9/2006-26296)** Within one month as from expiration or termination of the vendor contract for any reason, to remove all the indications related to the former distribution undertaking and to continue performing its activities in such a manner whereby it shall be understood that the products of the newly contracted distribution undertaking are marketed;
g) Not to perform sales for resales purposes, with the exception of consumers;
h) **(As added by: O.G.-4/11/2011-28105)** With the exception of the sales operations performed via fixed village pumps and agricultural sale tankers, to notify their distribution undertaking of all kinds of liquid fuel sales performed outside the liquid fuel station, which notification shall be made together with the relevant documents in no later than fifteen days as from the issuance date of the document related to the sale;
ı) **(Added by: O.G.-5/10/2013-28786) (Repealed by: O.G.-28/11/2014-29189)**
i) **(Added by: O.G.-28/11/2014-29189) (Repealed by: O.G.-23/1/2016-29602)** **(11)**

PART THREE
Other Provisions

SECTION ONE
Notifications

General principles for notifications
Article 39- (Repealed by: O.G.-09/12/2005-26018)
Notification types
Article 40- (Repealed by: O.G.-09/12/2005-26018)
Periodic notifications
Article 41- (Repealed by: O.G.-09/12/2005-26018)
Notifications depending on occurrences
Article 42- (Repealed by: O.G.-09/12/2005-26018)
Record keeping
Article 43- (Repealed by: O.G.-09/12/2005-26018)

SECTION TWO
Restrictions

Restrictions on procurement and sales, and restrictions on quantity
Article 44- (As amended by: O.G.-24/4/2013-28627) (7) Export of petroleum is freely performed. The procedures, related to procurement of petroleum products-except liquid fuel-from domestic and foreign resources, shall be regulated by the communiques to be issued. Import of crude oil and liquid fuel shall be performed freely by the persons to whom such right is granted under their licenses, provided that these persons comply with the provisions of the related and other legislation.
Import of crude oil and liquid fuel shall be performed through the channel of competent customs administrations that have the equipment allowing them to perform quantity and specific technical measurements.
~~**(Paragraph as amended by: O.G.-28/7/2011-28008)** The sales, performed by distribution undertaking licensees within the scope of vendor activity licenses having the category "with station", as they obtained under their own trade name, shall not exceed fifteen percent of the distribution undertaking's total domestic market share~~ (1). The sales, performed by distribution undertaking licensees through the stations they operate, shall not exceed fifteen percent of the distribution undertaking's total domestic market share.
Distribution undertakings' domestic market share shall not exceed forty-five percent of the total domestic market.
(As amended by: O.G.-23/5/2015-29364) Vendor activity licensees, to whom license is granted under the category "without station", are not entitled to sell benzine types, diesel oil, rural diesel, jet fuel, gas oil, combustible naphtha and biodiesel.
(Supplementary paragraph added by: O.G.-4/11/2011-28105) (As amended by: O.G.-23/5/2015-29364) Among the liquid fuel types; combustible naphtha, gas oil, jet fuel and fuel oil types shall not be supplied to motor land vehicles.
(Supplementary paragraph added by: O.G.-28/11/2014-29189) (Paragraph as amended by: O.G.-11/3/2017-30004) In case a discrepancy is found between procurement and sales in Special Consumption Tax-free liquid fuel sales or liquid fuel sales with low Special Consumption Tax, the licensee's procurement of liquid fuel associated with the discrepancy shall be suspended temporarily by the Authority until such time as it is found that the sales take place in compliance with the legislation.
Restrictions on distance
Article 45- The distance between two liquid fuel and/or LPG stations shall not, on the same direction, be:
a) less than ten kilometers on high-ways;
b) less than one kilometer on public roads in the city.
Eligible consumer limit
Article 46- The eligible consumer limit, to which eligible consumers are subject for heating fuel, fuel oil and diesel oil, shall be minimum 5,000 tons for each product on a yearly basis.
Right to access
Article 47- Transmission and storage licensees that have spare capacity in their facilities are obliged to meet transmission and storage demands in case such demand:
a) is in compliance with the tariff of the licensee;
b) is appropriate for the capacity of the relevant facility;
c) does not have deteriorating or risk-increasing negative effects on the licensee's facilities, operational rules and conditions and the petroleum transmitted or stored by the licensee;

(1) Its execution is stayed under the Decision No. 2012/507 of 21.03.2013 (Decision on Objection to the Stay of Execution) rendered by the Council of State, the Plenary Session of the Chambers for Administrative Cases.

d) is in conformity with the quality of the facility, the petroleum transmitted or stored, and is at the minimum quantity determined in the tariff of the licensee;
e) for transmission, be made by producer, transmitter or distribution undertaking, taking into account also the type of petroleum and for storage, be made by all with the provision of exceeding the minimum quantity determined in the tariff of the licensed storage undertaking.
In cases where it is asserted that the demands for access are refused despite the required conditions took place, it is possible to file the relevant complaint with the Authority.

SECTION THREE
Expropriation, Real Rights Other Than Ownership, Leasing and Insurance

Expropriation, real rights other than ownership and leasing
Article 48- In the expropriation, establishment of real rights other than ownership and leasing in the market, transactions and operations shall be carried out within the framework of the following principles and procedures.
a) Expropriation:
It is a principle that the acquisition of rights or properties regarding lands, estates and buildings necessary for the facilities takes place primarily through agreements. In the event that the market activities necessitate, the acquisitions related to:
1) the facilities included in the scope of the licenses of refining undertaking and storage licensees;
2) the establishment of easement rights on lands and plots of land where transmission lines cross and on other buildings standing as an inseparable part of such transmission lines, as well as real properties located in the vicinity;
3) the processing facilities whose yearly processing capacity exceed 500,000 barrels of petroleum
may also be realized through expropriation within the principles set forth in the Expropriation Law No. 2942.
The ownership of the expropriated real property shall belong to the Treasury and the right to use it shall belong to the licensee who has paid the expropriation cost. The right of utilization shall be registered with the title deed register in the name of the licensee and such right shall be a part of the license and continue during the license period.
Expropriation costs paid by licensees shall not be returned in the event that the license terminates or is cancelled.
The relevant expropriation decree to be issued by the Board shall be considered as a public interest decree and the expropriation process shall be realized as per the provisions of the Expropriation Law.
It shall also be noted in the title deed registers of the facilities owned by refining undertaking and transmission licensees, including the ones found appropriate by the Board, that no other note can be registered in the title deed registers unless approved by the Authority.
b) Real rights other than ownership, and leasing:
In relation to their activities, on public lands, licensee legal persons may request for establishment of real rights other than ownership and for the leasing of such lands, provided that the cost is paid by the related legal person. If these requests are approved by the Board, the Authority shall consider the right of usufruct, servitude, right of construction or long-term leasing as per the related legislation and depending on the needs. The legal person taking over the rights acquired in this way, shall be liable to pay the cost of holding these rights as determined by the Board. Utilization rights are an integral part of the relevant license or contract, and their validity period shall be limited with the period of the validity of the same.
The applications for expropriation, real rights other than ownership and leasing shall be submitted to the Authority by means of the relevant application letter.
Insurance
Article 49- All licensees are obliged to arrange the insurances covering the financial liabilities, which are necessary for indemnification of bodily injuries and pecuniary damages and losses that may be caused by their activities against third parties.
Refining undertaking, transmission and storage licensees are obliged to arrange the insurances covering their facilities and petroleum against all risks.
Refining undertaking licensees shall arrange insurance for their storage units and the national petroleum stock belonging to the public, against all risks as well as the financial liabilities they may cause before third parties.
(Paragraph as amended by: O.G.-10/8/2010-27668) The facilities' insurance amount, taken as basis for the all risks insurance, shall not be less than the facility's registered net asset value, with the exception of land acquisition expenses; and the exemption which may be granted in danger monies or hazard pays shall not exceed two percent of the insurance amount.
(Paragraph as amended by: O.G.-24/06/2005-25855) Exemption is inapplicable, in third persons financial liability insurances.
(Paragraph as amended by: O.G.-24/06/2005-25855) The principles and procedures regarding the insurance obligations and the calculation of insurance amounts and maximum exemption for and the minimum coverage of the insurance shall be regulated by communiques to be issued by the Board.

SECTION FOUR
Financial Provisions

Revenue share

Article 50- (Paragraph amended by: O.G.-15/06/2006-26199) (2) (As amended by: O.G.-20/12/2017-30276) (12) Revenue share amounts applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year.

The revenue share shall be deposited into the revenue share account opened in the name of the refining undertaking. Refining undertaking licensees are obliged to collect revenue share from sales of liquid fuel.

The amount to be collected as the consideration of the payment made regarding revenue share shall be indicated under a separate heading on the invoices issued.

Participation share

Article 51- All licensees, except for eligible consumer licensees, are obliged to pay participation share every year. The first installment of the participation share for the preceding year shall be paid by the end of June and the second installment shall be paid by the end of November.

(Paragraph as amended by: O.G.-20/10/2006-26325) The participation share shall be calculated by multiplying the net sales amount -related to the market activities carried out by the obligors within the scope of their license, as contained in their yearly income statements,- by the participation share rate to be determined by the Board every year. The participation share rate shall not exceed one per thousand and the participation share shall not exceed 2,000,000 US Dollars.

By the license types, the Board shall be authorized to reduce the participation share up to zero and shall be authorized to determine different rates.

Yearly participation share rate or rates applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year.

The sum of the Special Consumption Tax and the customs taxes, duties and levies paid for petroleum within the year shall, if included in the net sales revenue, be deducted from the total net sales. Licensees, carrying out one or more than one market activity within the scope of their licenses, shall pay their participation share on the basis of their total net sales.

In order to calculate the amount of participation share for the year that the license has been obtained for the first time; the participation share rate shall be multiplied by the amount which is found after the deduction, if any, made -in accordance with the fifth paragraph- from the net sales amount contained in their income statements regarding the period between the licensing date and 31 December of the same year, and thereby the participation share shall be found.

Persons holding more than one license shall make a participation share declaration separately for each license. In case different rates are determined for activity sub-titles, the calculations shall be made separately on the basis of the net sales amount related to each activity.

The penal and administrative procedures, regarding the participation shares which have not been declared in time or which have been declared erroneously, shall be completed by the Authority and then, the judicial and administrative processes shall be initiated by the Authority before the relevant bodies and institutions.

(Supplementary paragraph as added by: O.G.-5/10/2013-28786) The applications for license, modification and duration extension, which have been filed by the real and legal persons that did not fulfill their participation share obligations regarding previous periods, shall not be taken under evaluation and shall be returned in case the obligation is not fulfilled within 10 business days following the notification to be made by the Authority.

Financial obligations not paid in time, and late fees

Article 52- The provisions of the Law No. 6183 on the Collection Procedure of Public Receivables shall apply to the financial obligations not paid in time and to the late fees, and it shall be ensured that these amounts are collected through the relevant tax offices.

Revaluation

Article 53- (Repealed by: O.G.-20/12/2017-30276) (12)

SECTION FIVE
Confidentiality and Settlement of Disputes

Confidentiality

Article 54- In case, in its decision, the Board finds that there are documents or information which might harm the commercial relations of a licensee if they are published; the Authority is not entitled to disclose those documents and information unless the disclosure is ordered by a court.

The parties performing activities in the market are obliged to keep the commercially sensitive information and documents confidential. Under no circumstances shall licensees disclose any confidential information they accessed directly or indirectly while performing market activities; and licensees shall not use such confidential information in their own interest or for the benefit of their affiliated firms or in favor of or to the detriment of others.

Real and legal persons, whose licenses have expired or have been cancelled, are obliged to keep confidential for a period of five years the other persons' trade secrets which have been accessed by those real and legal persons due to the commercial relationships between each other.
(Paragraph added by: O.G.-4/11/2011-28105) (Paragraph repealed by: O.G.-5/10/2013-28786)
Settlement of disputes
Article 55- Price disputes between refining undertakings and producers shall, under the arbitrage of the Authority, be settled within thirty days following the completion of the reviews and evaluations, which settlement shall be binding on the parties.

SECTION SIX
Market Intervention and Force Majeure

Market intervention
Article 56- On the basis of the information, denunciations and complaints received by the Authority, in case it is concluded that there are apparent indications about the matters that:
a) The procurement and/or sales of petroleum and the fulfillment of the services regarding petroleum are not carried out continuously, regularly and properly or the conduct of these procurements, sales or fulfillments continuously, regularly and properly are impeded or are attempted to be impeded;
b) Unfair competition or breach of the legislation on the protection of competition is caused;
or in case it is concluded that these matters have acquired a dimension threatening the national security or the public order; the necessary procedures shall be initiated by the Authority under the relevant decision of the Board. Within this context, in case it is understood that the Authority's instructions are not fulfilled, the necessary processes as well as the relevant investigation shall be initiated before competent authorities.
Force majeure
Article 57- In order for an event to be considered as force majeure; it is necessary that such event could not be prevented, avoided or eliminated although the affected party has exhibited the required attention and care and has taken the necessary measures and that such event restrains the affected party from fulfillment of its obligations included in the scope of the related legislation.
In case a force majeure event takes place, the licensee's obligations arising from the related legislation may be postponed by the relevant Board decision in proportion as the obligations are affected thereby, until the impacts of the force majeure are eliminated.
In cases where it is understood that it becomes impossible to fulfill these obligations, the Board may also decide that the licensee's obligations are hereby revoked. In order for the Board to decide that the obligations are hereby postponed or revoked; it is compulsory for the licensee to submit its written application to the Authority within fifteen days as from the occurrence date of the force majeure event, which application shall state the occurrence date of the force majeure event, the nature and scope of the force majeure event, its impacts on the licensee's obligations and if possible, the estimated time for elimination of the impacts.

SECTION SEVEN
Temporary and Final Provisions

Repealed legal arrangements
Article 58- The following legal arrangements, entered into force by the Ministry of Energy and Natural Resources or directly by the General Directorate of Petroleum Affairs, are hereby repealed:
a) The Communique on the Principles and Procedures Applicable to the Import of Solvent, Base Oil and Lube Oil;
b) The Communique on the Principles and Procedures Applicable to the Domestic Sales of Solvents Produced Domestically;
c) The Communique on the Principles and Procedures Applicable to the Import of Petroleum Products;
d) The Communique on the Implementation of the Decision Regarding the Functioning of the Liquid Fuel Price Stabilization Fund and the Principles for the Purchases, Sales and Pricing of Crude Oil and Petroleum Products;
e) The Communique on the Requirement of Distance between Liquid Fuel Stations (to be Established Newly);
f) The Communique on the Components and Implementation Principles for "the Wellhead Price" of Domestic Crude Oil and Natural Gas and "the Market Price" Applicable to the Export of Crude Oil and on the Receipt, in Cash, of the State's Share Petroleum and the Portion Reserved -to Meet the Country's Needs- from Domestic Crude Oil and Natural Gas Produced by Petroleum Right Holders;
g) **(As amended by: O.G.-21/12/2004-25677)** The Communique on the Implementation of the Decision Regarding the Principles and Procedures for the Incorporation of Liquid Fuel Distribution and Marketing Companies; and
The communiques amending and/or repealing the provisions of the above communiques and creating new provisions for the above communiques, and the liquid fuel distribution and marketing entities-related provisions of articles 13, 14, 15, 16 and 17 in the Communique on the Implementation of the Decisions Regarding the Principles and Procedures for the Incorporation of Liquid Fuel and Liquefied Petroleum Gas Distribution and Marketing Companies.

Temporary Article 1- On the publication date of the Law, the persons:
a) that hold certificates in accordance with the provisions of the Petroleum Law No. 6326, whose activities require obtaining license;
b) that are one of the liquid fuel distribution and marketing entities whose activities are permitted on the basis of the arrangements issued by the Ministry of Energy and Natural Resources;
c) whose activities and utilizations require obtaining license although they fall outside the above subparagraphs (a) and (b);
shall, until 20.12.2004 at the latest, bring their situations in compliance with the matters contained in the Law and in this Regulation.
The rights, permissions and all kinds of formative decisions, transactions, documents and certificates, which have been previously granted, rendered or carried out for the persons who did not file their license applications by the dates referred to above or who filed their license applications by 20.12.2004, however, whose license applications or whose requests for duration extension have not been accepted, shall become null and void without the requirement of a further transaction.
Temporary Article 2- The persons who perform activities in the market on the effective date of this Regulation and hold certificates issued in accordance with the Petroleum Law No. 6326 and whose activities require obtaining license and those performing activities as a liquid fuel distribution and marketing entity shall, by 20 July 2004, declare to the Authority the copies of the standard contracts they use for their main activities.
Temporary Article 3- Refining undertaking, distribution undertaking and bunker delivery licensees shall prepare their marketing projections for the 2005 January-April period and shall deliver these projections to the Authority within the scope of license applications.
Temporary Article 4- License fees applicable for 2004 shall be determined by the relevant Board decision and be published in the Official Gazette, until 1 July 2004.
Temporary Article 5- Those performing vendor activities on the publication date of this Regulation may file their license applications through the channel of the distribution companies of which they are the vendor.
Temporary Article 6- (As added by: O.G.-21/12/2004-25677)
The wording “ten business days” contained in the eighth paragraph of article 7 and the wording “within ten business days” contained in the ninth paragraph of the same article shall not apply until 20/3/2005.
Temporary Article 7- (As amended by: O.G.-6/4/2005-25778)
The permissions, granted to the persons who obtained the letter of conformity for lube oils from the General Directorate of Petroleum Affairs, shall be valid until 1/6/2005. The letters of conformity for import of lube oil shall be granted by the Authority within the scope of the provisions contained in the Communique on the Principles and Procedures Applicable to the Import of Petroleum Products Other Than Liquid Fuel.
Temporary Article 8- (As added by: O.G.-13/04/2005-25785)
The wording “ten business days” contained in the eighth paragraph of article 7 and the wording “within ten business days” contained in the ninth paragraph of the same article shall not apply until 1/7/2005.
Compliance obligation
Temporary Article 9- (Added by: O.G.-15/06/2006-26199) (As amended by: O.G.-3/8/2012-28373)
The persons, holding refining undertaking, transmission, storage, processing, distribution undertaking and bunker delivery licenses on the effective date of this article, shall bring their situations in compliance with article 7 of this Regulation by 31/12/2013, in case the amount of their paid-in minimum capital is less than the amount specified in the regulation.
Temporary Article 10- (As added by: O.G.-12/8/2008-26965)
The Transportation Licenses, granted for land transportation vehicles, shall terminate without the requirement of a further transaction.
Temporary Article 11- (As added by: O.G.-10/8/2011-28021)
The persons, holding Lube Oil Licenses on the effective date of this article, shall, as enclosed with their letter, submit to the Authority by 1/8/2012 their capacity reports prepared in compliance with the subparagraph (b) of the sixth paragraph contained in article 7.
Temporary Article 12- (As added by: O.G.-4/11/2011-28105)
The vendor activity licensees, whose distribution undertaking’s license has expired or has been cancelled prior to the effective date of this article, are obliged to file an application for replacement of their distribution undertaking, within one month following the effective date of this article. The relevant vendor activity licenses of those who have not fulfilled this obligation shall terminate.

Temporary Article 13- (As added by: O.G.-3/8/2012-28373)
The persons, whose situations are not in compliance with the second paragraph of article 32 of this Regulation though the authorization to sell jet fuel-within the scope of bunker delivery license or distribution undertaking license associated with bunker delivery activity- has been registered in their licenses prior to the effective date of this article, are obliged to submit to the Authority by no later than 30/6/2013 a Business License and Work Permit they will obtain in their own names for storage and supply activities at the airport or a storage or supply services procurement contract with a minimum term of one year, which they will conclude with the persons holding the said Business License and Work Permit as well as the appropriate license. In case these persons do not fulfill this obligation, their authorization to import and sell jet fuel shall be revoked through ex-officio modification of the relevant license. If these persons fulfill this obligation by submitting a storage or supply services procurement contract within the scope of this article, the duration of their authorization to import and sell jet fuel, registered in their licenses, shall be modified ex-officio, in which case this duration shall not exceed the term of the contract submitted.

License applications filed in order to perform activities at the same location

Temporary Article 14- (As added by: O.G.-31/1/2013-28545)
Prior to the effective date of this article provision, in case there are license applications which have been filed in order to perform activities at the same location, for the market, for the electricity market or for the natural gas market and whose announcement period has been completed, the evaluation shall be carried out within the framework of the following principles:
a) The license applications, which have been filed for electricity or natural gas markets or for the market in order to perform activities at the site about which studies are carried out by the Ministry as a site of electricity generation facility based on nuclear energy in the electricity market or at the location allocated or envisaged to be allocated under an international agreement, shall be rejected at all phases.
b) In the event that the license application-related location, announced in accordance with the fourth paragraph of article 8, is not a location allocated or envisaged to be allocated under an international agreement or that the Ministry does not carry out studies about the license application-related location as a site of generation facility based on nuclear energy and that, however, there is another license application or there are other license applications for storage license in the natural gas market or there is another license application or there are other license applications filed in order to perform electricity generation activities in the electricity market or there is another license application or there are other license applications in order to perform refining undertaking and/or storage activities in the market, in order to perform those activities at the announcement-related location; the matter that for which application the licensing process shall continue at the announcement-related location shall be determined by a Board decision in accordance with the following principles and procedures.
1) Among the license applications, the applications for underground natural gas storage in the natural gas market, generation based on other resources or combustibles-except for natural gas-in the electricity market, storage to be carried out in a liquefied natural gas facility in the natural gas market, refining undertaking in the market, generation based on natural gas in the electricity market and storage license in the market shall be given priority, respectively.
2) The applications, falling outside the license application(s) given priority in accordance with the subparagraph (1) above, shall be returned or rejected.
c) In the event that there is a decision rendered for the conduct of refining undertaking or storage market activity at the license application-related location announced within the scope of the fourth paragraph of article 8 and that there is more than one refining undertaking or storage license application for the market; the application, which has been filed firstly for the location applied for, depending on the application's sequence number entered in the Authority's records, shall be taken into consideration in determining the application for which the licensing process shall continue. The applications, other than the application on the first rank, shall be returned or rejected.

Temporary Article 15- (As added by: O.G.-7/11/2013-28814)
The persons, holding refining undertaking license on the effective date of this article, are obliged to file their license modification applications within one month as from the effective date of this article in accordance with the subparagraph (l) of the first paragraph contained in article 20 of this Regulation.

Temporary Article 16- (As added by: O.G.-7/11/2013-28814)
In determining the stock quantities which should be kept by refining undertaking and distribution undertaking licensees who have, by the effective date of this article, performed their activities for a period shorter than one calendar year as of the license obtaining date and in determining the effective dates of their obligations; those licensees shall be treated equally with the ones who have obtained license for the first time.

Temporary Article 17- (As amended by: O.G.-28/11/2014-29189)
The persons, holding distribution undertaking license on the effective date of this article, are obliged to create vendor activity organization in no later than six months. **(Added by: O.G.-26/12/2014-29217)**

Temporary Article 18- (As added by: O.G.-26/12/2014-29217)
The obligations, referred to in the subparagraph (n) of the first paragraph contained in article 20 of this Regulation, shall enter into force on 1/3/2016.

Temporary Article 19- (As added by: O.G.-1/2/2015-29254)
In determining whether the distribution undertaking licensees, performing activities as of the effective date of this article, have realized a marketing projection for 60,000 tons of white products; the provisions contained in the third paragraph of article 17 shall apply.
Temporary Article 20- (As added by: O.G.-23/1/2016-29602) (11)
The licensees, who have the sub-title lube oil under distribution undertaking license, or lube oil on the effective date of this Regulation, may perform the activity "production of base oil from waste lube oil", without operating the sub-title base oil until 1/1/2018.
Temporary Article 21- (As added by: O.G.-13/7/2017-30123)
Refining undertaking licensee legal persons are obliged to complete their obligations included in the scope of the subparagraph (n) of the first paragraph contained in article 20, until 31/12/2017.
(As added by: O.G.-20/12/2017-30276) Revenue shares applicable for 2018
Temporary Article 22- Revenue share amounts applicable for 2018 shall be determined by a Board decision and be published in the Official Gazette by the end of December 2017.
(As added by: O.G.-20/12/2017-30276) (12) **Compliance obligation related to article 18**
Temporary Article 23- Licensee capital companies are obliged to fulfil their obligations contained in the last paragraph of article 18 within six months following the effective date of this article.
Temporary Article 24- (As added by: O.G.-9/7/2019-30826)
The persons, who hold distribution undertaking license on the effective date of this article, are obliged to create a vendor activity organization referred to in the first paragraph of article 34/A within the periods of time stated by the paragraph, as from 1/1/2020.
Temporary Article 25- (As added by: O.G.-9/7/2019-30826)
As from the effective date of this article, vendor activity license in the category "vendor without station" shall not be granted, and the requests for duration extension of the effective licenses shall not be taken under evaluation.
Temporary Article 26- (As added by: O.G.-9/7/2019-30826)
The lube oil licensees, who perform the activity "production of base oil from waste lube oil" on the effective date of this article, are obliged to submit to the Authority until 1/1/2020 a capacity report whose production competence score is minimum 55%.
Effectiveness
Article 59- Of this Regulation:
a) **(As amended by: O.G.-21/12/2004-25677)** Articles 45, 46 and 50, the subparagraph © of the fifth paragraph of article 7 and the subparagraphs (d) and (e) of the first paragraph of article 58 shall become effective on 1/1/2005;
b) **(As amended by: O.G.-21/12/2004-25677)** The provisions falling outside the second sentence of the first paragraph of article 44 shall become effective on 20/12/2004; and the second sentence of the first paragraph of article 44 and the subparagraphs (a), (b) and (c) of the first paragraph of article 58 shall become effective on 1/6/2005; and
c) The other articles shall become effective on the date of its publication.
Execution
Article 60- The provisions of this Regulation shall be executed by the President.

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(1) This paragraph shall enter into force on the date of its publication, to be effective as from 01/01/2005 as required by article 5 of the Regulation published in the Official Gazette dated 24/06/2005 and Issue No. 25855.
(2) This paragraph shall enter into force on 01/08/2006 as required by article 6 of the Regulation published in the Official Gazette dated 15/06/2006 and Issue No. 26199.
(3) This amendment shall enter into force on 31/3/2009 in accordance with article 5 of the Regulation published in the Official Gazette dated 7/12/2008 and Issue No. 27077, as amended by the Regulation published in the Official Gazette dated 31/12/2008 and Issue No. 2709 (7bis).
(4) By the Regulation amendment published in the Official Gazette dated 10/8/2011 and Issue No. 28021, the subparagraph (b) was added after the subparagraph (a) of the sixth paragraph of article 7, and the subsequent subparagraphs were re-numerated accordingly.
(5) By the Regulation amendment published in the Official Gazette dated 4/11/2011 and Issue No. 28105, one paragraph was added after the third paragraph of article 16, and the other paragraphs were re-numerated accordingly.
(6) This amendment shall enter into force on 1/1/2013.
(7) This amendment shall enter into force on 1/7/2013.
(8) By the Regulation amendment published in the Official Gazette dated 7/11/2013 and Issue No. 28814, the paragraphs were added after the eighth paragraph of article 18, and the other paragraphs were re-numerated accordingly.

(9) By this amendment, the fifth paragraph was added after the fourth paragraph of article 7, and the other paragraphs were re-numerated accordingly.
(10) By the amendment published in the Official Gazette dated 23/1/2016 and Issue No. 29602, the paragraph was added after the second paragraph of article 6 of the regulation, and the subsequent paragraphs were re-numerated accordingly.
(11) This amendment shall enter into force on 1/2/2016.
(12) This amendment shall enter into force on 1/1/2018.

(Amended by: O.G.-23/1/2016-29602) [10] (Repealed by: O.G.-22/12/2018-30633) ANNEX-1
(Repealed by: O.G.-4/11/2011-28105) ANNEX-2
(Repealed by: O.G.-4/9/2004-25495) ANNEX-3
(Repealed by: O.G.-4/9/2004-25495) ANNEX-4
(Repealed by: O.G.-4/9/2004-25495) ANNEX

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	17/6/2004	25495
	Of the Official Gazettes in which the Regulations amending the Regulation were published	
	Date	**Issue**
1.	4/9/2004	25573
2.	21/12/2004	25677
3.	6/4/2005	25778
4.	13/4/2005	25785
5.	24/6/2005	25855
6.	14/9/2005	25936
7.	9/12/2005	26018
8.	15/6/2006	26199
9.	21/9/2006	26296
10.	28/9/2006	26303
11.	20/10/2006	26325
12.	2/12/2006	26364
13.	4/5/2007	26512
14.	26/5/2007	26533
15.	17/8/2007	26616
16.	5/8/2008	26958
17.	12/8/2008	26965
18.	14/10/2008	27024
19.	7/12/2008	27077
20	31/12/2018	27097 (7th Reiterated)
21.	16/10/2009	27378
22.	6/4/2010	27544
23.	10/8/2010	27668
24.	1/12/2010	27772
25.	15/3/2011	27875
26.	21/4/2011	27912
27.	31/5/2011	27950
28.	28/7/2011	28008
29.	10/8/2011	28021
30.	4/11/2011	28105
31.	¾/2012	28253
32.	7/4/2012	28257
33.	3/8/2012	28373
34.	31/1/2013	28545
35.	24/4/2013	28627
36.	5/10/2013	28786
37.	7/11/2013	28814
38.	27/3/2014	28954
39.	28/11/2014	29189
40.	26/12/2014	29217
41.	1/2/2015	29254
42.	19/2/2015	29272
43.	23/5/2015	29364
44.	23/1/2016	29602
45.	19/10/2016	29862
46.	11/3/2017	30004
47.	13/7/2017	30123

48.	20/12/2017	30276
49.	22/12/2018	30633
50.	9/7/2019	30826

REGULATION ON TECHNICAL CRITERIA

(It was published in the Official Gazette dated 10/09/2004 and Issue No. 25579.)

Objective

ARTICLE 1-The objective of this Regulation is to determine the principles and procedures regarding the conformity-to the technical arrangements and to the standards-of the petroleum and lube oil released to the market and of the facilities included in the scope of the activities related to the petroleum market.

Scope

ARTICLE 2- This Regulation covers the principles regarding conformity-to the technical arrangements and to the standards-of the design, construction and installation, test and control, commissioning and operation and repair and maintenance of the facilities associated with licenses, regarding the minimum safety to be ensured as a minimum in the facilities and regarding conformity-to the technical arrangements and to the standards-of the petroleum and lube oil to be sold in the Country.

Legal basis

ARTICLE 3- This Regulation has been prepared on the basis of the Petroleum Market Law No. 5015.

Definitions and abbreviations:

ARTICLE 4- The following terms and abbreviations, referred to in this Regulation, shall have the following meanings:

a) Law: Petroleum Market Law No. 5015 of 4/12/2003;

b) Authority: Energy Market Regulatory Authority;

c) Board: Energy Market Regulatory Board;

d) President: President of the Energy Market Regulatory Board;

e) EN: European Standards;

f) TS: Turkish Standards;

g) TSI: Turkish Standards Institute;

h) Liquid fuel: Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, jet fuel, diesel oil and fuel oil types and biodiesel;

©) Products blended with liquid fuel: Products which are or shall be subject to an equivalent tax as liquid fuel, such as methyl tarsier butyl ether (MTBE), ethanol (except for those produced artificially from domestic agricultural products and biodiesel), etc.;

j) Liquid fuel station: Places established in conformity with the related legislation (technical, quality, safety) by distributors or vendors who have signed exclusive purchase contracts with those distributors, and are operated under the registered trademark of a liquid fuel distributor or distributors from a different sub-title, and are specifically serving to meet the liquid fuel, lube oil, auto-gas LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles;

k) Accreditation: The process carried out for assessment of whether laboratories, inspection and certification bodies operate in accordance with the nationally or internationally accepted technical criteria and for approval of their competencies and for controlling those laboratories, inspection and certification bodies in regular intervals;

l) Crude Oil: Natural hydrocarbons produced from the ground in a liquid state;

m) Related legislation: Petroleum market-related Laws, regulations, licenses, communiques, circulars and Board decisions;

n) Additive materials: Organic and inorganic materials that are aimed at improving the quality of liquid fuel products;

o) Quality conformity certificate: A certificate stating that a material or equipment, for which there is no Turkish Standard, has been produced and released to the market in conformity with the related international standards or the standards of other countries or the technical specifications adopted by TSI;

p) Lube oil: Natural or artificial materials turned into substances which reduce friction and/or abrasion between two moving and contacting surfaces or has cooling effect, upon addition of certain additives to base oil or to the materials processed with chemical synthesis method;

r) Market: The market comprising of supply and sales, refining, processing, storage, transmission, bunker delivery, transportation, distribution, vendor activity, utilization of petroleum and the operations and processes associated therewith;

s) Standard: An arrangement, on which a consensus is reached and which is approved by a notified body and specifies one or several of the procedures for and the matters related to features of a product for common and repetitious utilizations aiming at setting up of a system in the most convenient level under current conditions, and/or the processing and production methods and the relevant terminology, symbols, packaging, marking, labeling and conformity evaluation, and whose compliance is optional;

t) **(As amended by: O.G.-25/04/2007-26503)** [(1)] Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;

u) Facility: Maritime, railway or land vehicles or a structure comprising of the whole administrative sections and primary and secondary units where license-related activity takes place;
v) **(As amended by: O.G.-31/12/2014-29222)** National marker: Chemical product which has the quality not damaging the characteristics of the liquid fuel and which shall be added to the liquid fuel at the refinery exit point or at the customs entry point, or shall be added to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use;
y) Product: Any hydrocarbon of product or by-product produced from crude oil and/or crude oil products via physical and chemical processes or refining and other methods;
z) **(As added by: O.G.-25/04/2007-26503)** [1] Mixing: Combining two liquid fuels in order to create a new marine fuel conforming to the relevant technical arrangement;
aa) **(As added by: O.G.-25/04/2007-26503)** [1] Blending: Addition of product blended with liquid fuel in a such a degree to change the quantity and quality of the liquid fuel, without renaming the liquid fuel;
bb) **(As added by: O.G.-25/04/2007-26503)** [1] Deposit tank: Internal installation in which the liquid fuel is stored temporarily, which liquid fuel is delivered to a licensed storage by vehicles each has a carrying capacity not exceeding one hundred tons, in case it is requested that the obligation to prepare analysis report be fulfilled as a whole;
cc) **(As added by: O.G.-1/4/2010-27539)** [2] Delivery sample: Liquid fuel samples which are kept in order to be analyzed in the case of an objection and which are taken in order to be submitted to the recipient or in order to be used for the measurements to be taken as basis in the analysis report;
çç) **(As added by: O.G.-25/6/2011-2975)** Liquid Fuel Quality Monitoring System: In order to determine the risks regarding the quality of the liquid fuel supplied to the market and the measures related to the same, activities of monitoring, compiling, interpretation and reporting of the periodic developments and the geographical distribution of these developments regarding the criteria in the technical arrangements of the liquid fuel, controlling the compliance of the related persons with the selected obligations and initiating the necessary procedures against liable persons in case an incompliance is found;
dd) **(As added by: O.G.-31/12/2014-29222)** Adding: Adding of additive material without renaming the liquid fuel and in order to improve its quality, which adding shall not exceed 0,5% by volume in any case;
ee) **(As added by: O.G.-31/12/2014-29222)** Independent Inspection Firm: Entities which are empowered by the Authority and are accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker and which will be assigned by the related licensees;
ff) **(As added by: O.G.-31/12/2014-29222)** International Inspection Company: Entities which have the status "International Inspection Company" under the Communique on Standardization for Foreign Trade Regarding International Inspection Company Status namely the Communique No: (2006/21) which was published in the Official Gazette dated 25/3/2006 and Issue No. 26119.

Standards and technical arrangements

ARTICLE 5- In the design, construction and installation, test and control, commissioning and operation, repair and maintenance of all the facilities where the market activities will be carried out and in ensuring at least the minimum safety in the facilities, it is mandatory to comply with the following standards by the following order of priority namely the TS or EN standards or in the absence of these standards, the other standards adopted by TSI. It is mandatory to hold quality conformity certificates for the materials and equipment in respect of which there is no standard.
(Paragraph as amended by: O.G.-31/12/2014-29222) In relation to the liquid fuel to be supplied to the market, those TS standards shall become technical arrangement 6 months after the date of acceptance. In relation to aviation fuels, those international standards and specifications shall be taken into consideration. However, any exceptions (as to technical features, effective date, etc.) that may be brought in respect of technical arrangements in line with the needs of the Country shall be determined by a Board decision.
As regards the liquid fuel and products to be sold in the Country:
a) It is mandatory that the liquid fuel is in conformity with the technical arrangements;
b) It is a principle that the products are in conformity with the following standards by the following order of priority namely the TS or EN standards or in the absence of these standards, the other standards adopted by TSI;

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(1) Contained in article 1 of the Regulation on Amendments to the Regulation on the Technical Criteria Applicable in the Petroleum Market, published in the Official Gazette dated 25/4/2007 and Issue No. 26503, the subparagraph numbers "19", "23", "24" and "25" were corrected as "t", "z", "aa" and "bb", respectively by the letter of correction as published in the Official Gazette dated 20/5/2007 and Issue No. 26227.
(2) This amendment shall enter into force on 1/5/2010.

c) It is a principle that mineral oils and synthetic-based lube oils meet the technical arrangements, the standards or the other internationally accepted documents. Import of mineral oils and synthetic-based base oils shall be performed through the channel of competent customs administrations that have the equipment allowing them to perform quantity and specific technical measurements as determined by the Undersecretariat of Customs **(Wording repealed by: O.G.-24/06/2005-25855)** (…) [(3)].

Measurement units

ARTICLE 6- In liquid fuel sales, transactions shall be carried out on the basis of metric ton, kilogram and cubic meter corrected to 15ºC temperature or liter. In liquid fuel deliveries to consumers, including refining undertakings, it is a principle that the deliveries are made on the basis of the standard volume measure, corrected to 15ºC temperature. Deliveries of fuel-oil types shall be made on the basis of weight measure.

Obligations arising from technical criteria

ARTICLE 7- Licensees' obligations arising from technical criteria are as follows:

a) Licensees who supply petroleum and lube oil that are not in conformity with the technical arrangements are obliged to compensate the losses and damages suffered by the consumers. The matter of compensating losses and damages shall be contained in the licenses and contracts.

b) In case a condition arises that seriously threatens or adversely affects the security of life, property and environment of the public and their own facilities and activities, the licensees are obliged to notify the public authorities and those related parties who might be adversely affected of such threat and also notify the Authority of the nature and dimensions of the threat and the measures being taken to prevent such threat and are obliged to take other measures necessary in order not to damage the environment.

c) In the event that the product produced as a by-product at industrial facilities is used in a liquid fuel activity within the Country, with the provision of notifying the Authority, the ones compliant with the technical regulations shall be delivered to distribution undertakings to add national marker and the ones which are not compliant shall be delivered to refining undertakings on the condition that the refining undertakings' approval is taken and an agreement is reached.

d) Licensees are obliged to supply liquid fuel in conformity with technical arrangements.

e) The recycling, utilization and disposal of waste oils shall be carried out as per the principles and procedures specified in the other legislation. In the release -to the market- of the oils produced from recycling of waste oils, it is mandatory that the wording "PRODUCED FROM WASTE OIL" is placed legibly on the package.

f) The provisions of the related legislation shall apply if, in the tests to be carried out on the samples, it is found that the national marker does not meet the conditions and is not in the level determined by the Authority and that the samples taken are not in conformity with technical arrangements and the laboratory analysis.

g) While performing their activities, licensees are obliged not to damage the environment and are obliged to comply with the legislation issued in this regard.

h) Distribution undertaking licensees shall carry out an efficient monitoring regarding the quality control of the activities performed under their registered trademarks, and investigate if their vendors performing activities under their registered trademarks comply with the technical arrangements set forth in the regulation and shall prepare the relevant reports and submit those reports to the Authority.

Additive materials and products blended with liquid fuel

ARTICLE 8- (As amended by: O.G.-25/04/2007-26503)

The process of blending auto-biodiesel and ethanol may be carried out by refining undertaking and distribution undertaking licensees and the process of blending methyl tarsier butyl ether may be performed only by refining undertaking licensees. In the release -to the market- of the liquid fuel processed through blending and mixing, it is mandatory that the national marker is added in compliance with the required conditions and in the required level.

Except for preparation of marine fuels, the liquid fuels shall not be intermixed.

The adding may be made only by refining undertaking, distribution undertaking and bunker delivery licensees. It is mandatory that the blending products, marker and additive materials to be added to the liquid fuel by distribution undertaking licensees have the quality not damaging the characteristics of national marker.

Liquid fuel production

ARTICLE 9- (Article as amended by: O.G.-31/12/2014-29222) [(4)]

With the exception of those produced as a by-product at industrial facilities and pure biodiesel and with the exception of those produced from waste in accordance with the principles and procedures determined by the Board, liquid fuel productions shall be performed only by refining undertaking licensees.

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(3) The amendments made by the Regulation published in the Official Gazette dated 24/6/2005 and Issue No. 25855 shall enter into force on the date of publication, provided that they become valid as from 1/6/2005.

(4) This amendment shall enter into force on 1/7/2015.

Analysis verification and examination reports
ARTICLE 10- (As amended by: O.G.-1/4/2010-27539)
An analysis report shall be prepared in such a content to cover the results of the analyzes to be carried out by the laboratory on all the samples of liquid fuel types, including those considered as maritime bunkers:
a) at customs entry points;
b) at the licensed storages' entry and exit points;
c) in the sale transactions to be carried out within the scope of the market activities;
as per the test methods determined in the technical arrangement.
Samples of the liquid fuels for which such analysis report will be prepared shall, in the name of the person who is obliged to submit the report, be taken by an international inspection company or by the laboratory which is accredited in the sample taking method. The samples taken by the international inspection company shall be delivered or dispatched to the laboratory by that company. **(5)**
The analysis report shall not be issued and submitted to consumers:
a) in the sales performed through tankers and village pumps for the needs of the agricultural sector, through the pumps at the liquid fuel stations;
b) in the sales or at the licensed storage exit points for delivery of marine fuels, produced via mixing mechanisms, directly to vehicle storages or to sea vehicles used for supply to those storages, provided that an internationally recognized delivery certificate is issued and submitted, which delivery certificate shall at least specify the sulphur, density and viscosity values among the fuel characteristics as well as the dates and issue numbers of the analysis reports pertaining to the liquid fuels utilized for the mixing process.
As regards the liquid fuel types, in the case of:
a) their direct sales to third parties by recipients of those purchased from distribution undertaking, bunker delivery or refining undertaking licensees or exited from licensed storages,
b) at the customs entry points, their direct sales to third parties or entry into a licensed storage,
c) their entry directly into a licensed storage -via pipelines- from refinery;
a photocopy of the analysis report obtained may, without issuance of a further report, be used provided that the note "There are no modifications on the quality and quantity of the liquid fuel received", as undersigned by the obligors, is contained in the photocopy.
(Paragraph as amended by: O.G.-31/12/2014-29222) For the relevant liquid fuel type,
a) The following ones are obliged to submit the analysis report containing the values pertaining to all the characteristics set forth in the relevant technical arrangement:
1) At the customs entry point, the licensees who have performed the import;
2) Within the scope of the market activities, in the sales performed through refineries or processing facilities producing liquid fuel, the refinery undertaking or processing licensee sellers;
3) In the sales of marine fuels produced as a result of mixing, other than the exemptions contained in the third paragraph, the sellers; and
b) The following ones are obliged to submit the analysis report containing the values pertaining to the characteristics set forth in Table-1:
1) In the entries into and exits from licensed storage facilities, the storage licensees;
2) Other than the exemptions contained in the third paragraph, in the other sales performed within the scope of market activities, the sellers.
In the case of blending; the name of the blended product and the blending ratio shall be specified in and the note "After the blending, the liquid fuel is in conformity with the technical arrangements" shall be added into the analysis report, and the statement shall be undersigned by the relevant licensees.
(Paragraph as amended by: O.G.-31/12/2014-29222) Storage licensees may request the persons -who wish to receive storage services- to submit a petroleum procurement-related analysis report, the production certificate or any similar documents. In case a difference is found between a quality value contained in the document submitted and a quality value contained in the analysis report issued by the licensed storage undertaking prior to the delivery; the licensed storage undertaking may request the person concerned to have a verification report issued, which report shall determine -for the liquid fuel type- all the values pertaining to the characteristics contained in the relevant technical arrangement. In case the results specified in the analysis report or in the verification report are contrary to the technical arrangements, such request for storage shall be rejected.
In case they use a deposit tank, storage licensees may prepare the analysis reports at the time of transfers to their main tanks. Such liquid fuel shall not be kept in a deposit tank for a period longer than 3 days
(Paragraph as amended by: O.G.-31/12/2014-29222) The analysis report, specifying also the sealing information and the information on the storage where the sample has been taken, shall be undersigned by the laboratory officials and by the persons who are obliged to submit the report. The analysis reports or the documents referred to in the third paragraph

(5) This paragraph shall enter into force on 5/1/2010.

shall be enclosed with the customs declaration form at the customs entry point and shall, in other cases, be enclosed with the document necessary to be issued firstly under the Tax Procedure Law No. 213 of 4/1/1961. In national marker injections; the independent inspection firm shall specify, in the inspection firm's report, the date and issue number of the analysis report after checking the concluding remarks of the laboratory and the official name by taking the analysis reports as basis.

Upon complaints and notifications or within the scope of inspections, the examination report shall be prepared by the laboratory officials in consequence of the analysis carried out by the laboratory on the samples of the petroleum forwarded by the Authority itself or by the persons acting on behalf of the Authority.

The following shall be specified in the examination reports:

a) **(As amended by: O.G.-31/12/2014-29222)** For the liquid fuels in respect of which there are technical arrangements, all the characteristics set forth in those technical arrangements or those determined by the Board;

b) For other petroleum, the characteristics selected.

The analysis, examination and verification reports shall specify the date when the sample has been taken, the sample taking method and the name, surname, the employer company and title of the person who has taken the sample and/or delivered the sample to the laboratory.

(Paragraph repealed by: O.G.-31/12/2014-29222) As prepared by the Presidency of the Petroleum Market Department:

a) The formation, cancellation and modifications of the report forms,

b) The test methods contained in the technical arrangements

shall be announced on the web site of the Authority.

Laboratories

ARTICLE 11- (As amended by: O.G.-25/04/2007-26503)

Analyzes on the samples shall be carried out via fixed and mobile laboratories which are accredited in the relevant test methods by the Turkish Accreditation Agency or by the accreditation agencies which are known and have undersigned an international mutual recognition agreement.

(Paragraph as amended by: O.G.-31/12/2014-29222) The analysis, examination and verification reports shall be prepared by the laboratories which have the possibility and capability to implement all the test methods required for the liquid types associated with the reports. The laboratories which will prepare the analysis and verification reports may, for maximum two test methods in which they are not accredited, procure the service from other accredited laboratories, in which case the entire liability shall remain with those laboratories that will prepare the analysis and verification reports. However, the analysis reports containing the values pertaining to the characteristics specified in Table-1 may also be prepared by the laboratories accredited in all the test methods-for the relevant liquid fuel type-pertaining to the characteristics specified in Table-1.

Delivery samples (As added by: O.G.-23/10/2009-27385) [(6)]

ARTICLE 11/A- The rights and obligations related to taking, sealing, provision, keeping, recording of delivery samples pertaining to liquid fuels, including those considered as bunker, and related to any similar matters as well as the other principles and procedures shall be regulated by the Board.

Liquid Fuel Quality Monitoring System (Supplementary article: O.G.-25/6/2011-27975)

ARTICLE 11/B- Within the scope of the practices pertaining to the Liquid Fuel Quality Monitoring System, the principles and procedures for identifying the locations where the samples shall be taken, the liquid fuel types whose samples shall be taken, the number samples to be taken from the liquid fuel types released for free circulation in the market and the principles and procedures for reporting of the results shall be determined by the relevant Board decisions.

Measurements and calibrations

ARTICLE 12- In compliance with the principles and procedures specified in the other legislation issued in compliance with the Measurements and Calibration Law No. 3516, licensees are obliged to perform maintenance, calibration and inspection of the weighing machines, fuel pumps, counters, etc. equipment for supply and sales of petroleum and prepare reports for these purposes and keep those reports.

In case it is found that the weighing machines, fuel pumps and counters are erroneously calibrated or that the liquid fuel is short delivered due to breach of the provisions contained in article six, the licensees are obliged to compensate the losses and damages within the framework of the amount and quantity determined. In case a wrongful intention is found, the provisions of articles 19 and 20 of the Law shall apply.

Course and emergency lane

ARTICLE 13- Dangerous works, agricultural activities and settlements shall not be performed, if they may cause a risk within a course and emergency lane created within a distance of five hundred meters to the areas bordering licensed storages, refineries and facilities necessary for a pipeline, with a distance of one hundred meters on both sides of a transmission line.

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(6) This article shall enter into force on 01/04/2010 as per article 4 of the Regulation on Technical Criteria Applicable in the Petroleum Market published in the Official Gazette dated 23/10/2009 and Issue No. 27385, as amended by article 1 of the Regulation on Amendments to the Regulation on Technical Criteria Applicable in the Petroleum Market published in the Official Gazette dated 25/12/2009 and Issue No. 27443.

A course shall be created for transmission facilities. The minimum width of the land surface of the course shall not be less than fifteen meters to both edges of the pipeline.
The licensee shall take measures ensuring the facility's safety and security within the course. In addition:
a) use of machinery and devices touching a debt which is more than 30 cm in soil;
b) excavation, drilling, and construction of buildings;
c) use of vehicles -whose axle loads exceed 10 tons- outside the locations marked as passage;
shall not be performed without obtaining prior consent of the licensee.
An emergency lane shall be created for refineries, licensed storages and all transmission facilities. The emergency lane implementation shall start after the Course and Emergency Lane File is approved.
The emergency lanes shall be determined as:
a) maximum 85 meters on both sides of the pipe, starting from the course surface border in transmission facilities;
b) maximum 500 meters (for each), starting from outer wall for refineries or licensed storage facilities and the transmission lines' units located outside the pipeline;
however, shall not in any case exceed 100 meters starting from the pipeline center for transmission facilities.
Within transmission facilities emergency lane, starting from the center of the pipeline section:
a) drilling and excavation -other than hand excavating- up to a distance of 30 meters; and
b) up to a distance of 50 meters:
I) production and storage of combustible, flammable, explosive, abrasive substances;
II) use of combustible, flammable, explosive, abrasive substances, making a fire, in such quantity and quality which may damage the pipeline;
III) construction of buildings by using materials which may create an interaction with cathodic protection system;
IV) use of high and medium voltage substations;
V) making a change in the natural compositions of sea, lake and stream beds;
shall not take place without prior consent of the licensee.
Within emergency lanes of refineries or licensed storage facilities and transmission lines' units located outside the pipeline, up to a distance of 100 meters starting from outer wall:
a) production and storage of combustible, flammable, explosive, abrasive substances;
b) use of combustible, flammable, explosive, abrasive substances, making a fire in such quantity and quality which may damage the pipeline;
c) construction of buildings by using materials which may create an interaction with cathodic protection system;
d) use of high and medium voltage substations;
e) making a change in the natural compositions of sea, lake and stream beds;
shall not take place without prior consent of the licensee.
Emergency lanes shall be announced to the public by the facilities' owners before commencement of the activities.
In the creation of course and emergency lane, the provisions of the Law No. 2565 on Military Forbidden Zones and Military Security Zones are reserved.

Qualifications of and provision of training to the staffs in charge

ARTICLE 14- Licensees shall employ the staffs who have the qualifications and received the training required by their tasks, in the construction and operation of the facilities, and shall prepare and implement a program in such a content to cover the staffs' job definitions and training periods.
All the staffs in charge at the facilities shall be trained with respect to the states of emergency, the characteristics of inflammable liquids and gases, potential risks, firefighting and first aid. In addition, applied trainings shall be provided to the relevant staffs, which trainings shall relate to their assigned positions and be repeated in certain intervals.

Emergency response

ARTICLE 15- Licensees shall keep available the staffs, equipment, instruments and materials to be needed in the course of emergency and shall inform the relevant authorities of the potential risks and possibilities of response at the facilities. In the case of emergency, licensees may carry out emergency response activities, taking the safety measures in line with the related legislation.
Licensees shall ensure the coordination with local authorities so that the staffs and the people in the affected area are evacuated and that any other necessary measures are taken.

TEMPORARY ARTICLE 1- (As amended by: O.G.-29/12/2007-26741) (7)

In the implementation of this Regulation, for the liquid fuel types (including bunker), the laboratories which were granted accreditation at the rate of 40% as a minimum in number by the test methods contained in the relevant standard shall be considered as a laboratory accredited for the relevant liquid fuel type until 1/7/2008.

(7) This amendment shall enter into force on 1/1/2008

TEMPORARY ARTICLE 2- (As added by: O.G.-25/04/2007-26503)
Until 1/1/2015, in order to obtain Unleaded Gasoline 95 Octane (Containing Additive), the substances specified in the relevant technical arrangement may be added to Unleaded Gasoline 95 Octane by refining undertakings and distribution undertakings. In this case, the name "Unleaded Gasoline 95 Octane", registered in the customs declaration form or contained in the invoice issued by the domestic producer, shall be changed to "Unleaded Gasoline 95 Octane (Containing Additive)".
After the process, the unit quantity added and the note "The liquid fuel is in conformity with the technical arrangements, after addition of …" shall be inserted into the analysis report, and the statement shall be undersigned by the distribution undertaking licensees.
TEMPORARY ARTICLE 3- (As added by: O.G.-25/04/2007-26503)
In case an application is filed with the Authority for the laboratories operated by the persons who are obliged to prepare analysis reports, the Authority may grant exemption from the provisions of article 11, for a period not exceeding 1/7/2008. In order for filing of an application for an exemption valid in the analysis reports to be prepared in the name of the demandant only, it is mandatory to be documented that the demand of accreditation for the relevant test methods is being evaluated by an accreditation agency.
TEMPORARY ARTICLE 4- (Article added by: O.G.-31/12/2014-29222)
The standards, which were published by the Turkish Standards Institute, however, not transformed into a technical arrangement yet by the Authority on the effective date of this article, shall be deemed to have been transformed into a technical arrangement on the effective date of this article.
Effectiveness
ARTICLE 16- This Regulation shall enter into force on the date of its publication, to become effective as from 20/12/2004.
Execution
ARTICLE 17- The provisions of this Regulation shall be executed by the President.

REGULATION ON TECHNICAL CRITERIA, ANNEX-1

Table-1 (As added by: O.G.-31/12/2014-29222)

									Marine Fuels
Characteristic		**Benzine Types**	**Diesel Oil Types**	**Fuel Oil Types**	**Gas Oil**	**Combustible Naphtha**	**Biodiesel**	**Distilled**	**Residual**
Density		+	+	+	+		+	+	+
Sulphur		+	+	+	+	+	+	+	+
Appearance		+			+	+		+	
Boiling Point	Starting					+			
	Ending	+				+			
Distillation	250 C		+						
	350 C		+						
	End point				+				
	Temp. in 95%		+						
	Temp. in 50%					+			
	Temp. in 10%				+				
	Distillation Ratio					+			
	Residual Ratio	+				+			
Evaporation Percentages (E70, E100, E150)		+							
Vapor Pressure		+							
Viscosity				+				+	+
Water			+	+			+	+	+
Cetane Index			+						
Flashpoint			+		+		+		
Total Pollutant			+						
Cold Filter Plugging Point			+				+		
Color					+	+			
Acid number							+		
Ester							+		

	Of the Official Gazette in which the Regulation on Technical Criteria Applicable in the Petroleum Market was published	
	Date	**Issue**
	10/9/2004	25579
	Of the Official Gazettes making amendments or additions to the Regulation on Technical Criteria Applicable in the Petroleum Market	
	Date	**Issue**
1.	21/12/2004	25677
2.	24/6/2005	25855
3.	9/1/2007	26398
4.	25/4/2007	26503
5.	29/12/2007	26741
6.	22/6/2008	26914
7.	23/10/2009	27385
8.	1/4/2010	27539
9.	25/6/2011	27975
10.	31/12/2014	29222

REGULATION ON IMPLEMENTATION OF NATIONAL MARKER

It was published in the Official Gazette Dated 12 April 2006 and Issue No. 26137.

REGULATION ON IMPLEMENTATION OF NATIONAL MARKER IN THE PETROLEUM MARKET

PART ONE
Objective and Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) The objective of this Regulation is to determine the principles and procedures regarding addition of national marker to the liquid fuel to be marketed in the Country.
(2) This Regulation covers the principles and procedures regarding supply and delivery, on behalf of the Authority, of national marker to be added to the liquid fuel to be marketed in the Country and the principles and procedures necessary to be followed by licensee legal persons that are obliged to add national marker to the liquid fuel.
Legal basis
ARTICLE 2- (1) This Regulation has been prepared on the basis of article 18 of the Petroleum Market Law No. 5015.
Definitions
ARTICLE 3- (As amended by: O.G.-05/05/2007-26513)
(1) The following terms, referred to in this Regulation, shall have the following meanings:
a) Liquid fuel: Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, jet fuel, diesel oil types, fuel oil types and biodiesel;
b) Related licensee legal person: Refining undertaking, distribution undertaking and bunker delivery licensee legal persons that are obliged to add national marker to the liquid fuel they will market in the Country, in accordance with the provisions of the related legislation;
c) **(As amended by: O.G.-19/7/2013-28712)** Illegal liquid fuel: Liquid fuel that is considered as being illegal in the sense of the provisions of the Anti-Smuggling Law No. 5607 of 21/3/2007;
ç) Law: Petroleum Market Law No. 5015 of 4/12/2003;
d) Board: Energy Market Regulatory Board;
e) Authority: Energy Market Regulatory Authority;
f) Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;
g) **(As amended by: O.G.-19/7/2013-28712)** National marker: Chemical product which has the quality not damaging the characteristics of the liquid fuel and which shall be added to the liquid fuel at the refinery exit point or at the customs entry point, or shall be added to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use;
h) **(Added by: O.G.-28/5/2008-26889) (As amended by: O.G.-19/7/2013-28712)** Independent inspection firm: Entities which are empowered by the Authority and are accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker and which will be assigned by the related licensees;
ı) **(Added by: O.G.-19/7/2013-28712)** Inspection authorization certificate: Certificate granted to independent inspection firms by the Authority.

PART TWO
Provisions Regarding National Marker

Supply and delivery of national marker
ARTICLE 4- (1) The national marker implementation activities -regarding supply and delivery, on behalf of the Authority, of national marker control devices and national marker to the related licensee legal persons, to be added to the liquid fuel- may be carried out by the Authority through the channel of public institutions and organizations and private entities in whole or in part.
(2) The principles and procedures regarding national marker implementation activities and delivery of national marker to the related licensee legal persons shall be determined by the relevant Board decisions.

National marker value and letter of guarantee
ARTICLE 4/A (Added by: O.G.-12/6/2015-29384)
(1) **(As amended by: O.G.-28/12/2018-30639)** National marker value is an amount corresponding to all kinds of taxes arising from quantity of liquid fuel that can be marked with the quantity of national marker which was stolen, which became lost and/or ran to waste. The liquid fuel, which is taxable in the highest amount amongst the average vendor prices declared by eight distributor companies having the highest trading volume, as published on the web site of the Authority, from among the liquid fuel types to which it is prescribed to add national marker in the Marketing Projection of the relevant year declared to the Authority by the licensee, shall be taken as basis in calculating national marker value. This average price shall be updated on the first day of every month, and the national marker security amounts shall be calculated on the basis of this price for a month. In case the delivered national marker was stolen, became lost and/or ran to waste; the average vendor price, effective within the month when the incident took place or when the incident was found, shall be taken as basis in calculating national marker value. In cases where it is not possible to calculate the national marker value by means of the above method; the liquid fuel, which is taxable in the highest amount amongst the average vendor prices, declared by eight distributor companies having the highest trading volume, shall be taken as basis while calculating the national marker value.
(2) The related licensee who will request for national marker shall submit to the Authority a letter of guarantee in the amount to be determined by the Authority and to be issued in compliance with the Annex-1. In case the related licensee does not submit the letter of guarantee to the Authority, the related licensee's requests for national marker shall not be fulfilled. The national marker stock being kept by the related licensee and the amount of national marker requested shall be taken into consideration in calculating the amount of the letter of guarantee to be submitted to the Authority. It is a principle that the amount of the letter of guarantee meets the value of national marker which is requested and is available in the stock kept by the related licensee. The amount of guarantee shall be calculated in the same way as the national marker value referred to in the first paragraph of this article and shall not exceed 50,000,000 (fifty million) Turkish Liras.
(3) In case it is documented that the received national marker has been used or returned, the letter of guarantee shall be returned upon the related licensee's request.
Liquid fuel types to which national marker shall be added
ARTICLE 5- (As amended by: O.G.-29/12/2012-28512)
Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, diesel oil types and biodiesel shall be the liquid fuel types to which national marker shall be added. National marker shall not be added to the reference test fuels which are included in the scope of national marker implementation and are supplied from abroad for R&D and testing purposes, provided that the relevant permission is obtained from the Authority and that the matter is then documented.
Addition of national marker
ARTICLE 6- (1) (As amended by: O.G.-19/7/2013-28712) By the related licensee legal persons under the supervision of an independent inspection firm and in the characteristics and conditions to be determined by the Authority, national marker shall be added to the liquid fuel to be marketed in the Country, to the liquid fuel at the refinery exit point or at the customs entry point, to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use. **(Supplementary sentences added by: O.G.-12/6/2015-29384)** At the customs entry points, the process "addition of national marker" may be carried out only by the licensees that have completed the import transactions. However, in cases where national marker could not be added due to expiration or cancellation of the license, despite the import has been realized; the matter shall be evaluated by the Board, if the national marker application is filed.
(2) **(As amended by: O.G.-12/6/2015-29384)** In case the delivered national marker was stolen, became lost and/or ran to waste, the value of the national marker that was stolen, became lost and/or ran to waste shall be transferred to the Authority's account by the related licensee; with the exception of national marker losses which are not possible to be recovered and have taken place in consequence of technical failures occurred -during the process "addition of national marker"- in the injection equipment installed at their facilities and with the exception of force majeure events and provided that the matter has been determined in a record to be prepared by an independent inspection firm and that due care has been exercised and necessary measures have been taken by the related licensee. Without submitting to the Authority, the document stating that the national marker value has been transferred to the Authority's account; the related licensee shall not be given national marker again.
(3) **(As added by: O.G.-12/6/2015-29384)** The value of the national marker which was stolen, became lost and/or ran to waste, shall be transferred to the Authority's account by the related licensee within 7 business days following the notification to be made by the Authority. In case the related licensee has not submitted to the Authority the document related to the transfer of the national marker value or has not transferred the national marker value to the Authority's account within 7 business days, the related licensee's letter of guarantee shall be converted into cash in such an amount corresponding to the national marker value. In case the related licensee submitted more than one letter of guarantee to the Authority, the letter of guarantee bearing the oldest date and sufficient to cover the national marker value shall be

converted into cash. In case the amount of the letter of guarantee, converted into cash, does not cover the national marker value; a term of 3 business days shall be granted to the related licensee in order that the related licensee transfers the balance amount of the national marker value to the Authority's account. The provisions of the Law No. 6183 on the Collection Procedure of Public Receivables shall apply in case the value has not been paid by the related licensee.
(4) Related licensee legal persons may add their own markers to the liquid fuel, provided that they inform the Authority and that the addition is in compliance with the related and other legislation. However, it is mandatory that such marker bears the characteristics not causing any interactions with national marker.

Obligations

ARTICLE 7- (1) Related licensee legal persons shall have the following obligations:
a) To take measures necessary for the delivered national marker not to be stolen, not to become lost and/or not to run to waste;
b) As regards the injection equipment to be installed at their facilities, to procure and install such automatic dose-rate controlling injection equipment having the technical features allowing for additions (injections), whereby accurate, sensitive and traceable measurement results can be generated, at the places and in the conditions determined in conformity with the characteristics specified in the Regulation on Technical Criteria Applicable in the Petroleum Market, and to ensure the safety in operation;
c) **(As amended by: O.G.-19/7/2013-28712)** To take measures necessary for safety of life and property and for environmental and human health during addition of national marker;
ç) To have their injection devices and national marker addition points registered in their licenses;
d) To take all kinds of safety and security measures against any possible interferences to the injection equipment; and
e) To have the injection equipment's setting and calibration operations performed in a timely manner and in traceability chain.
(2) **(Amended by: O.G.-29/12/2012-28512) (As amended by: O.G.-17/2/2018/30335)** Processing licensees performing biodiesel production activities and storage licensees in whose facilities the process "addition of national marker" shall be carried out, are obliged to perform those determined in the subparagraphs (b), (c), (ç), (d) and © of the first paragraph.
(3) **(Added by: O.G.-05/05/2007-26513) (Repealed by: O.G.-29/12/2012-28512)**

National marker control

ARTICLE 8- (As amended by: O.G.-29/12/2012-28512)
(1) The control of whether or not the national marker -in the adequate level and conditions- is contained in the ethanol to be blended to the benzine types to which national marker is added or in the liquid fuel to which national marker is added by related licensee legal person may be carried out by the Authority's personnel or by the persons authorized on behalf of the Authority.

Independent inspection firms

ARTICLE 8/A- (As added by: O.G.-19/7/2013-28712)
(1) The principles and procedures regarding obligations of independent inspection firms, grant of inspection authorization certificates to these firms and cancellation of these certificates shall be determined by the relevant Board decisions.

PART THREE
Temporary and Final Provisions

Postponement of the implementation for certain products

TEMPORARY ARTICLE 1- (As amended by: O.G.-29/12/2012-28512)
(3) The provisions this Regulation shall not apply to naphtha and gas oil until 1/7/2013.

Those to be considered as independent inspection firm until 31/12/2008

TEMPORARY ARTICLE 2- (Added by: O.G.-28/5/2008-26889) (Repealed by: O.G.-29/12/2012-28512)

Abrogation

ARTICLE 9- (1) The Regulation on the Principles and Procedures Regarding Implementation of National Marker in the Petroleum Market, published in the Official Gazette dated 17/11/2004 and issue no. 25643, is hereby repealed.

Effectiveness

ARTICLE 10- (1) Article 6 of this Regulation shall become effective on such date to be determined by the relevant Board decision, which date shall not be later than 1/1/2007, and the other articles of this Regulation shall become effective on the date of its publication.

Execution

ARTICLE 11- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Board.

Annex-1
(As added by: O.G.-12/6/2015-29384)

Sample Letter of Guarantee

LETTER OF GUARANTEE

TO THE PRESIDENCY OF
THE ENERGY MARKET REGULATORY AUTHORITY
OF THE REPUBLIC OF TURKEY
Muhsin Yazıcıoğlu Caddesi No: 51/C Yüzüncüyıl Çankaya/ANKARA

As our Bank guarantees TL …… (in figures and in words) being the amount of security which should be submitted to the Energy Market Regulatory Authority ("the Authority") by ……. ("the Company") that received the national marker to add to the liquid fuel to be marketed by the Company in the Country; we, in the capacity as the Bank's representatives and officials authorized to affix our signatures and for and on behalf of the Bank, do hereby irrevocably acknowledge, declare and make the commitment that, in case the Company gets the received national marker stolen, loses the received national marker and/or runs the received national marker to waste, under the provisions and conditions of the Petroleum Market legislation, we shall, unconditionally, forthwith and without delay upon your first written demand, pay the aforesaid amount to your Authority or to your order fully and in cash and together with the default interest to accrue between the date of demand and the date of actual payment, without it being necessary to draw up a protest, to obtain a court order and consent of the Company and notwithstanding any disputes or conflicts between the Company and the Authority and without taking into consideration the outcome and legal consequences of the same.

This letter of guarantee is definite, unlimited in time and out of limit.

……. BANKASI A.S.
THE ……. BRANCH

Names, surnames, titles and signatures of the Bank officials

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	12/4/2006	26137
	Of the Official Gazettes in which the Regulations amending the Regulation were published	
	Date	**Date**
1.	26/7/2006	26240
2.	10/10/2006	26315
3.	5/5/2007	26513
4.	30/11/2007	26716
5.	13/2/2008	26786
6.	28/5/2008	26889
7.	22/6/2008	26914
8.	17/12/2010	27788
9.	17/5/2011	27937
10.	29/12/2012	28512
11.	19/7/2013	28712
12.	12/6/2015	29384
13.	17/2/2018	30335
14.	28/12/2018	30639

Published in the Official Gazette dated 27/11/2013 and issue no. 28834

REGULATION ON PRINCIPLES AND PROCEDURES TO BE FOLLOWED IN PRELIMINARY INVESTIGATIONS AND INQUIRIES AND IN INSPECTIONS

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) The objective of this Regulation is to determine the principles and procedures regarding surveillance and inspection of the market activities concerning delivery, directly or after processing, of petroleum and lube oil supplied from domestic and foreign resources to consumers in a secure and economically competitive environment and is to determine the principles and procedures for imposition of sanctions.

Scope
ARTICLE 2- (1) This Regulation covers the principles and procedures to be followed in the inspections to be carried out in relation to the real and legal persons performing activities in the petroleum market and in respect of the inspection firms and to be followed in the preliminary investigations and inquiries to be carried out due to the activities, operations and/or transactions performed by these persons and firms in breach of the legislation provisions.

Legal basis
ARTICLE 3- (1) This Regulation has been prepared on the basis of the Law No. 4628 of 20/2/2001 on the Organization and Duties of the Energy Market Regulatory Authority and the Petroleum Market Law No. 5015 of 4/12/2003.

Definitions
ARTICLE 4- (1) The following terms, referred to in this Regulation, shall have the following meanings:
a) **Liquid fuel:** Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, jet fuel, diesel oil types, fuel oil types and biodiesel;
b) **President:** President of the Energy Market Regulatory Board;
c) **Presidency:** Presidency of the Energy Market Regulatory Board;
ç) **Department Head:** Head of the Inspection Department;
d) **Department:** Inspection Department;
e) **(As added by: O.G.-21/06/2019-30808) Temporary suspension:** Suspension of the activity being carried out, in case the breach of the legislation is not eliminated in spite of the warning or the act constituting the subject matter of the warning is repeated within 2 years or in case it is found that there are acts requiring, by their nature, the suspension of the activity;
f) **Inspection firm:** Independent inspection firm that is granted authorization in order to supervise the processes for addition of national marker;
g) **Crude oil:** Natural hydrocarbons produced from the ground in a liquid state;
ğ) **(As added by: O.G.-21/06/2019-30808) Warning:** The service of a notification upon the concerned person, which notification states that the breach of the legislation, which is possible to be cured by its nature and is found by the Board, should be cured within 30 days or should not be repeated;
h) **Related legislation:** Petroleum market-related Laws, regulations, licenses, communiques, circulars and Board decisions;
ı) **Illegal liquid fuel:** Liquid fuel that is considered as being illegal in the sense of the provisions of the Anti-Smuggling Law No. 5607 of 21/3/2007;
©) **Law:** Petroleum Market Law No. 5015 of 04/12/2003;
j) **Consumer:** Real or legal persons utilizing petroleum;
k) **Authority:** Energy Market Regulatory Authority;
l) **Board:** Energy Market Regulatory Board;
m) **Lube oil:** Natural or artificial materials turned into substances which reduce friction and/or abrasion between two moving and contacting surfaces or has cooling effect, upon addition of certain additives to base oil or to the materials processed with chemical synthesis method;
n) **Petroleum:** Liquid fuel, crude oil and products;
o) **Market:** The market comprising of supply and sales, refining, processing, storage, transmission, bunker delivery, transportation, distribution, vendor activity, utilization of petroleum and the operations and processes associated therewith;

ö) **Witness sample:** Sample which is taken by an inspection officer in cases where it is necessary to carry out a test or an analysis and shall be resorted to, in the event that the sample -sent for test, analysis and/or to a certification body- is lost or that an objection is raised against test results and which is kept under suitable conditions by the laboratory that performed the analysis;
p) **Technical arrangement:** All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;
r) **National marker:** Chemical product which has the quality not damaging the characteristics of the liquid fuel and which shall be added to the liquid fuel at the refinery exit point or at the customs entry point, or shall be added to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use;
(As amended by: 04 January 2017, No.: 29938, Art. 1) p) **Specialist:** Energy specialist who is a professional staff and whose admittance to the profession, proficiency exam, assignment, education, duties, powers and responsibilities are regulated by the Regulation on the Professional Staffs of the Energy Market Regulatory Authority published in the Official Gazette dated 3/9/2015 and issue no. 29464 and by the seventh paragraph of article 9 of the Law No. 4628 on the Organization and Duties of the Energy Market Regulatory Authority and by the supplementary article 41 of the Civil Servants Law No. 657 of 14/7/1965;
s) **Assistant Specialist:** Energy Assistant Specialist;
(Added by: 04 January 2017, No.: 29938, Art. 1) s) **Management Services Specialist:** The personnel referred to in the subclause (1) of the subparagraph (b) of the first paragraph of article 5 of the Regulation on the Promotions of and Title Changes for the Personnel of the Energy Market Regulatory Authority, published in the Official Gazette dated 28/5/2014 and issue no. 29013.

(2) Other terms and concepts, which are referred to, however, are not defined in this Regulation, shall have the meanings and scope provided by the related legislation.

PART TWO
Principles and Procedures Regarding Inspections

Inspection
ARTICLE 5- (1) "Inspection" represents the works performed to examine whether or not the petroleum market related-activities and accounts of the real or legal persons involved in the petroleum market are in compliance with the provisions of the related legislation and to research whether or not the petroleum and lube oil released to the market by these persons are in conformity with the technical arrangements, and through imposition of the necessary sanctions stipulated by the related laws in case faults, contradictions, irregularities and abuses are found.

Conduct of inspections
ARTICLE 6- (1) The Authority shall carry out inspections on the market activities by means of its own personnel or by means of the personnel of other public institutions and organizations when necessary.

(2) The authorizations and obligations indicated in articles 7, 8 and 9 and the principles set forth in article 10 shall also apply to the other public institutions and organizations which are granted the authorization to carry out inspections on behalf of the Authority.

Obligations of the real or legal persons being inspected
ARTICLE 7- (1) The real or legal persons being inspected shall have the following obligations:
a) To submit to the Authority's inspection the records related to their business, facilities and investments and their statutory books and legal documents and certificates;
b) To ensure that all kinds of commodities associated with market activity are examined and that samples are taken from those commodities;
c) To submit originals of any documents, certificates, books and information in relation to the market activities as deemed necessary by the Authority's personnel in charge of inspections and to submit their copies in a timely manner if requested and to provide a convenient working environment for the personnel;
ç) When requested, to provide written and/or verbal information and/or to undersign the records; and
d) To make their accounts, processes, transactions, financial statements and internal control systems ready and convenient for inspections.

(2) The real or legal persons being inspected are not entitled to abstain from provision of information, documents, certificates and samples on the grounds of confidentiality.

Authorizations of the Authority's personnel performing inspections
ARTICLE 8- (1) The Authority's personnel in charge of performing inspections shall have the following authorizations:
a) **(As amended by: O.G.-21/06/2019-30808)** To examine all kinds of commodities associated with the market activity as well as the businesses and facilities for which they are in charge of performing inspections, to take samples from those commodities and to warn those facilities and businesses and seal temporarily those facilities and businesses if necessary or to suspend temporarily the relevant activities if they are granted such authorization;
b) To request for submission and provision of any documents, certificates and information deemed necessary, to review statutory book records, to take copies from those records and to perform on-site examinations;
c) To request for provision of relevant written or verbal information and to prepare the necessary records;
ç) To request information and documents from public institutions and organizations and from private entities in cases where their duties so require;
d) To submit their opinions and recommendations to the Authority and to carry out examinations and researches about the matters falling into their areas of responsibility and within the framework of the needs emerged in the implementation of the related legislation; and
e) To request assistance from civil authorities, law-enforcement officers and other public institutions and organizations in cases where their duties so require.

Obligations of the Authority's personnel performing inspections
ARTICLE 9- (1) The Authority's personnel in charge of performing inspections shall have the following obligations:
a) To keep -within the period required by their works- the books, documents and certificates delivered to them by the real or legal persons concerned and to return those books, documents and certificates following the completion of their works;
b) As regards the information of confidential nature among the information they accessed due to inspection activities, not to disclose such confidential information to any persons and entities other than the persons and entities authorized by the laws and not to use such confidential information directly or indirectly for their own benefit or for the benefit of third parties;
c) Not to insert notes into and not to make additions and corrections on book records and documents, other than the points required by the inspection; and
ç) At the venues where they carry out inspections, not to exhibit any behaviors that would harm the sense of trust and the reputation required by their duties and titles and not to intervene in the management.

Principles to be observed in inspections
ARTICLE 10- (1) The Authority's personnel, who are assigned with the duty of performing inspections, shall observe the following principles during the inspection activity:
a) During the inspection activity, to have an objective perspective in the evaluation of the results and in the preparation of the inspection report;
b) Not to allow any interventions that might affect their honesty and impartiality;
c) At all phases of the works and studies related to the inspection activity, to exhibit the care and meticulousness required by their duty;
ç) To comply with the generally accepted inspection principles and procedures as well as the inspection principles and procedures set forth in this Regulation; and
d) If, in the course of the inspection, they find any issues that might significantly affect the market in a negative way, to inform immediately the Authority of these issues without waiting for conclusion of the inspection activity.

On the part of the personnel who are assigned with the duty of performing inspections, the necessity to introduce themselves
ARTICLE 11- (1) The Authority's personnel who are assigned with the duty of performing inspections and the other public institutions' and organizations' personnel who are granted the authorization to perform inspections on behalf of the Authority have to introduce themselves to the official of the real person or legal person under inspection, by submitting to such official their identity certificates and/or assignment letters before they start performing their inspection duty.

(2) The personnel's assignment letter shall contain the purpose, scope and term of the inspection and the framework of the authorization.

Correspondence procedure
ARTICLE 12- (1) The Authority's personnel who are assigned with the duty of performing inspections shall, in cases where their duty so requires, exchange correspondence with the relevant persons, institutions and organizations through the channel of the Department while they are in charge at the headquarters of the Authority and directly while they are in charge outside the headquarters of the Authority. However, the correspondences to be sent to the central and foreign institutions of the Prime Ministry and the ministries and to be sent to foreign countries shall be carried out through the channel of the Authority.

(2) The other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority shall directly carry out the correspondences required by the inspections.

Submission of reports
ARTICLE 13- (1) The reports prepared by the Authority's personnel who are assigned with the duty of performing inspections, and the reports, records and letters in which it is determined that there is a breach of the legislation and which have been prepared by the other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority, shall be forwarded to the Department.

(2) The Department Head shall, together with his/her own relevant opinions, submit those reports, records and letters to the Presidency.

(3) The President shall put those reports, records and letters on the Board's agenda.

Sanctions
ARTICLE 14- (1) In case a breach of the legislation is found in the course of the inspections carried out by the Authority's personnel or by the other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority, actions shall be taken within the framework of the provisions contained in Part Four.

PART THREE
Denunciations and Complaints, National Marker Control, Sample Taking, Analysis and Sealing

Denunciations and complaints
ARTICLE 15- (1) Denunciations and complaints about market activities shall be submitted to the Authority directly or to the other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority.

(2) Consumer denunciations and complaints about the characteristics of lube oil and liquid fuel shall firstly be submitted to their sellers and/or those sellers' suppliers. If no reply is received for or a satisfactory reply is not received for such complaint within thirty days, the relevant application may be filed with the Authority, in which case the relevant correspondence shall also be enclosed with the application. Those who supply liquid fuel and lube oil not conforming to the technical arrangements are obliged to compensate and indemnify the losses and damages they caused against the consumers. In case of a disagreement between the parties about compensation and indemnification of the losses and damages, the provisions of the Consumer Protection Law and the other related legislation shall apply.

(3) In the letters of denunciations and complaints, it is necessary to indicate the complainant's name and surname, signature, T.R. identity number and business or residence address. The original or a photocopy of the sales note relevant to the denunciation or complaint as well as the information and documents associated with the previous relevant applications and transactions shall be enclosed with the letters of denunciations and complaints.

(4) Distribution undertakings are obliged to perform effectively the quality control monitoring related to the activities carried out under their registered trademark and to inspect whether or not their vendors carry out market activities in accordance with the exclusive purchase contracts signed within the framework of the related legislation and to set up and implement an inspection system in compliance with the principles determined by the Authority, which system shall also incorporate technical methods preventing sales of illegal liquid fuel on the part of their vendors, and are obliged to inform the Authority of the termination of the vendor activities, along with the relevant grounds, in case such termination takes place. Distribution undertaking licensees shall allow the access of the Authority to the inspection system. Distribution undertaking licensees are not entitled to supply liquid fuel to such vendors about which it is determined that a vendor inspection system is not set up or that the system, which has been set up, is not in conformity with the arrangements and/or regulations issued by the Authority. Distribution undertaking licensees are obliged to

monitor and evaluate the applications for complaint, received from consumers about the market activities carried out by distribution undertaking licensees. In no later than thirty days as from the application date, distribution undertaking licensees shall reply to such applications for complaint and perform the necessary transactions and operations, which replies shall be forwarded in writing or by electronic mails at the request of the consumer. The transactions, carried out in relation to the applications for complaints, shall be recorded by the distribution undertaking licensees and shall, at request, be submitted to the Authority by the distribution undertaking licensees.

(5) Upon the denunciation and complaint which has been put into process in result of the evaluation carried out by the Authority; if necessary, the sample shall be taken by the Authority's personnel or through the channel of the other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority and then, the accredited laboratory analysis shall determine whether or not the complaint-related liquid fuel and lube oil are in conformity with the technical arrangements.

(6) In the case that the subject matter of the complaint and denunciation is about nonconformity of the liquid fuel and lube oil with the technical arrangements and that the laboratory analysis, however, does not verify or confirm this allegation; such denunciation and complaint shall be removed from the process without putting it on the Board's agenda.

(7) Upon concrete denunciations and complaints about conduct of unlicensed market activities or about supply of illegal liquid fuel and upon the relevant notifications made by judicial or civil authorities, law-enforcement officers and other public institutions and organizations; the Authority's personnel may be assigned to participate in other inspections initiated by other authorities, and requests may, within the scope of the protocol, be submitted to the other public institutions and organizations that are granted the authorization to perform inspections on behalf of the Authority. If the personnel who are assigned with the duty of performing inspections reach serious indications that unlicensed market activities are carried out or that illegal liquid fuel is supplied, upon their own findings or upon the findings by the denouncer or by the complainant or upon the findings by the authorities that made the notification; those personnel shall suspend those activities or the supply of those products, temporarily through sealing. In this regard, under article 13 of the Law; they may, if necessary, request judicial and civil authorities to impose sanctions. The relevant transactions, carried out, shall be put on the Board's agenda in the first place. The Board may decide that the relevant preliminary investigation and/or inquiry be initiated, if found necessary by the Board.

(8) In case it is found that there are transactions and/or operations constituting a crime under the other legislation, the circumstance shall be notified to the relevant authorities as soon as possible.

National marker control, sample taking, test and analysis

ARTICLE 16- (1) In the course of inspections, preliminary investigations and inquiries, if deemed necessary, national marker controls shall be performed by means of mobile control devices and/or samples shall be taken in order to carry out test and analysis. In relation to such national marker control performed by means of mobile control devices, a National Marker Fact-Finding Record whose sample form is contained in Annex-1 shall be prepared in three copies. One copy of this record shall be delivered to the related real or legal person, and one copy shall be kept within the body of the Authority in order to carry out transactions. If the marker control has been performed by the other public institutions and organizations which are granted the authorization to carry out inspections on behalf of the Authority, one copy of this record shall be kept at those public institutions or organizations that performed the inspection.

(2) In case it is found that the national marker does not meet the required conditions and is not in the required level, the sample shall be taken in order to carry out the analyses stipulated in the Regulation on Technical Criteria Applicable in the Petroleum Market, published in the Official Gazette dated 10/9/2004 and issue no. 25579. Meanwhile, temporary sealing shall be completed and the relevant criminal complaint shall be filed with the relevant Chief Public Prosecutor's Office for judicial proceedings. This circumstance shall not constitute an impediment against imposition of the administrative fines and administrative sanctions stipulated by articles 19 and 20 of the Law.

(3) Upon application by the personnel who are assigned with the duty of performing inspections, the Governorates are obliged to take the necessary measures in accordance with article 18 of the Law in the course of performing national marker control and taking samples.

(4) The quantity of the samples shall be determined and the form of and procedures for taking samples shall be as specified in the Standards adopted by the Turkish Standards Institute.

(5) By the structure and characteristics of the product, five samples shall be taken for diesel oil types and four samples shall be taken for other liquid fuel types, in which case one sample shall be kept as witness sample and the analyses

shall be carried out according to the type of the product, provided that the bounds required by the tests and analyses are not exceeded. For the samples taken, the Sample- Taking Record whose form is indicated in Annex-2 shall be prepared in three copies. One copy of this record shall be delivered to the related real or legal person, and one copy shall be kept within the body of the Authority in order to carry out transactions. If the sample-taking activity has been performed by the other public institutions and organizations which are granted the authorization to carry out inspections on behalf of the Authority, one copy of this record shall be kept at those public institutions or organizations that performed the inspection.

(6) The samples shall be sealed in such a way that they cannot be opened without unsealing, and the Sample Label whose form is indicated in Annex-3 shall be placed on the samples in such a way to indicate that the label is associated with the record.

(7) Of the samples taken, one sample shall be delivered to the related real or legal person. The remaining samples shall be delivered to the laboratory together with the Sample Delivery Record whose form is indicated in Annex-4, in no later than five business days as from the sample-taking date. The laboratory shall keep the witness sample in its capacity as depository. The witness sample may be destroyed in case any relevant judicial or administrative investigations are not initiated within ninety days following the issuance date of the test and examination report. In case a judicial or an administrative investigation is initiated, the witness sample shall be kept by the laboratory until such time as the investigation and judicial processes are completed.

(8) The samples shall be analyzed by the fixed or mobile laboratories accredited by accreditation agencies. Within the framework of the provisions contained in the Regulation on Technical Criteria Applicable in the Petroleum Market, the analyses shall be carried out on the samples delivered to the laboratory. Within fifteen days, the laboratory shall carry out the analyses in such a way that the characteristics of the sample remain unchanged, and shall determine the result in a report. The laboratory shall keep one copy of the report. Of the other two copies, the laboratory shall post one copy to the unit -that has taken the sample- in order to be delivered to the related real or legal person and one copy to the Authority for necessary action, within three business days at the latest.

(9) The costs of the tests and analyses carried out within the scope of the Law shall be borne by the Authority.

Sealing

ARTICLE 17- (1) In case it is found that the liquid fuel or the lube oil is not in conformity with the technical arrangements or that the national marker in the liquid fuel does not meet the required conditions and is not in the required level; their supply to the market shall be suspended temporarily through sealing and the transaction shall be put on the Board's agenda in the first place. The accredited laboratory analysis shall determine whether or not the liquid fuel or the lube oil is in conformity with the technical arrangements.

(2) In case the national marker level is found to be invalid in result of the measurement performed by means of mobile control device; temporary sealing shall be performed until the result is declared by the accredited laboratory, provided that such sealing is limited to the tanks and pumps, etc. where the sample -whose national marker level is found to be invalid- has been taken.

(3) In case the analysis report issued by the accredited laboratory determines that the national marker level in the sample is invalid, all kinds of facilities -except for refinery- shall be sealed and all the activities subject to the license shall be suspended temporarily until such time as the decision of non-prosecution or the court's decision becomes final.

(4) In case the analysis report issued by the accredited laboratory determines that the national marker level in the sample is valid; the temporary sealing shall be removed and it shall be ensured that the activities continue.

(5) As regards illegal liquid fuel which is defined in the Anti-Smuggling Law No. 5607 and not subject to national marker, in case such illegal fuel is found, all kinds of facilities -except for refinery- shall be sealed and all the activities subject to the license shall be suspended temporarily until such time as the decision of non-prosecution or the court's decision becomes final.

(6) In case such illegal liquid fuel is found in the context of vendor activity (without station) licensees' or bunker delivery licensees' activities subject to the license, which do not require a facility for their execution; all of their activities subject to the license shall be suspended temporarily until such time as the decision of non-prosecution or the court's decision becomes final and be announced on the Authority's web site. In case such illegal liquid fuel is found

in the context of bunker delivery activities of distribution undertaking licensees where the bunker delivery activity is registered in their licenses, which do not require a facility for their execution; all of their bunker delivery-related activities shall be suspended temporarily until such time as the decision of non-prosecution or the court's decision becomes final and be announced on the Authority's web site.

(7) In accordance with the procedure set forth in the paragraph (5), the sealing shall also be performed about the facilities having fixed or mobile tanks, mechanisms or equipment -contrary to those determined in the documents serving as the basis for the license- in such a way that enables to produce or sell illegal liquid fuel or fake national marker or associate them with any market activity.

(8) In case it is found that activities subject to license are carried out in the market without obtaining license, the facility or enterprise where the activity is carried out shall be sealed temporarily until such time as the relevant license is obtained or until such time as it becomes a facility to perform only the activities not requiring a license under the Law.

(9) **(As amended by: O.G.-21/06/2019-30808)** The licensee's relevant market activity may be suspended temporarily by the Authority or by the entities empowered by the Authority, due to the licensee's actions which result in unsafe act, or malicious intent, or require suspension of the activity by its nature.

(10) In relation to the sealing transaction, the Sealing Record whose sample form is indicated in Annex-5 shall be prepared in three copies. One copy of the Sealing Record shall be delivered to the related real or legal person and one copy shall be kept within the body of the Authority to perform transactions. If the sealing has been performed by the other public institutions and organizations that are granted the authorization to carry out inspections on behalf of the Authority, one copy of the record shall be kept at those public institutions and organizations. The sealing shall be announced to third parties through placement of the relevant plate at a visible place of the facility or the enterprise. All the relevant information and documents shall urgently be forwarded to the Authority.

(11) Should the case occur, the seals shall be removed by the Authority's personnel or by the other public institutions' or organizations' personnel who are granted the authorization to carry out inspections on behalf of the Authority. Before removing the seals, it shall be checked if the seals are proper and if the information displayed on the seals is accurate.

(12) In the case of unsealing by any individuals, other than the authorized persons; the Authority shall file the relevant criminal complaint with the relevant authority. The related provisions of the Turkish Criminal Code No. 5237 of 26/9/2004 shall apply to the officials of the real persons and legal persons that continue performing their activities in spite of license cancellation or sealing.

(13) In relation to sealing; under article 13 of the Law, if necessary, judicial and civil authorities shall be requested to impose sanctions.

Case of absence, or refusal to undersign the records
ARTICLE 18- (1) In the inspections, preliminary investigations and inquiries, if the related real or legal person, their responsible official or representative are not present while the marker control, sample-taking and sealing records are being prepared or if they abstain from undersigning these records; those records shall be undersigned by the personnel who are assigned with the duty of performing inspections and then, one copy shall be delivered to the persons concerned. If the persons concerned abstain from undersigning the copy or if they are not present, the record shall be served in accordance with the provisions of the Notifications Law No. 7201 of 11.02.1959.

PART FOUR
(As amended by: O.G.-21/06/2019-30808) Principles and Procedures Regarding Preliminary Investigations and Inquiries

(As amended by: O.G.-21/06/2019-30808) Warning, temporary suspension and license cancellation
(As amended by: O.G.-21/06/2019-30808) ARTICLE 19- (1) In case actions are committed about the licensee persons in breach of the Law, the secondary legislation, the license provisions or the Board decisions; the persons concerned shall, for the actions possible to be cured by their nature as determined by the Board, shall be warned by the Authority or the entities authorized by the Authority, that the breach should be eliminated within thirty days and/or that the breach should not be repeated and that, otherwise, the relevant temporary suspension may be performed; and the circumstance shall be recorded in writing or by means of the relevant record.

(2) The Authority or the relevant entity shall determine whether or not the action in breach of the legislation has been eliminated, within the warning term granted, upon the notification to be made by the person concerned, or at the end of the warning term, if the notification has not been made.

(3) The relevant market activities of those who continue the circumstance -i.e. the circumstance in breach of the legislation- at the end of the warning term granted shall be suspended temporarily for a period of sixty days. In case the breaches determined have not been eliminated at the end of the temporary suspension period, the suspension of the activity shall continue and the relevant inquiry shall be initiated. Until such time as the inquiry is concluded or the breach of the legislation is eliminated, the suspension of the activity shall continue and the necessary administrative sanctions shall be imposed. During the temporary suspension period, no market activity shall be carried out, other than the activities related to the elimination of the circumstance that causes suspension of the activity and related to the prevention of occurrence of a loss or damage against the products or of an unsafe act or malicious intent.

(4) In case the action, possible to be cured by its nature, has been repeated within two years as from the date that it was found, the relevant market activity shall be suspended temporarily for a period of sixty days without applying the warning process. In case the breaches found have not been eliminated at the end of the temporary suspension period, the suspension of the activity shall continue, the relevant inquiry shall be initiated and the necessary administrative sanctions shall be imposed.

(5) In case the circumstance in breach of the legislation ceases to exist after the temporary suspension, the temporary suspension shall be terminated.

(6) The warning processes shall be carried out by the relevant Departments or by the entities empowered by the Authority. However, the processes for temporary suspension and termination of temporary suspension shall be performed by the Inspection Department or by the entities -empowered by the Authority- under the coordination of the Inspection Department.

(7) License cancellations shall be resolved depending on the result of the inquiry to be carried out by the Authority. In case a final verdict of conviction has been received from the courts in relation to smuggling acts, the transactions related to the cancellation of the existing license shall – notwithstanding the provisions of this Regulation- be performed by the relevant Department that conducts the license transactions.

(8) The temporary suspension transactions, which will be conducted under this article, shall be performed in accordance with the principles mentioned in article 17. In cases that do not require a facility for execution of the activity, the temporary suspension transaction shall be performed by making the relevant announcement on the web site of the Authority.

Preliminary investigation and inquiry

(As added by: O.G.-21/06/2019-30808) ARTICLE 19/A- (1) On its own initiative or upon the denunciations or complaints received by the Board, the Board may decide directly for initiation of an inquiry or for conduct of a preliminary investigation in order to determine whether or not initiation of an inquiry is necessary, about the relevant persons, due to the activities, operations or transactions performed in breach of the Law, the liquid fuel smuggling-related provisions prescribed in the Anti-Smuggling Law No. 5607, the secondary legislation, the license provisions, the Board decisions by the real or legal persons performing activities in the petroleum market, or due to the actions not possible to be cured by their nature or due to the activities, operations or transactions that they have not corrected in spite of the temporary suspension transaction performed within the scope of article 19. The Board's powers for initiation of preliminary investigations and inquires may be transferred to the Presidency or to the Department by the Board.

(2) In case it is decided that a preliminary investigation be carried out, the preliminary investigation shall be conducted by means of the Specialist and/or Assistant Specialists assigned by the Department Head or under the coordination of the Department by means of Management Services Specialists as coordinated by the Specialist. When necessary, a preliminary investigation may also be conducted by means of the Department Head or the Group President. In case of need, Specialists and/or Assistant Specialists and Management Services Specialists from the other service departments of the Authority may also be assigned upon approval of the President. If necessary, the Department Head is entitled to request the relevant service departments to deliver their written opinions about the matter.

(3) The Authority's personnel who are assigned with the duty of performing preliminary investigation shall submit a preliminary investigation report to the Department in no later than thirty days as from the date of assignment, which report shall contain the information and evidence they obtained and their opinions about the matter.

Conclusion of preliminary investigation
(As amended by: 04 January 2017, No.: 29938, Art. 3) ARTICLE 20- (1) The preliminary investigation report shall be put on the Board's agenda in the first place by the President. The Board shall evaluate the report and then, decide that an inquiry shall be initiated or shall not be initiated. In the case of such transfer of authority by the Board, the preliminary investigation report shall be evaluated by the President or the Department Head and then, it shall be decided that an inquiry shall be initiated or shall not be initiated.

(As amended by: O.G.-21/06/2019-30808) Initiation of inquiry
ARTICLE 21- (As amended by: 04 January 2017, No.: 29938, Art. 4) (1) If, directly or in consequence of the preliminary investigation, it is decided that an inquiry shall be initiated; the inquiry shall be conducted by means of the Specialist and/or Assistant Specialists assigned by the Department Head or under the coordination of the Department by means of Management Services Specialists as coordinated by the Specialist. When necessary, an inquiry may also be conducted by means of the Department Head or the Group President. In case of need, Specialists and/or Assistant Specialists and Management Services Specialists from the other service departments of the Authority may also be assigned upon approval of the President. If necessary, the Department Head is entitled to request the relevant service departments to deliver their written opinions about the matter.

(**As amended by: 04 January 2017, No.: 29938, Art. 4)** (2) The inquiry report shall be completed in no later than six months as from the date of the decision for initiation of the inquiry. A time extension up to three months may be granted by the Department Head for one time only, in cases where deemed necessary.

(Third paragraph repealed by: O.G.-21/06/2019-30808)
(Fourth paragraph repealed by: O.G.-21/06/2019-30808)
(Fifth paragraph repealed by: O.G.-21/06/2019-30808)

Collection of evidence
ARTICLE 22- (1) The Authority's personnel who are assigned with the task of performing inquiry shall have the power to request for any necessary information about the matter and to carry out on-site examinations. They are entitled to request the related persons, institutions and organizations to submit any necessary information, documents and samples, they are entitled to obtain originals and/or copies of these items, they are entitled to prepare the necessary records and to request for written or verbal explanations about the matter.

(2) The related persons, institutions and organizations are obliged to submit all kinds of books, documents, information and samples as requested.

(3) At the inquiry phase, the real or legal person allegedly in breach of the provisions of the related legislation may at any time submit to the Authority all kinds of information and evidence that might affect the relevant decision.

Service of the report, and defense
ARTICLE 23- (As amended by: 04 January 2017, No.: 29938, Art. 5) (1) The inquiry report, prepared by the Authority's personnel who are assigned with the duty of performing the inquiry, shall be forwarded to the Department. In case the report finds that there is a breach of the provisions of the related legislation, the Department Head shall serve a copy of the report on the real or legal person about whom the inquiry is carried out. Even if the inquiry report does not find that there is a breach of the provisions of the related legislation; the Board may, at any phase of the inquiry, request that real or legal person to submit the defense about the matter. The measures necessary for protecting identification of the denouncers and complainants and for protection of third parties' trade secrets shall be taken in the report to be served on the real or legal person about whom the inquiry is carried out.

(As amended by: 04 January 2017, No.: 29938, Art. 5) (2) In the letter of notification about the inquiry report, namely in the cover letter of the inquiry report, a term of thirty days shall be granted to the real and legal person about whom the inquiry is performed and thereby, the real or legal person shall be requested to forward to the Authority the written defense about the matters established in the report. In case the real or legal person requests for a time extension to submit the defense, the Department Head may grant a time extension up to fifteen days. If the defense is not submitted within the stipulated period of time, it shall not be taken into consideration.

(3) About the written defense timely submitted to the Authority by the real or legal person about whom the inquiry is carried out, additional opinions -if any- shall be received from the Authority's personnel who are assigned with the duty of performing the inquiry. The Department Head shall serve these additional opinions upon the real or legal person about whom the inquiry is carried out. The person concerned is entitled to submit replies to these opinions within fifteen days.

(4) The Department Head shall submit to the Presidency an inquiry file comprising of the inquiry report prepared, the written defense submitted by the real or legal person about whom the inquiry is carried out, the defense-related additional opinions -if any- received from the Authority's personnel who are assigned with the duty of performing the inquiry, the defense -if any- submitted by the concerned person about these additional opinions and the Department Head's own opinions about all these items.

(5) The President shall put the inquiry file on the Board's agenda in the first place.

Board decision
ARTICLE 24- (1) In consequence of the reviews and evaluations carried out by the Board on the subject matter of the inquiry, the Board shall render its decision notwithstanding the inquiry report.

(2) In the case that the inquiry report finds a breach of the provisions of the related legislation and that this finding is also established conclusively by the Board, it shall be decided that the fines and sanctions stipulated by the related laws be imposed.

(Third paragraph repealed by: O.G.-21/06/2019-30808)

(Amended by: 30 August 2014, No.: 29104, Art. 2) Initiation of the inquiry directly by receiving written defense
ARTICLE 25- (**Repealed by: O.G.-21/06/2019-30808)**

Cases where inspection reports may be treated as an inquiry report
(As amended by: 04 January 2017, No.: 29938, Art. 7) ARTICLE 26- (1) In case the Board or the President or the Department Head -if the Board has transferred this authority- determines that the breaches, found by the inspection reports issued in consequence of the inspections performed within the framework of the provisions contained in the Part Two and the Part Three of this Regulation, are evident in such a degree that does not require conduct of a further inquiry, it may be decided that the relevant inspection report be treated as an inquiry report. In this case, actions shall be taken within the framework of the provisions contained in articles 23 and 24.

Service of decisions, and collection of fines
ARTICLE 27- (1) A copy of the Board decision shall be served upon the real or legal person about whom the inquiry has been carried out.

(2) **(As amended by: O.G.-21/06/2019-30808)** In case the administrative fines are not paid in due time, it shall be ensured that they are collected through the channel of the relevant tax office.

(3) Within the statutory term, it is possible to take legal action against a Board decision before the competent Administrative Court as from the day following the date when the decision is served.

(4) **(As amended by: O.G.-21/06/2019-30808)** In case a legal action is taken against an administrative fine imposed within the scope of the Law, this case shall not suspend the collection processes, with the exception of submission of a bank letter of guarantee to the relevant tax office for the administrative fine.

PART FIVE
Miscellaneous and Final Provisions

Dates when the terms shall to run
ARTICLE 28- (1) The terms shall start to run as from the day following the date of announcement, publication or service upon the related real or legal person.

Notification/service
(As amended by: O.G.-21/06/2019-30808) ARTICLE 29- (1) All kinds of notifications to be served in relation to the implementation of this Regulation shall be made by the Authority firstly through the Electronic Notification addresses declared to the Authority by the persons whose licenses are effective. In case it is not possible to make such notification through the Electronic Notification Address for a compulsory reason, the notification made at the address declared to the Authority shall be deemed to be the service of the notification.

(2) The provisions of the Notifications Law No. 7201 shall apply to all kinds of notifications to be served on the persons who do not have a license or whose licenses have been terminated or cancelled. However, the notifications to be served by publication shall be published in the Official Gazette.

Application to judicial and administrative bodies
ARTICLE 30- (1) In case the Board, on its own motion or in result of the findings accessed at any phase of an ongoing inspection, preliminary investigation or inquiry, determines a breach of the provisions of the related legislation; the Board may render the decision of application to all kinds of judicial and administrative bodies, including filing of lawsuits and cases. Such decisions shall be notified to the proper authorities.

(2) Furthermore, the Authority may, in its capacity as intervening party, follow up the criminal cases filed about licensees or their officials in relation to market activities. The Authority may file any relevant criminal complaints and may also request judicial and civil authorities to impose sanctions, with regard to implementation of the legislation.

Cases for which there is no relevant provision in the Regulation
ARTICLE 31- (1) The provisions of the related legislation shall apply in the cases for which there is no relevant provision in this Regulation.

References
ARTICLE 32- (1) Any references made to the Regulation on Principles and Procedures to be followed in Preliminary Investigations and Inquiries and in Inspections to be Performed in the Petroleum Market, published in the Official Gazette dated 6/1/2005 and issue no. 25692, shall be deemed to have been made to this Regulation.

Regulation repealed
ARTICLE 33- (1) The Regulation on Principles and Procedures to be followed in Preliminary Investigations and Inquiries and in Inspections to be Performed in the Petroleum Market, published in the Official Gazette dated 6/1/2005 and issue no. 25692, is hereby repealed.

Effectiveness
ARTICLE 34- (1) This Regulation shall become effective on the date of its publication.

Execution
ARTICLE 35- (1) The provisions of this Regulation shall be executed by the President.

REGULATION ON PRINCIPLES AND PROCEDURES TO BE FOLLOWED IN PRELIMINARY INVESTIGATIONS AND INQUIRIES AND IN INSPECTIONS, ANNEXES

ANNEX-1: NATIONAL MARKER FACT-FINDING RECORD

Record Serial No.	
License No.	
Name/Trade Name of the Liquid Fuel Owner	
Address of the Liquid Fuel Owner	
Place where the control has been carried out (Pump, tank, tanker, pipeline, etc.)	
Kind/Type of the Liquid Fuel	
Date/hour when the control has been carried out	
Control Device No.	
Results of the Control	
Other Information	
Name of the Entity that has carried out the control	

In the presence of the liquid fuel owner, his official, representative or related personnel, the national marker control has been carried out by means of a mobile control device on the liquid fuel whose type and content are indicated above and then, the above results have been obtained. This record, which determines the circumstance, has been prepared in three copies and one copy has been delivered to the person concerned.
……; …/…/….

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Official/Representative/Personnel of the Real or Legal Person Inspected and Stamp of the Real or Legal Person Inspected**

NOTE: The report, obtained from the mobile control device, shall be signed and be enclosed with this record by the parties.

Official Observer's (If Any)
Name and Surname/Position/Title/Signature

ANNEX-2: SAMPLE-TAKING RECORD

Record Serial No.	
License No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
Address of the Place/Vehicle Registration Plate Number/Ship Register No./Tank Number/Wagon No., where the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline, etc.)	
Date/hour when the sample has been taken	
Kind/Type of the Sample Taken	
Quantity of the Sample Taken	
Total quantity of the product whose sample has been taken	
Reason(s) for the Sample-Taking	
Sample Label Serial No.	
Name of the Entity that has taken the sample	

In the presence of the its owner, his official, representative or related personnel, the samples (five samples for diesel oil types and four samples for other liquid fuel types) have been taken from the liquid fuel/lube oil whose type and content are indicated above and then, the samples have been sealed in such a way that they cannot be opened without unsealing. This record, which determines the circumstance, has been prepared in three copies, and one copy and one sample have been delivered to the person concerned.
……; …/…/….

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Official/Representative/Personnel of the Real or Legal Person Inspected and Stamp of the Real or Legal Person Inspected**

<u>Official Observer's (If Any)</u>
Name and Surname/Position/Title/Signature

ANNEX-3: SAMPLE LABEL

Sample Label Serial No.	
License No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
Address of the Real or Legal Person from whom the sample has been received	
Date/hour when the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline, etc.)	
Kind/Type of the Sample Taken	
Sample-Taking Record Serial No.	
Name of the Entity that has taken the sample	

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Official/Representative/Personnel of the Real or Legal Person Inspected and Stamp of the Real or Legal Person Inspected**

ANNEX-4: SAMPLE-DELIVERY RECORD

Record Serial No.	
License No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
Address of the Real or Legal Person from whom the sample has been received	
Date/hour when the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline etc.)	
Name of the Laboratory that has taken delivery of the sample	
Date when the sample has been delivered to the Laboratory	
Kind/Type of the Sample Delivered	
Number of the Samples Delivered	
Witness Sample Delivery (Yes/No)	
Type of the Analysis Requested (*)	
Sample Label Serial No.	

The liquid fuel/lube oil samples, whose type and content are indicated above and which have been examined and understood not to have been opened beforehand and have been delivered in vessels conforming to the standards, have been received in order to be analyzed, after issuance of this record which has been prepared in three copies.

Name-Surname, Position/Title, T.R. Identity No., Signature of the Person who has delivered the sample	**Name-Surname, Position/Title, T.R. Identity No., Signature of the Person who has taken delivery of the sample**

(*) If the type of the analysis is not indicated or if a list pertaining to the analysis is not enclosed herewith, the analyzes set forth in the Regulation on Technical Criteria Applicable in the Petroleum Market shall be carried out.

ANNEX-5: SEALING RECORD

Record Serial No.	
License No.	
Name/Trade Name of the Facility/Enterprise	
Address of the Facility/Enterprise	
Name of the Facility's/Enterprise's Owner/Official	
Registered Tax Office and Tax ID No. of the Real or Legal Person	
Hour-Date of the Sealing	
Reason(s) for the Sealing	
Duration of the Sealing	
Equipment Sealed (Tank/tanker/pump/pipeline, etc.)	
Name of the Entity that sealed	

For the reasons stated above, the facility or enterprise with the above name, trade name and at the above address has been sealed in the presence of its owner, official, his representative or related personnel. This record, which determines the circumstance, has been prepared in three copies and one copy has been delivered to the person concerned.
…….; …/…/…..

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Facility's or Enterprise's Owner Official / Representative / Personnel and Stamp of the Facility's or Enterprise's Owner**

<u>Official Observer's (If Any)</u>
Name and Surname/Position/Title/Signature

ANNEX-6: WARNING RECORD

Record Serial No.	
License No.	
Name/Trade Name of the Licensee	
Address of the Facility/Enterprise	
Name of the Facility's/Enterprise's Owner/Official	
Registered Tax Office and Tax ID No. of the Real or Legal Person	
Hour-Date of the Warning	
Actions(s) in Breach of the Legislation, Constituting the Reason for the Warning	
Name of the Entity that has made the warning	

The licensee with the above name/trade name and address has been WARNED pursuant to the subparagraph (a) of the second paragraph of article 20 of the Law No. 5015 due to its action(s) found to be in breach of the legislation, and it has been served on the licensee that the activity of the facility/enterprise shall be suspended temporarily in case the breach is not eliminated within 30 days and that the sanction "temporary suspension" shall be imposed without warning, in case of commission of the same action(s) again within two years. The concerned person reserves right to file an administrative case against the warning before the competent administrative court within 60 days as from the date of service. This record, which determines the circumstance, has been prepared in three copies and one copy has been delivered to the person concerned.

…….; …/…/…..

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Facility's or Enterprise's Owner Official / Representative / Personnel and Stamp of the Facility's or Enterprise's Owner**

Official Gazette Date: 27.05.2014, Official Gazette Issue Number: 29012

REGULATION ON NOTIFICATIONS IN THE ENERGY MARKET

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective

ARTICLE 1- (1) The objective of this Regulation is to set forth the principles, procedures and rules regarding collection of the data needed by the Authority in the process of monitoring, analyzing and reporting of the market activities in the energy market, as intended for achievement of the purposes contained in the related legislation.

Scope

ARTICLE 2- (1) This Regulation covers the principles, procedures and rules regarding the receipt, through the system, of the notifications which are defined in the notification system usage instructions or are stated to be submitted to the Authority in the related legislation and regarding the notification obligations in the energy market.

Legal basis

ARTICLE 3- (1) This Regulation has been prepared on the basis of articles 5, 5/A, 5/B, 5/C and the supplementary article 2 of the Law No. 4628 of 20/2/2001 on Organization and Duties of the Energy Market Regulatory Authority, article 6 of the Natural Gas Market Law No. 4646 of 18/4/2001, article 14 of the Petroleum Market Law No. 5015 of 4/12/2003, articles 4 and 12 of the Law No. 5307 of 2/3/2005 on Amendments to the Liquefied Petroleum Gases (LPG) Market Law and to the Electricity Market Law and on the basis of article 5 of the Electricity Market Law No. 6446 of 14/3/2013.

Definitions

ARTICLE 4- (1) The following terms, referred to in this Regulation, shall have the following meanings:

a) Notification: Declaration submitted to the Authority by notification incumbents;

b) Notification System: System whereby the notifications deemed necessary by the Authority or by the Board under the related legislation are submitted in electronic environment;

c) Notification System Usage Instructions (Instruction): Body of rules regarding the procedures related to submission of notifications, usage of the Notification System and regarding information on notification obligations, as adopted by the relevant Board decision and published on the web site of the Authority;

ç) Additional time for submission of notification: Additional time granted to a notification incumbent for submission of a notification not submitted in a timely manner or for correction of a notification about which a request for correction is created;

d) Time for submission of notification: Time period which is specified in the Notification System Usage Instructions and during which the notification obligations can be fulfilled;

e) Notification incumbent: Real or legal person who is requested to submit notifications within the scope of the Notification System;

f) Notification incumbent's official: Real persons authorized to submit notifications on behalf of a notification incumbent;

g) Notification for correction: Corrected declaration submitted to the Authority by notification incumbents;

ğ) Request for correction: Request created by a notification incumbent or the Authority for correction of a notification already submitted;

h) Electronic signature: Electronic signature created in accordance with the Electronic Signature Law No. 5070 of 15/1/2004;

ı) Energy market: Electricity, natural gas, petroleum and LPG markets;

i) Form: Electronic document created by the Authority for notifications submitted to the Authority by notification incumbents;

j) Late submission: Circumstance that a notification is submitted after expiration of the time for submission of notification;

k) Erroneous notification: Circumstance that the information necessary to be contained in notifications is absent or that the information is not entered in compliance with the explanations on the notification form or that the information contained in notifications does not reflect the reality;

l) Related Legislation: Energy market-related laws, regulations, communiques, circulars, licenses and Board decisions;

m) Board: Energy Market Regulatory Board;

n) Authority: Energy Market Regulatory Authority; and

o) LPG Market Law: Law No. 5307 of 2/3/2005 on Amendments to the Liquefied Petroleum Gases (LPG) Market Law and to the Electricity Market Law.
(2) The relevant terms and abbreviations referred to in the related legislation shall be valid for the terms and abbreviations which are referred to in this Regulation, however, are not defined above.

PART TWO
General Principles and Confidentiality

General principles
ARTICLE 5- (1) In the implementation of this Regulation, the following principles shall apply:
a) In the creation of provisions regarding notification obligations, the obligations arising from the related legislation shall be taken into consideration.
b) In the course of processing and compilation of notifications and transformation of notifications into information and in the course of disclosure of information; impartiality, confidence, security, functionality, speed and economy shall be taken into consideration.
(2) The provisions of the related and other legislation and the professional codes of conduct shall be taken as basis, for the matters not referred to in this article.
Confidentiality
ARTICLE 6- (1) Unless the notification incumbent grants the relevant consent, the Authority has to keep confidential the market activity-related financial secrets and secrets of a technical nature and the secrets accessed by the Authority in relation to the energy market, with the exception of the reports to be submitted to the public or to the persons concerned and the authorities empowered by the legislation.

PART THREE
Principles and Procedures Regarding Collection of Notifications and Regarding Notification Incumbents

Collection of notifications
ARTICLE 7- (1) Unless otherwise specified, notifications shall be submitted by notification incumbents' officials through electronic signature in compliance with the form indicated in the Instruction. Should the need arise, the original ("wet signature") copies of the notifications submitted in electronic environment may also be requested by the Authority.
(2) Under the relevant Board decisions; the creation, cancellation and modification transactions of the Instruction shall be carried out, be published in the Official Gazette and be announced on the web site of the Authority.
(3) The corrections regarding the periodic notifications submitted by using the Notification System may, without a request for correction, also be submitted by the end of the time for submission of notification. In this case, the latest notification submitted to the Authority shall be deemed to be valid. For a notification submitted, the Instruction shall regulate the matter "until when a declaration of request for correction may be submitted after expiration of the time for submission of notification".
(4) The circumstance "erroneous notification" shall be taken into consideration as from the expiration of the time for correction or notification as specified in the Instruction.
(5) In case the last day of the time for submission of notification coincides with a public holiday, the time for submission of notification shall be extended by the end of the next business day following the public holiday.
(6) The provisions of article 16 of the Electricity Market Law, article 9 of the Natural Gas Market Law, articles 19 and 20 of the Petroleum Market Law and articles 16 and 17 of the LPG Market Law shall, by relevance, apply to the erroneous notifications and to the notifications not submitted within the times determined in the Instruction.
(7) Unless otherwise specified by the related legislation, the obligation to submit notification shall cover the notification periods within the duration of the license and cover the periods specified in the Instruction, for other real and legal persons.
(8) License cancellation transaction shall not revoke the obligations to submit notifications for those license-related activities performed prior to the cancellation. The sanctions specified by the related legislation shall be imposed in case these obligations are not fulfilled.
Notification incumbents' officials
ARTICLE 8- (1) Notification incumbents are obliged to designate their officials; and in order for their officials to use the Notification System, notification incumbents are obliged to submit to the Authority the written statement that their officials are individually authorized to submit notifications to the Authority in electronic environment on their behalves, which written statement shall be submitted as enclosed with the letter of application.
(2) In case of a change or a replacement as to the notification incumbent officials of the Company, the documents referred to in the first paragraph shall be updated and be submitted to the Authority.
(3) The notification incumbents shall be responsible and liable for submission of notifications in time, duly and in compliance with the realities.

Exceptions
ARTICLE 9- (1) In order that the notifications are submitted in time, duly and in compliance with the realities, the notification incumbents are obliged to appoint sufficient number of officials having adequate qualifications, establish an appropriate technical infrastructure and take all other measures.
(2) In the case that notifications cannot be submitted due to force majeure events or due to justifiable reasons not arising from the related notification incumbent, the Authority is entitled to determine additional times and methods in order for the notifications to be submitted.

PART FOUR
Miscellaneous and Final Provisions

References
ARTICLE 10- (1) Any references made to the Regulation on Petroleum Market Information System, published in the Official Gazette dated 9/12/2005 and issue no. 26018, shall be deemed to have been made to this Regulation.
Regulation repealed
ARTICLE 11- (1) The Regulation on Petroleum Market Information System, published in the Official Gazette dated 9/12/2005 and issue no. 26018, is hereby repealed.
Effectiveness
ARTICLE 12- (1) This Regulation shall become effective six months after the date of its publication.
Execution
ARTICLE 13- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

By the Energy Market Regulatory Authority:

REGULATION ON INFORMATION SECURITY IN INDUSTRIAL CONTROL SYSTEMS USED IN ENERGY SECTOR

PART ONE
Objective, Scope, Legal Basis, Definitions and Abbreviations

Objective
ARTICLE 1- (1) The objective of this Regulation is to set forth the principles and procedures regarding the monitoring and ensuring the system continuity and cyber security of the informatics processes of the industrial control systems (ICSs) used in critical energy infrastructures.

Scope
ARTICLE 2- (1) This Regulation covers the applicable principles and procedures regarding assessment and then, reduction or disappearance of the risks in order to ensure the security and reliability of the information systems used by the incumbent entities-performing activities in the energy market-in their ICSs determined as a critical infrastructure by the Energy Market Regulatory Authority.

Legal basis
ARTICLE 3- (1) This Regulation has been prepared on the basis of the subparagraph © of the sixth paragraph of article 5 of the Law No. 4628 of 20/2/2001 on Organization and Duties of the Energy Market Regulatory Authority and on the basis of the National Cyber Security Strategy and Action Plan.

Definitions
ARTICLE 4- (1) The following terms and abbreviations, referred to in this Regulation, shall have the following meanings:
a) President: President of the Energy Market Regulatory Authority;
b) Notification: Declaration submitted to the Authority by incumbent entities;
c) Industrial Control System (ICS): Management and control systems which ensure the monitoring and sometimes the management, at one center or more than one centers, of the processes such as the generation of energy, the processing of crude oil, hard coal and similar raw materials providing energy and making them ready for consumption and the transfer of energy through transmission or distribution systems and which have a special operating system having known vulnerabilities or running on its own systems and/or operating systems whose components are known (Data-Based Control and Monitoring System "SCADA", Distributed Control System "DCS", Advanced Process Control System "APC", Programmable Logic Controller "PLC", Remote Terminal Unit "RTU", etc.);
d) Related legislation: Energy market-related laws, regulations, communiques, circulars, licenses and Board decisions;
e) Law: The Law No. 4628 of 20/2/2001 on Organization and Duties of the Energy Market Regulatory Authority;
f) Corporate Information System (CIS): The whole of computers used by corporation employees and the file, application, database, e-mail server and network infrastructure serving to those;
g) Critical Energy Infrastructure: The whole of energy network, assets and structures, which provision of public services and/or sustainability of the social order would be affected negatively when they fail to function partly or entirely;
h) Board: Energy Market Regulatory Board;
i) Authority: Energy Market Regulatory Authority; and
j) Incumbent entity: Responsible legal persons defined within the framework of this Regulation.

(2) The relevant terms and abbreviations referred to in the related legislation shall be valid for the terms and abbreviations which are referred to in this Regulation, however, are not defined above.

Principles
ARTICLE 5- (1) The following basic principles shall be observed in the implementation of this Regulation:
a) Enhancement of service quality and ensuring continuity of the energy supply;
b) Taking national regulations and national and/or international standards into consideration;
c) Ensuring proper, transparent and effective utilization of resources;
d) Ensuring that licensee legal persons take and implement ICS information security measures under this Regulation; and
e) Tightening the security of critical systems in the energy chain against threats and vulnerabilities.

PART TWO
Incumbent Entities and Their Obligations

Incumbent entities

ARTICLE 6- (1) Incumbent entities comprise of electricity transmission licensee legal persons, electricity distribution licensee legal persons with the exception of OIZ distribution licensee legal persons, owners of each electricity generation facility whose installed power in the enterprise has a license for 100 MW and over and whose provisional acceptance was completed -with the exception of OIZ generation licensee legal persons-, natural gas transmission licensee legal persons performing transmission activities via pipelines, natural gas distribution licensee legal persons that are obliged to establish shipment control center, natural gas storage licensee legal persons (LNG, underground storage), crude oil transmission licensee legal persons and refining undertaking licensee legal persons.

ICS recognition and ICS inventory forms

ARTICLE 7- (1) ICS recognition form is a form containing the processes operated by incumbent entities in relation to ICSs, the works and studies carried out by incumbent entities about information security and containing their source information.
(2) The form, containing the asset groups and types to be requested by the Authority in relation to the ICS inventory and specific information about these assets, shall be forwarded to incumbent entities.
(3) CIS components not associated with ICSs shall be out of the scope.
(4) The notification containing ICS recognition form shall be submitted to the Authority by incumbent entities within the defined times and through the methods determined in the notification obligation tables, within the scope of the Regulation on Notifications in the Energy Market published in the Official Gazette dated 27/5/2014 and issue no. 29012. ICS inventory form shall be created pursuant to a substructure accessible by the Authority when requested, and shall be kept in the entity's own systems.

Risk management

ARTICLE 8- (1) The purpose of risk management is to identify and assess the risks about ICSs owned by incumbent entities, to determine actions for disappearance of risks or for reduction of their impacts in case they take place, to implement these actions and to ensure the monitoring of whether or not the requirements of these actions are fulfilled.
(2) The Board is authorized to determine the principles and procedures regarding the security analyzes and tests carried out by incumbent entities through the channel of third parties for identification of risks about ICSs.
(3) The risks, added into the risk inventory after they are identified by the Authority, shall be assessed by incumbent entities, taking into their own ICSs into consideration. Risk processing shall be carried out on the risks with very high, high and normal risk levels, taking into consideration also the controls implemented in the relevant current situation as well as the risks assessed; and actions for reduction of risks shall be planned for risks whose risk reduction method is determined by the incumbent entity.
(4) Incumbent entities shall also assess the risks they identified in line with their own activities, in addition to the risks identified by the Authority. The feedbacks specifying these risks shall be evaluated and then, enrichment of the risk inventory shall be ensured.

Processing of risks, and responsibilities of incumbent entities

ARTICLE 9- (1) As regards the risks which are identified by the Authority and identified by incumbent entities, the incumbent entities shall decide which ones should be reduced and which ones are accepted.
(2) A risk treatment plan shall be created, in which risk-reducing actions to be under the responsibility of the entity are expressly planned for the risks decided to be reduced. Such risk treatment plan shall, for each risk, contain the following information:
a) Brief description of the risk;
b) Control(s) to be implemented for reduction of the risk;
c) Activities related to the controls planned to be implemented; and
d) Time limitation for implementation of the control.
(3) The incumbent entity:
a) shall ensure yearly assessment of risks identified by the Authority and identified by the incumbent entity;
b) shall prepare a risk treatment plan following the risk assessment and ensure the conduct of a study which contains updating of the risk treatment plan once every six months;
c) may select the relevant controls amongst the ICS security controls in the energy sector as determined by the Board, in order to reduce risks, or shall implement special measures to be determined by the incumbent entity and amongst the national/international standards, amongst the best practices in the world;
d) shall ensure that risks are prioritized by risk occurrence probability and that high-level risks are treated firstly;
e) shall implement the risk treatment plan by providing human resources and financial resources; and

f) following the incidents such as interruption/unauthorized access, etc. occurred in the servers and occurrence of significant changes in the network topology or in the ICS inventory, the incumbent entity shall ensure the review of the associated risk assessment and therefore, the risk treatment plan and measures and ensure the taking of additional measures if necessary.
(4) After the inspection to be carried out in the name of the Authority, a decision shall be rendered about the risks which could not be reduced for any reason.

ICS security controls in energy sector
ARTICLE 10- (1) ICS security controls define the controls recommended to be implemented in order to treat the risks about ICSs, in order to increase the information security level regarding incumbent entities and in order to reduce the occurrence probability of other possible risks on ICSs. The Board is authorized to determine these controls; and the controls may be used in order to treat one or more than one risk specified by the Authority.
(2) The controls defined by the Board are of a recommendation nature; and the incumbent entity may implement the controls by making modifications or additions, provided that the entire responsibility and liability remain with the incumbent entity.
(3) The controls shall be determined by the Board and be published on the home page of the Authority's web site.

PART THREE
Miscellaneous and Final Provisions

Submission of notifications
ARTICLE 11- (1) The notifications, containing obligations of incumbent entities within the scope of this Regulation, shall be defined in the notification obligation tables, under the Regulation on Notifications in the Energy Market and shall be forwarded to the Authority by incumbent entities through the Energy Market Notification System.
(2) Additional methods may be determined by the Authority, in order for the notifications to be submitted.

Inspections
ARTICLE 12- (1) On its own motion or upon complaint, the Authority shall perform inspections on whether or not incumbent entities fulfill their obligations specified in this Regulation or shall have these inspections performed.
(2) The Board is authorized to determine the principles and procedures regarding the inspections to be performed.

Sanctions
ARTICLE 13- (1) About the obligations not fulfilled within the periods determined in the Law and in this Regulation, in case the Authority finds that this circumstance has occurred; the provisions of article 16 of the Electricity Market Law No. 6446 of 14/3/2013, article 9 of the Natural Gas Market Law No. 4646 of 18/4/2001 (The Law on the Natural Gas Market and Amendments to the Electricity Market Law) and articles 19 and 20 of the Petroleum Market Law No. 5015 of 4/12/2003 shall apply by relevance.

Transition process
TEMPORARY ARTICLE 1- (1) On the effective date of this Regulation, incumbent entities are obliged to forward to the Authority the notification containing the ICS recognition and ICS risk assessment forms for 2017 amongst their responsibilities included in the scope of this Regulation.
(2) The notification containing the ICS inventory form shall be made available in the entities' systems on the effective date of this Regulation.

Effectiveness
ARTICLE 14- (1) This Regulation shall become effective 2 months after the date of its publication.

Execution
ARTICLE 15- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

(It was published in the Official Gazette dated 14/10/2008 and issue no. 27024)

REGULATION ON PETROLEUM MARKET PRICING SYSTEM

Objective
ARTICLE 1- (1) The objective of this Regulation is to set forth the principles and procedures for setting and applying prices of certain goods and services regarding the market activities, in order to secure transparency, equalitarianism and stability, in ensuring that the goods and services released to the petroleum market are offered to consumers in a secure and economically competitive environment, and is to set forth the principles and procedures for announcement of those prices to the public and to the persons concerned.
Scope
ARTICLE 2- (1) This Regulation covers the principles and procedures for:
a) Framework of pricing in the petroleum market;
b) Principles and obligations regarding tariffs, price lists and price announcements;
c) Declaration of tariffs, price lists and price announcements to the public;
ç) Creation, implementation and modification of tariffs;
d) Changes in prices;
e) Price announcements;
f) Settlement of disputes about pricing of domestic crude oil; and
g) Market intervention.
Legal Basis
ARTICLE 3- This Regulation has been prepared on the basis of the Petroleum Market Law No. 5015 of 4/12/2003.
Definitions
ARTICLE 4- (1) The following terms, referred to in this Regulation, shall have the following meanings:
a) Liquid fuel vendor price: Ceiling price at which bunker delivery companies and vendors may sell liquid fuel to consumers;
b) Liquid fuel distribution price: Ceiling price at which distribution undertakings may sell liquid fuel to their vendors, to bunker delivery companies and to eligible consumers;
c) **(As amended by: O.G.-28/2/2018-30346)** Liquid fuel wholesale price: Ceiling price at which refining undertakings, distribution undertaking, processing and bunker delivery companies may sell liquid fuel to each other;
ç) President: President of the Energy Market Regulatory Board;
d) Price: Amount which should be paid exactly per unit, in remuneration for delivery or provision of service;
e) Price list: Document containing prices or ceiling prices and measurement units taken as basis for sales, by the types of goods or services;
f) (**As amended by: O.G.-30/11/2012-28483)** Billboard: Billboard which announces the official names and ceiling prices of the liquid fuels offered for sales at liquid fuel stations (as well as the names of commercial products included in the scope of each official name and the ceiling prices of those products);
g) Related legislation: Petroleum market-related Laws, Council of Ministers' Decrees, regulations, licenses, communiques, circulars and Board decisions;
ğ) Law: Petroleum Market Law No. 5015;
h) Board: Energy Market Regulatory Board;
ı) Authority: Energy Market Regulatory Authority;
i) Methodology: Document covering the calculation methods used in preparing price lists, and the principles and procedures for wastage shares, responsibilities, payment terms, place and mode of delivery, limits, discounts, price, quantity and quality used in sales and covering the principles and procedures for any similar matters;
j) Market: The market comprising of supply and sales, refining, processing, storage, transmission, bunker delivery, transportation, distribution, vendor activity, utilization of petroleum and the operations and processes associated therewith;
k) Tariff: Document comprising of methodology and price list;
l) Ceiling price: The highest amount payable per unit, in remuneration for delivery or provision of service;
m) Addendum: Document enclosed with the tariffs approved by the Board, indicating changes made in the tariffs subject to approval; and
n) **(As added by: O.G.- 30/11/2012-28483)** Differentiated product: Liquid fuel which bears all the conditions stipulated -in the legislation- for liquid fuels with a designated official name, however, is released to the market through creation of more than one commercial type of a certain liquid fuel by using different commercial names within the scope of the same official name.

Pricing in the petroleum market

ARTICLE 5- (1) Provided that, as contained in article 10 of the Law, the provisions for:
a) Price formation of domestic crude oil,
b) Determining base and/or ceiling price in exceptional circumstances,
c) Formation of tariff or ceiling price
are reserved; prices of goods and services released to the market shall occur freely.
(2) In relation to the goods and/or services provided to the petroleum market:
a) The "tariff" basis shall apply in the activities included in the scope of transmission, storage, refining undertaking and distribution undertaking licenses;
b) The "price list" basis shall apply in the activities included in the scope of processing licenses; and
c) The "price announcement" basis shall apply in the activities included in the scope of vendor activity (with station) licenses.
(3) The Board may decide that:
a) One of the "tariff, price list or price announcement" bases shall apply to all or a part of the activities included in the scope of transportation, bunker delivery, lube oil and vendor activity (without station) licenses;
b) All or a part of the activities carried out within the scope of processing licenses shall be exempted from the "price list" basis, or the "price announcement" basis shall apply in the activities.

Principles regarding tariffs, price lists and price announcements

ARTICLE 6- (1) Tariff, price list or price announcement shall be formed for each license.
(2) Tariffs, price lists and price announcements are binding on all persons that are the parties thereto.
(3) Cross subsidy shall not apply to tariffs and price lists.
(4) In tariffs and price lists:
a) New Turkish Lira shall be used as the currency;
b) As the volume or weight measurement unit, barrel, ton and m3 shall be used for crude oil, fuel oil types and other liquid fuels, respectively;
c) In the characterization, gravity value shall be used for crude oil and the official names of liquid fuels shall be used for liquid fuel types; and
ç) As a service criterion, places of loading and arrival or carriage distance shall be used for transmission activities and the number of storage days shall be used for storage activities.
(5) In price announcements:
a) New Turkish Lira shall be used as the currency;
b) As the volume or weight measurement unit, kilogram shall be used for fuel oil types and liter shall be used for other liquid fuels; and
c) In the characterization, the official names of liquid fuels shall be used for liquid fuel types.
(6) Explanations may be contained in price lists, and discounts and limits may be contained in tariffs.
(7) In tariffs, discounts may be made depending on the following matters:
a) In storage and transmission tariffs, discounts may be made depending on:
1) An increase in storage period and/or quantity of crude oil and liquid fuel, for which a service is provided,
2) An increase in the gravity of crude oil, for which a service is provided,
3) Not receiving certain services,
4) Provision of a service in working hours; and
b) In refining undertaking and distribution undertaking tariffs, discounts may be made depending on:
1) An increase in the amount of goods and services provided,
2) Not receiving certain services.
(8) In tariffs, limits may be determined depending on the following matters:
a) In storage and transmission tariffs, limits may be determined depending on:
1) Characteristics of crude oil,
2) Storage period and quantity of crude oil and liquid fuels; and
b) In refining undertaking and distribution undertaking tariffs, limits may be determined depending on:
1) Minimum sales amount,
2) Time of taking delivery.
(9) Other items of discount and limit, found acceptable by the Authority, may also be contained in the tariffs upon request of the incumbents. Any requests for types of goods and services, which are contrary to the limits contained in the tariffs or to the explanations in the price lists, shall not be fulfilled. A limit which is not contained in the tariff or price list shall not be indicated as a ground for rejection of a request for access, procurement and other requests.
(10) In case the services are provided within the body of the facility; the prices for adding, blending, mixing, marking, consolidation, pumping, heating and similar ancillary services, and similar items shall also be contained in tariffs and price lists.

(11) The procedures and operations for addition, removal or alternation of facilities, storages or provinces, where liquid fuel wholesale and liquid fuel distribution prices will occur, shall be carried out by the Authority upon request of the persons concerned.

Obligations regarding tariffs, price lists and price announcements

ARTICLE 7- (1) The following licensees performing activities in the market, namely:

a) Transmission, storage, refining undertaking and distribution undertaking licensees are obliged to carry out their activities in compliance with their tariffs;

b) Processing licensees are obliged to carry out their activities in compliance with their price lists; and

c) Vendor activity (with station) licensees are obliged to deliver liquid fuel in compliance with the price announcements.

(2) Storage licensees relating to storage facilities connected with transmission facilities and transmission licensees shall perform their activities in compliance with their tariffs subject to approval; and storage licensees relating to storage facilities not connected with transmission facilities and refining undertaking and distribution undertaking licensees shall perform their activities in compliance with their tariffs subject to notification.

(3) In the market:

a) The "price" basis shall apply in transmission and storage tariffs, with the exception of discounts; and

b) The "ceiling price" basis shall apply in refining undertaking and distribution undertaking tariffs and price lists and price announcements.

(4) The relevant incumbents are obliged keep tariffs, price lists, notifications on changes in tariffs and prices lists, addenda and related books for a period of ten years. Changes displayed on the billboard shall be recorded by vendor activity licensees into the pages -opened on the change dates- in the book, each page of which shall bear a consecutive sequence number and shall be stamped.

Creation and implementation of tariffs

ARTICLE 8- (1) Reviews on and evaluation of the tariff files received within the scope of license applications and the initial approvals of the tariffs subject to approval shall be made within the scope of the procedures pertaining to license applications.

(2) In the tariff proposals being evaluated within the scope of license applications, it is required that:

a) They are in compliance with the related and other legislation;

b) They are in compliance with precedent tariffs if any, or they are reasonable and fair if there are no precedent tariffs;

c) Refining undertakings' and distribution undertakings' tariff methodologies enable formation of prices pursuant to the global free market prices at the closest accessible point; and

ç) Transmission and storage tariffs are in compliance with the standard tariff and article 12 of the Law.

(3) License applications, whose tariff files are not found acceptable, shall be rejected.

(4) Tariffs shall be put into implementation upon the Notification on Commencement of the Activities is made. Tariffs shall remain in implementation until such time as they are replaced or until such time as their effectiveness is suspended for any reason.

(5) Transmission and storage tariffs shall be prepared in compliance with the standard tariffs announced through internet, as determined by the Authority.

Changes in tariffs subject to approval

ARTICLE 9- (1) Changes in tariffs subject to approval shall be made upon application of the licensee or ex-officio by the relevant Board decision.

(2) In case deficiencies are found in consequence of the reviews on the applications for a change in the tariffs, those deficiencies shall be notified to the applicant in writing and a term of 10 business days shall be granted to the applicant for completion of the deficiencies. Applications for a change in the tariffs, understood to have been prepared duly, shall be announced on the Authority's web page for a period of 10 business days.

(3) The persons who prove that they receive service(s) from the facility are entitled to object to the change in the tariff, within the announcement period. Such objections shall be notified to the licensee, and the licensee shall be requested to prepare a counter-view or modify the application for change in the tariff in line with the objection within 10 business days.

(4) Applications for a change in the tariffs and objection documents, if any, shall be evaluated within the framework of the evaluation criteria for tariff proposals. A request for a change in a tariff shall be approved or disapproved by the relevant Board decision. Upon objection, actions may be taken ex-officio within the framework of article 15 in the Regulation. Decisions on approval, rejection with grounds or change ex-officio shall be notified to the persons concerned, within 10 business days.

(5) For the changes in tariffs subject to approval, in case the tariff is not changed entirely, an addendum shall be prepared.

(6) Changes in tariffs subject to approval shall enter into in implementation on the date indicated in the approval and shall be implemented until such time as they are replaced or until such time as they are suspended for any reason.

Changes in tariffs subject to notification

ARTICLE 10- (1) Changes in tariffs subject to notification shall enter into implementation as from the beginning of the day following the day when the notification on change in the tariff is made within the scope of the provisions in the

Regulation on Petroleum Market Information System published in the Official Gazette dated 9/12/2005 and issue no. 26018, and shall be implemented until such time as they are replaced or until such time as they are suspended for any reason.
(2) In relation to methodology, notifications on change in the tariff shall be evaluated; and if, in such tariff change, it is found that there are provisions:
a) which restrict access in storage facilities,
b) which aim at impeding, distorting or restricting competition or activities in the petroleum market or which might create such impact, or
if the storage tariff is not in conformity with the standard tariff, such notification on change in the tariff shall be returned and the former tariff shall continue to be implemented. Grounds of such return shall be served on the person concerned.
(3) Tariffs subject to notification shall not require approval.

Changes in price lists

ARTICLE 11- (1) Changes in price lists shall be made by notification incumbents within the scope of the provisions in the Regulation on Petroleum Market Information System and shall enter into implementation as from the beginning of the day following the day when the relevant notification is made and shall be implemented until such time as they are replaced or until such time as they are suspended for any reason.

Declaration of tariffs, price lists and price announcements to the public

ARTICLE 12- (1) Tariffs subject to approval and the changes therein shall be announced in the Official Gazette.
(2) The minimal, maximal and average data, pertaining to liquid fuel wholesale and distribution prices and transmission and storage tariffs shall be declared to the public on the Authority's web page. The Authority may determine that the prices, set as ceiling prices for or recommended to their vendors by distribution undertakings on province basis, be declared through internet.
(3) Price announcements shall be made on the billboards in liquid fuel stations or at village pumps.

Price announcement

ARTICLE 13- (1) Vendor activity (with station) licensees shall have the following obligations regarding price announcement:
a) **(As amended by: O.G.-30/11/2012-28483)** On the billboards placed clearly visible from the road, at the front of the stations, to announce the official names and ceiling prices of liquid fuels they offer for sales in their stations or at village pumps; and in the case of a product differentiation, to announce on those billboards the ceiling price valid for each differentiated product;
b) To keep the liquid fuel types -displayed on the billboard- available for sales in their stations or at village pumps;
c) **(As amended by: O.G.-30/11/2012-28483)** On each liquid fuel pump, to display the official name of the liquid fuel being sold through the pump, and in the case of product differentiation, the commercial name used for each differentiated product, together with its official name, and its price;
ç) Not to sell liquid fuel at a price exceeding the ceiling prices displayed on the billboard; and
d) As for the stickers and/or plates displaying the freephone number and the statements about denunciations and complaints that might be made to distribution undertaking licensees by consumers, to place those stickers and/or plates on each pump island if there are pump islands in their stations or to place those stickers and/or plates on all the pumps if there is no pump island in their stations.
(Supplementary paragraph as added by: O.G.-30/11/2012-28483) In displaying differentiated products on the billboard; their official names shall be displayed at the top, and the commercial names and/or logo shall be displayed next to or under the official names. A commercial name and/or logo shall be displayed in such a way not to make it difficult to read and see the official name firstly and easily.
(2) Billboards shall also display the trademark and logo of the vendor's distribution undertaking licensee, the name or trade name of the vendor activity licensee and the date and number of the vendor activity license. In the case of a change in the information displayed on billboards and in case time is needed to display such changed information on billboards (with the exception of price information), such changed information shall be displayed by using posters, placards, stickers, etc. on a temporary basis.
(3) **(As amended by: O.G.-30/11/2012-28483)** Trade names, trademarks and the signs related thereto may be used singly at the other places in or outside the stations, provided that they do not prevent the reading of official names and that they are outside the areas where price is indicated. However, an inscription, a sign, a sticker, etc., which will mislead the consumers and will create the misperception that differentiated products are necessary for certain types of vehicles, shall not be used outside or in the stations, including billboards and pumps.
(4) (**As added by: O.G.-30/11/2012-28483)** In case there is more than one billboard in a station, the liquid fuel names and price information displayed on the billboards should be identical to each other.
(5) (**As added by: O.G.-30/11/2012-28483)** Distribution undertaking licensees, selling differentiated products, shall announce to the public the explanations regarding those products on their corporate web pages. These announcements shall also contain technical information about the extent and way of differentiation as well as the physical and chemical characteristics of those products in such a content which shall include the material safety data as a minimum and shall

not damage intellectual and industrial property rights belonging to companies. With the exception of trade secrets and intellectual and industrial property rights, such disclosed information shall involve probative explanations about the benefits provided to consumers and about the product differentiation process as well as the samples of documents pertaining to those explanations. The sentences "It is mandatory that, whether differentiated or not, all the liquid fuel types released to the market in our Country by the licensees are in conformity with the European Union standards and the technical arrangements determined by the Energy Market Regulatory Authority. In this context, all of them can be used safely for vehicles, by fuel types. By types of vehicles such as automobiles, busses, trucks, articulated lorries, tractors etc., there are no restrictive differences between differentiated products and others with regard to the regulated characteristics such as quality, etc." shall be inserted into the initial paragraph of the statement text, and the font size, color and type font, etc. of these sentences shall be the same as those of the other paragraphs contained in the text. The announcement should be contained in a part of the home page, to be easily visible by everyone, and should be made in a way that consumers can easily understand and should be continuously made available on the home page, as designated.

Disputes about price of crude oil produced domestically

ARTICLE 14- (1) Upon application, the Authority shall initiate reviews and evaluations on disputes arisen between domestic crude oil producers and refining undertaking licensees about the price of domestic crude oil. The Authority is entitled to request the parties to submit all kinds of information deemed necessary by the Authority, and the Authority is also entitled to directly invite the parties to have an interview. After completion of the reviews and evaluations, such dispute shall be settled by the relevant Board decision in no later than thirty days, which decision shall be binding on the parties.

(3) Until the dispute is settled, the refining undertaking licensees shall continue purchasing domestic crude oil at the price offered.

Market intervention

ARTICLE 15- (1) In the event that agreements or actions, which aim at impeding, distorting or restricting competition or activities in the market or which give rise to or might give rise to such impact, create impacts distorting the market organization; the necessary procedures shall be initiated and in addition, the relevant Board decision may determine a base and/or ceiling price to be implemented in regional or national level, at every phase of the activities, for no longer than two months each time. In such case, provisions of the related legislation shall apply in respect of taking necessary measures.

Compliance obligation

TEMPORARY ARTICLE 1- (1) The tariffs subject to approval or notification, which are being implemented on the effective date of this Regulation, shall remain valid until 31/12/2008, if they are not replaced. The following which shall be prepared in compliance with this Regulation, namely:

a) Applications for changes in storage tariffs subject to approval and in transmission tariffs and notifications on changes in refining undertaking tariffs and in storage tariffs subject to notification shall be submitted to the Authority until 31/10/2008; and

b) Notifications on changes in distribution undertaking tariffs shall be submitted to the Authority until 31/12/2008.

Until 31/10/2008, processing licensees shall make their notifications on changes in liquid fuel wholesale prices, even if there is no change in their latest notification.

(2) The terms, referred to in the first paragraph, may be extended for a period up to 60 business days by the Authority at the request of the person concerned and provided that such extension is exclusive for the procedures already initiated.

(3) Applications for changes in tariffs subject to approval shall be concluded according to the provisions contained in article 9 of this Regulation and notifications on changes in tariffs subject to notification shall be concluded according to the provisions contained in article 10 of this Regulation. In the case of a modification in an application according to the current tariff, the explanations on such modification shall also be contained in that application.

TEMPORARY ARTICLE 2- (**As added by: O.G.-30/11/2012-28483)** – (1) The related licensees shall bring their billboards in compliance with the provisions of the Regulation within 12 (twelve) months as from the effective date of this article and shall start to publish the explanatory announcement on their web pages within 3 (three) months as from the effective date of this article.

Effectiveness

ARTICLE 16- (1) Of this Regulation:

a) The second paragraph of article 12 shall become effective on 1/1/2009; and

b) The other articles shall become effective on the publication date.

Execution

Article 17- (1) The provisions of this Regulation shall be executed by the President.

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	14/10/2008	27024
	Of the Official Gazettes making amendments to the Regulation	
	Date	**Issue**
1.	30/11/2012	28483
2.	28/2/2018	30346

COMMUNIQUES

Official Gazette Date: 15.06.2005, Official Gazette Issue Number: 25846

COMMUNIQUE ON INSURANCE LIABILITIES IN THE PETROLEUM MARKET

PART ONE
Objective, Scope and Legal Basis

Objective
Article 1- This Communique has been prepared in order to determine the minimum insurance amount pertaining to petroleum and facilities within the scope of insurance liability and in order to set forth the matters related to the liability.

Scope
Article 2- This Communique covers the principles and procedures regarding insurance liabilities of the persons performing activities in the petroleum market and regarding calculation of the insurance amounts and maximum exemption for and the minimum coverage of the insurance.

Legal basis
Article 3- This Communique has been prepared on the basis of article 49 of the Petroleum Market Licensing Regulation.

Definitions
Article 4- The following terms, referred to in this Communique, shall have the following meanings:
a) Law: Petroleum Market Law No. 5015 of 4/12/2003;
b) Authority: Energy Market Regulatory Authority;
c) Board: Energy Market Regulatory Board;
d) President: President of the Energy Market Regulatory Board;
e) Highway Motor Vehicles Compulsory Financial Liability Insurance: Financial liability insurance compulsory to be arranged under article 91 of the Law No. 2918;
f) Exemption: Deductible exemption which an insurer is liable for the portion -exceeding a certain rate or amount- of the insurance amount pertaining to the damage or loss occurred;
g) Risk: Risks which an insured interest that is under the coverage of an insurance contract may be faced with;
h) Insurance amount: Maximum amount of indemnity which an insurer undertakes to pay in the event that the risk occurs within the period of insurance;
i) Insured value: Market value of an insured interest at the time of damage;
j) **(As amended by: O.G.-10/8/2010-27668)** Decision on Liability Insurances to be Arranged for Dangerous Materials: Decision on Liability Insurances to be Arranged for Dangerous Materials enclosed with the Decree No. 2010/190 of 21/1/2010, entered into force by virtue of article 13 of the Insurance Law No. 5684;
k) Coverage: Sum of money which an insurer undertakes to deliver to the insured in case the risk occurs; and
l) All risks insurance: Insurance by which the subject matter of insurance is secured against all risks, with the exception of the risks expressly excluded in the insurance contract.

PART TWO
Insurance Types, and Parties That Are Obliged to Arrange Insurance

Parties that are obliged to arrange third persons financial liability insurance
Article 5- The licensees performing activities in the petroleum market are obliged to arrange the insurance(s) covering the financial liabilities, which are necessary for indemnification of bodily injuries and pecuniary damages and losses that may be caused by their activities against third parties.

Parties that are obliged to arrange all risks insurance covering their facilities and petroleum
Article 6- Refining undertaking, transmission and storage licensees are obliged to arrange the insurances covering their facilities and the petroleum -under their ownership or safe custody- against all risks.

PART THREE
Minimum Coverage, Maximum Exemption and Insurance Amounts

Minimum financial liability coverage
Article 7- (As amended by: O.G.-10/8/2010-27668)
The minimum coverage limits of third persons financial liability insurances to be arranged by the licensees performing activities in the petroleum market (except for eligible consumers) shall not be less than the amounts specified by the tariff contained in the Tariff and Instructions for Compulsory Liability Insurances to be Arranged for Dangerous Materials, as determined and announced pursuant to the Decision on Liability Insurances to be Arranged for Dangerous Materials.

Minimum insurance amount for facilities
Article 8- The facilities' insurance amount, taken as basis for the all risks insurance, shall not be less than the facility's registered net asset value, with the exception of land acquisition expenses.

Minimum insurance amount for petroleum
Article 9- Minimum insurance amount for crude oil and liquid fuel shall be found through multiplication of the peril petroleum quantity by the unit petroleum value.
The peril petroleum quantity shall not be less than;
a) For refining undertaking licensees: Forty percent of the total storage capacities of the raw material and product stocker units of the facility,
b) For transmission licensees: The sum of the physical volume regarding the longest gap between two automatic valves in the transmission grid and forty percent of the capacity of the stocker unit, and
c) For storage licensees: Fifty percent of the storage capacity.
Insurance amount for petroleum shall not be less than;
a) For crude oil: Ninety percent of the closing value of the Brent petroleum on the first stock exchange transaction day before the day when the policy is issued, and
b) For liquid fuels: Final acquisition cost, provided that taxes and other legal liabilities -prior to issuance of the policy- are included.

Maximum exemption
Article 10- (First paragraph as amended by: O.G.-10/8/2010-27668) The rate of the exemption that may be granted in all risks insurances shall not be more than two percent of the insurance amount.

Exemption is inapplicable, in third persons financial liability insurances.

PART FOUR
Final Provisions

Effectiveness
Article 11- This Communique shall become effective on the date of its publication.

Execution
Article 12- The provisions of this Communique shall be executed by the President.

21 December 2018 FRIDAY Official Gazette Issue No.: 30632

By the Energy Market Regulatory Authority:

COMMUNIQUE ON THE FINES APPLICABLE IN 2019

Objective and scope
ARTICLE 1- (1) The objective of this Communique is to re-determine the administrative fines regulated in article 19 of the Petroleum Market Law No. 5015 of 4/12/2003, by increasing these fines at the rate of 23.73% (twenty-three-point seventy-three percent) determined as the revaluation rate for 2018 in the Tax Procedure Law General Communique (Sequence No: 503) published in the Official Gazette dated 30/11/2018 and issue no. 30611.

Legal basis
ARTICLE 2- (1) This Communique has been prepared on the basis of article 19 of the Petroleum Market Law No. 5015 and the seventh paragraph of article 17 of the Misdemeanor Law No. 5326 of 30/3/2005.

Amounts of administrative fines
ARTICLE 3- (1) The administrative fines, applicable pursuant to article 19 of the Petroleum Market Law No. 5015, are determined as follows:

RELATED PROVISION OF ARTICLE 19 OF THE LAW NO. 5015	ADMINISTRATIVE FINES APPLICABLE IN 2019 (TL)
Subparagraph (a) of the second paragraph of article 19	1,776,799
Subparagraph (c) of the second paragraph of article 19	1,510,278
Subparagraph (e) of the second paragraph of article 19	621,878
Subparagraph (h) of the second paragraph of article 19 (per ton)	350
Seventh paragraph of article 19	2,660-124,373

Other administrative fines
ARTICLE 4- (1) One fourth of the administrative fine contained in the subparagraph (a) of the second paragraph of article 19 of the Law No. 5015 shall apply to the distribution undertakings with whom the vendors, who committed the act referred to in the subparagraph (l) of the fourth paragraph of article 4 of the same Law, concluded the contract.
(2) In case of violation of article 8 of the Law No. 5015, one fifth of the administrative fine contained in the subparagraph © of the second paragraph of article 19 of the same Law shall apply to vendors.
(3) With the exception of the violations referred to in the subparagraph (l) of the fourth paragraph of article 4 of the Law No. 5015, one fifth of the administrative fine contained in the subparagraph © of the second paragraph of article 19 of the same Law shall apply to vendors.
(4) One fourth of the administrative fine referred to in the subparagraph (a) of the second paragraph of article 19 of the Law No. 5015 shall apply to independent inspection firms authorized to supervise national marker addition operations, in case those firms do not fulfill their obligations.

Effectiveness
ARTICLE 5- (1) This Communique shall become effective on 1/1/2019.

Execution
ARTICLE 6- (1) The provisions of this Communique shall be executed by the President of the Energy Market Regulatory Authority.

Official Gazette Date: 07.07.2012, Official Gazette Issue Number: 28346

By the Energy Market Regulatory Authority:

COMMUNIQUE ON THE BLENDING OF ETHANOL WITH BENZINE TYPES

Objective

ARTICLE 1- (1) This Communique has been prepared in order to reduce foreign dependency in energy, to increase resource diversity, to reduce environmental pollution and for adaptation to the renewable energy policies of the European Union.

Scope

ARTICLE 2- (1) This Communique covers the principles and procedures regarding blending of ethanol, produced from domestic agricultural products, with benzine types.

Legal basis

ARTICLE 3- (1) This Communique has been prepared on the basis of the Petroleum Law No. 5015 of 4/12/2003 and the Regulation on Technical Criteria Applicable in the Petroleum Market, published in the Official Gazette dated 10/9/2004 and issue no. 25579.

Definitions

ARTICLE 4- (1) The following terms, contained in this Communique, shall have the following meanings:

a) Authority: Energy Market Regulatory Authority;

b) Ethanol producer: Companies to which the Tobacco and Alcohol Market Regulatory Authority grants the authorization to produce fuel bioethanol for the purpose of blending with benzine types;

c) License: Permission certificate which should be obtained from the Authority by a real or legal person in order to carry out activities in the market; and

ç) Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil.

Blending obligation

ARTICLE 5- (1) It is mandatory that the benzine types, delivered via the filling units of road tankers by refining undertaking licensees, contain ethanol produced from domestic agricultural products, at the following minimum rates:

a) Minimum 2% (V/V) as from 1/1/2013 and

b) Minimum 3% (V/V) as from 1/1/2014.

(2) **(As amended by: O.G.-16/06/2017-30098)** It is mandatory that the ethanol, produced from domestic agricultural products at the minimum rate of 3% (V/V), has been blended with the total benzine types which were procured from a refining undertaking -with the exception of filling units of road tankers- and was imported, within one calendar year, by distribution undertaking licensees.

Documentation and notification

ARTICLE 6- (1) By the end of February, ethanol producers shall submit to the Authority their reports prepared for each calendar year by a Certified Public Accountant (CPA) in relation to the ethanol they produced from domestic agricultural products and delivered as per the provisions of the Communique.

(2) **(As amended by: O.G.-22/6/2014-29038)** Irrespective of the existence of sales of benzine types or blending on a de facto basis, refining undertaking and distribution undertaking licensees shall submit the notifications requested by the Authority in relation to the control of the blending obligation, which notifications shall be submitted under the Regulation on Petroleum Market Information System, published in the Official Gazette dated 9/12/2005 and issue no. 26018.

Abrogation

ARTICLE 7- (1) The second paragraph of article 2 of the Communique on Technical Arrangements for Benzine Types (Liquid Fuel Serial No: 14) that entered into force upon it was published in the Official Gazette dated 7/8/2009 and issue no. 27312, is hereby repealed.

Effectiveness

ARTICLE 8- (1) This Communique shall become effective on the date of its publication.

Execution

ARTICLE 9- (1) The provisions of this Communique shall be executed by the President of the Energy Market Regulatory Board.

By the Energy Market Regulatory Authority:

COMMUNIQUE ON THE BLENDING OF BIO-DIESEL WITH DIESEL OIL TYPES

Objective

ARTICLE 1- (1) This Communique has been prepared in order to reduce foreign dependency in energy, to increase resource diversity, to ensure effectively recycling of waste vegetable oils, to reduce environmental pollution and for adaptation to the renewable energy policies of the European Union.

Scope

ARTICLE 2- (1) This Communique covers the principles and procedures regarding blending of bio-diesel, produced from domestic agricultural products and/or waste vegetable oils, with diesel oil types.

Legal basis

ARTICLE 3- (1) This Communique has been prepared on the basis of the Petroleum Law No. 5015 of 4/12/2003 and the Regulation on Technical Criteria Applicable in the Petroleum Market, published in the Official Gazette dated 10/9/2004 and issue no. 25579.

Definitions

ARTICLE 4- (1) The following terms, contained in this Communique, shall have the following meanings:

(2) Bio-diesel producer: Legal persons that have obtained processing (bio-diesel) license from the Authority;

b) Waste vegetable oil: Used fried oils and the vegetable oils conforming to the definition of “waste” as contained in the Regulation on Waste Management, published in the Official Gazette dated 2/4/2015 and 29314; and

c) Authority: Energy Market Regulatory Authority.

Blending obligation

ARTICLE 5- (1) It is mandatory that the bio-diesel, produced from domestic agricultural products and/or from waste vegetable oils at the minimum rate of 0.5% (V/V), has been blended with the total diesel oil which was procured from a refining undertaking -with the exception of filling units of road tankers- and was imported, within one calendar year, by distribution undertaking licensees.

Technical arrangements

ARTICLE 6- (1) It is mandatory that the bio-diesel to be added within the scope of the blending obligation is in conformity with the technical arrangements.

Implementation principles

ARTICLE 7- (1) In the reviews of the notifications received by the Authority within the scope of the blending obligation referred to in this Communique, the bio-diesel rate shall be considered by rounding up to the nearest 0.01%.

(2) The blending obligation shall not apply to the distribution undertaking licensees that have not performed activities in the entire year associated with the tracking.

(3) The operation “blending of bio-diesel with diesel oil” may be performed in a tank and/or at the time of sale.

(4) The diesel oil, supplied for bunker purposes, is not included in the obligation to blend bio-diesel.

Redetermination of the blending rate

ARTICLE 8- In case the Authority finds that there is a bio-diesel supply shortage in the market or in case the Authority finds circumstances distorting the market and the competition in the formation of bio-diesel price, the Authority may re-determine the blending rate referred to in article 5 of this Communique.

Transfer of the obligation

SUPPLEMENTARY ARTICLE 1- (As added by: O.G.-29/03/2019-30729)

(1) The bio-diesel blending obligation arising from article 5 of this Communique may be transferred, in whole or in part, to another bio-diesel blending obligor distribution undertaking licensee.

(2) It is mandatory that the distribution undertaking licensee who will take over the bio-diesel blending obligation; under this Communique, in the preceding:

a) [(1)] obligation period, has fulfilled its bio-diesel blending obligation entirely,

b) calendar year, minimum 500 m3 bio-diesel has been blended.

(3) The transferee of the blending obligation shall make the transfer-related notification by submitting the Blending Transfer Form (Annex-1) to the Authority through the Electronic Notification System in January of the year following the obligation period.

(4) In case the transferee of the blending obligation does not fulfill the conditions prescribed by the second paragraph of this article, the transfer transaction shall be deemed to be invalid.

TEMPORARY ARTICLE 1 – (As added by O.G.-20/12/2018-30631)

(1) Distribution undertaking licensees' bio-diesel blending obligation shall be considered as one single obligation period, for 2018 and 2019.

(2) As regards the distribution undertaking licensees who have performed activities in any of the whole 2018 or 2019, those distribution undertaking licensees' blending obligation shall continue for the year that they have performed activities.

Effectiveness

ARTICLE 9- (1) This Communique shall become effective on 1/1/2018.

Execution

ARTICLE 10- (1) The provisions of this Communique shall be executed by the President of the Energy Market Regulatory Board.

(1) This subparagraph shall enter into force on 1/1/2020.

(As added by: O.G.-29/03/2019-30729)

"Annex-1

BLENDING TRANSFER FORM

Pursuant to the Communique on the Blending of Bio-Diesel with Diesel Oil Types which was published in the Official Gazette dated 16/6/2017 and issue no. 30098 ("the Communique"), we hereby acknowledge, declare and make the commitment that the bio-diesel blending obligation has been taken over within the scope of the below information and that all kinds of administrative transactions, to be applicable in case of deficient blending, shall be imposed on the transferee party and that all the information provided in this form is true and accurate.

BLENDING OBLIGATION TRANSFEROR	BLENDING OBLIGATION TRANSFEREE
Title	Title
License No.	License No.
Name and Surname	Name and Surname
Signature *	Signature *
Date	Date

Information on the Blending Obligation

Obligation Period	
Quantity of Blended Bio-Diesel Transferred (m3)	

***** The form should be undersigned by the licensees' staffs who are authorized to perform such a transaction.
** This form has been prepared as required by the Communique on the Blending of Bio-Diesel with Diesel Oil Types which was published in the Official Gazette dated 16/6/2017 and issue no. 30098; and the quantities indicated in the information provided by means of the form do not represent a monetary value and are indicated in order to determine the blending obligation transferor and the blending obligation transferee parties pursuant to the Communique."

Official Gazette Date: 24.04.2013, Official Gazette Issue Number: 28627

COMMUNIQUE ON THE PRINCIPLES AND PROCEDURES REGARDING THE PROCUREMENT OF THE PETROLEUM PRODUCTS EXCLUDING LIQUID FUEL FROM DOMESTIC AND FOREIGN RESOURCES

Objective and scope

ARTICLE 1- (As amended by: O.G.-28/12/2014-29219) (2)

(1) The objective and scope of this Communique is to determine the principles and procedures regarding issuance of letter of conformity in the procurement of petroleum products excluding liquid fuel from domestic resources and in the release of these products into free circulation.

Legal basis

ARTICLE 2- (1) This Communique has been prepared on the basis the fourth paragraph of article 9 of the Petroleum Market Law No. 5015 of 4/12/2003 and the first paragraph of article 44 of the Petroleum Market Licensing Regulation published in the Official Gazette dated 17/6/2004 and issue no. 25495.

Definitions

ARTICLE 3- (1) The following terms, referred to in this Communique, shall have the following meanings:

a) **(As amended by: O.G.-29/6/2013-28692)** Petroleum product excluding liquid fuel: Products included in the scope of Appendix-1 and Appendix-2 of this Communique;

b) President: President of the Energy Market Regulatory Board;

c) Department: Petroleum Market Department;

ç) Board: Energy Market Regulatory Board; and

d) Authority: Energy Market Regulatory Authority.

Obligation to obtain letter of conformity

ARTICLE 4- (1) **(Paragraph as amended by: O.G.-28/12/2014-29219) (2)** It is necessary to obtain letter of conformity from the Authority in order for the petroleum products excluding liquid fuel to be procured from domestic resources, with the exception of the circumstances referred to in article 5, and in order for these products to be released into free circulation. Provided that the relevant letter of conformity is obtained, the petroleum products excluding liquid fuel may be procured and imported by the following:

a) The petroleum products excluding liquid fuel may be procured domestically by industrialists; and

b) The petroleum products excluding liquid fuel may be imported from foreign countries directly by industrialists or importers on behalf of industrialists.

(2) The persons, producing the products which are defined in Appendix-1 and whose customs tariff statistics position numbers are indicated in Appendix-1, may sell these products within the Country only to the persons who have obtained the relevant letter of conformity from the Authority.

(3) **(As amended by: O.G.-5/6/2014-29021)** With the exception of the licensees listed in the fourth paragraph of article 5, a letter of conformity shall not be granted to the same person both as an industrialist and as an importer.

(4) **(As amended by: O.G.-28/12/2014-29219) (2)** Industrialists may request for a letter of conformity by granting authorization to maximum two importers.

(5) It is mandatory for industrialists to be capital companies as per the Turkish Commercial Code No. 6102 of 13/1/2011.

(6) **(As amended by: O.G.-1/7/2016-29759) (Sentence as amended by: O.G.-10/3/2017-30003)** Industrialists shall not, without obtaining permission from the Authority, deliver to third parties the petroleum products excluding liquid fuel they produced for production purposes; and importers shall not, without obtaining permission from the Authority, deliver to third parties the petroleum products excluding liquid fuel they produced on behalf of producers; and third parties are not entitled to take delivery of these products. In cases where the adjudication of bankruptcy, which is issued for an industrialist to whom a letter of conformity is granted or on behalf of whom a letter of conformity is granted to an importer in order to procure a petroleum product excluding liquid fuel from domestic or foreign resources, becomes final, in cases where the industrialist has transferred its facility or in other cases considered appropriate by the Authority; the products, which are available in the industrialist's stocks or which have remained in the importer's stocks although their import procedures were completed on behalf of the industrialist, may be transferred to other industrialists, provided that the circumstance is documented and that the relevant permission is obtained from the Authority.

(7) **(Added by: O.G.-1/7/2016-29759)** The products, whose import procedures have been completed by the importer, however, which could not be delivered to the industrialist due the expiration of the letter of conformity durations at the end of the year, may be delivered to the industrialist on behalf of whom the import is performed, which delivery shall not require a new permission by the end of January of the following year. **(Sentence repealed by: O.G.-31/12/2016-29935 (3rd Reiterated) (…)**

Circumstances for which a letter of conformity shall not be required

ARTICLE 5 (1) – (1) **(As amended by: O.G.-22/2/2019-30694)** Letter of conformity shall not be required in the import of the Appendix-1 petroleum products excluding liquid fuel, provided that they do not exceed 1000 kilograms in total on a monthly basis or that they are in packages with the maximum capacity of 5 kg.; or letter of conformity shall not be required in the procurement of the Appendix-1 petroleum products excluding liquid fuel from domestic resources, provided that they are in packages with the maximum capacity of 25 kg.

(2) **(Added by: O.G.-29/6/2013-28692) (1) (As amended by: O.G.-28/12/2014-29219) (2)** Letter of conformity shall not be required in the procurement of the Appendix-2 petroleum products excluding liquid fuel from domestic resources and in the import of these products in packages with the maximum capacity of 250 kilograms.

(3) Letter of conformity shall not be required in the procurement of petroleum products excluding liquid fuel, performed by processing licensees (petrochemistry) and refining undertaking licensees carrying out activities within the scope of their licenses.

(4) Letter of conformity shall not be required in the procurement of the products -which are defined in Appendix-2 and whose customs tariff statistics position numbers are indicated in Appendix-2- by the following licensees:

a) Lube oil licensees;

b) Distribution undertaking licensees, if the matter "they are entitled to engage in lube oil activities" is registered in their licenses;

c) Bunker delivery licensees, if lube oil is registered among the products included in the scope of their market activity; and

ç) Distribution undertaking licensees, if the matter "they are entitled to engage in bunker delivery activities" is registered in their licenses and if lube oil is registered among the products included in the scope of their bunker delivery activities.

(5) **(Added by: O.G.-5/6/2014-29021) (As amended by: O.G.-1/7/2016-29759)** With the exception of lube oil licensees; letter of conformity shall not be required from industrialists in the entry of the petroleum products excluding liquid fuel into free zones or in the temporary import of these products within the scope of inward processing regime.

Application

ARTICLE 6- (1) **(As amended by: O.G.-5/6/2014-29021)** The persons, who wish to procure petroleum products excluding liquid fuel, shall firstly enter the requested information in the relevant fields, by using the electronic infrastructure determined and announced by the Authority; and then, they shall e-sign -by using the qualified electronic certificates they obtained in compliance with the related legislation- the application forms created automatically by the system according to this information and under this information; and thereupon, they shall apply to the Authority together with a copy of this application form signed and the other necessary documents.

(2) Unless otherwise specified in this Communique; it is necessary that the originals of the necessary documents or their copies certified by a public notary within the last six months be submitted as enclosed with the application letter.

(3) **(As amended by: O.G.-28/12/2014-29219) (2)** In the case that documents have already been received by and entered in the Authority's records within the scope of an application for letter of conformity and that the applicant declares in writing that these documents have not been modified or replaced and that they are still valid; those documents shall not be requested again in the letter of conformity applications filed within the same calendar year.

(4) In case it is found that the application for letter of conformity has not been filed in compliance with the related legislation; it shall be notified to the applicant in writing that those deficiencies should be completed within ten business days and that, otherwise, the documents submitted within the scope of the application shall be returned. In case those deficiencies are not completed within this period of time, the application shall be deemed not to have been filed and the application documents shall be returned. **(Sentence added by: O.G.-1/7/2016-29759)** However; the Authority, if it deems necessary, may not return the originals of all or a part of the application documents.

Necessary documents

ARTICLE 7- (As amended by: O.G.-1/7/2016-29759)

(1) The following documents shall be submitted to the Authority within the scope of the letter of conformity applications to be filed personally by industrialists:

a) Electronic application form;

b) Industrial registry certificate;

c) Copy of the capacity report, certified by the chamber of trade and/or industry;

ç) In legal persons, circular of signature containing the names, surnames, specimen signatures of and the authorization limits pertaining to the persons authorized to represent and bind the legal person; and in real persons, statement of signature containing the name, surname, identity information, residence address and specimen signature of the person;

d) Original of the actual consumption certificate which indicates the last 2 years' actual consumption amount pertaining to the product to be procured and has been obtained from the chamber of trade and/or industry, or copy of this certificate certified by the chamber of trade and/or industry (Appendix-5); and
e) In case the person, who electronically undersigned the letter of application, is not an official of the Company; the authorization certificate stating that this person is authorized to file applications for procurement of products excluding liquid fuel.
(2) In addition to the documents referred to in the first paragraph; the following documents shall be submitted to the Authority within the scope of the letter of conformity applications to be filed by importers on behalf of industrialists:
a) Copy of the chamber registration certificate pertaining to the importer;
b) Circular of signature containing the names, surnames, titles, specimen signatures of and authorization limits pertaining to the persons authorized to represent and bind the importer; and
c) Authorization certificate which states that the importer is authorized to import on behalf the industrialist and has been granted to the importer by the industrialist (Appendix-6).
(3) **(As amended by: O.G.-22/2/2019-30694)** In the procurement applications that will be filed for the products included in the scope of this Communique by public institutions and organizations or by the companies to which exploration or business license is granted within the scope of the Turkish Petroleum Law No. 6491 of 30/5/2013 or by the other companies to which they grant the relevant authorization (which products will be utilized in their own facilities or in their own fields of activities); the letter of conformity may be granted without submission of those which are unpresentable among the documents listed in the first paragraph, in the case that the relevant institution's official letter specifying the products' names, customs tariffs statistics position number information, quantities and the facilities where these products will be used are submitted to the Authority and that the application is filed in compliance with article 6.

Examination and evaluation

ARTICLE 8- (As amended by: O.G.-1/7/2016-29759)

(1) Applications for letter of conformity, found to have been filed without any deficiencies, shall be taken under examination and evaluation.
(2) In the evaluation on a letter of conformity, the products contained in the capacity report shall be taken into consideration. The customs tariffs statistics position of a product for which a letter of conformity will be issued shall be determined by taking the applicant's declaration as basis. In case product's name contained in the capacity report and the name corresponding to that product in the customs tariff schedule are different from each other, the permission shall be granted in pursuant of the name indicated in the customs tariff schedule. The applicant is responsible and liable for the trueness and accuracy of the customs tariff statistics position numbers declared in the application file. In the permissions to be granted for the products which are stated under the same heading in the capacity report since they will be utilized for the same purpose in the production, however, whose customs tariff statistics positions are different, the product quantities for which the permission will be granted shall be determined by taking the applicant's request into consideration.
(3) In the application form, in the chapter "consumption table" of the capacity report and in the consumption certificate, the product's name should be the same.
(4) The quantity for which the letter of conformity will be issued shall not exceed the quantity indicated in the capacity report, for the product associated with the permission. The quantity may be increased in proportion to the number of shifts, provided that such increase in the number of shifts is documented through the channel of the relevant public institution.
(5) The quantity for which the letter of conformity will be issued shall be determined by deducting the available stocks from the higher of the realizations contained in the actual consumption certificate pertaining to the last two years, provided that the request is not exceeded. In cases where the higher of the actual consumption amounts pertaining to the product (for which the application is filed) within the last two years is less than the quantities specified in the sixth paragraph, procurement permission may be granted as per the sixth paragraph at the request of the applicant. The quantity of the product available in the applicant's stocks shall be taken into consideration in the calculations to be made within the scope of the permission that will be granted in this way.
(6) If there is no utilization for the last two years in the actual consumption certificate, the quantity for which the letter of conformity will be issued shall be determined as:
a) 15% of the capacity, in case the capacity is up to 1000 tons;
b) 15% of 1000 tons and 10% of the exceeding portion, in case the capacity is up to 2000 tons;
c) 12.5% of 2000 tons and 5% of the exceeding portion, in case the capacity is up to 5000 tons;
ç) 8% of 5000 tons and 3% of the exceeding portion, in case the capacity is up to 10000 tons;
d) 5.5% of 10000 tons and 1% of the exceeding portion, in case the capacity is over 10000 tons;
e) **(Wording as amended by: O.G.-22/2/2019-30694)** For the product with the GTIP number 2710.19.99.00.11, half of the quantity found in result of the calculations in the subparagraphs (a), (b), (c), (ç) and (d).
The calculations referred to in this paragraph shall be made on the basis of one shift.

(7) **(As amended by: O.G.-8/9/2017-30174)** In the applications regarding the products to be needed during the initial or subsequent fillings pertaining to closed cycles of machinery and/or installations used in industrial facilities, the letter of conformity may be issued:
(a) without applying the quantity limits referred to in the fifth and sixth paragraphs and
(b) of the documents referred to in the subparagraphs (b), (c) and (d) of the first paragraph of article 7, without submission of those which are unpresentable,
provided that the circumstance and the name and quantity of the product needed is documented by the relevant chamber of industry and/or trade.
(8) In the absence of lube oil license, a letter of conformity shall not be granted to the applicants if "lube oil production" is stated in the chapter "field of activities" of their capacity reports or if "lube oil" is, among the products to be produced, stated in the chapter "production capacity" of their capacity reports. **(Supplementary sentence added by: O.G.-10/3/2017-30003)** The Department shall cancel the unutilized portions in the effective letters of conformity of the firms whose lube oil licenses have been terminated or cancelled.
(9) Permissions for procurement of products excluding liquid fuel shall be granted as 1000 kilograms and multiples of 1000 kilograms, by transfer of the exceeding portion to the upper multiple.
(10) Applications for letter of conformity shall be concluded by the Department in no later than sixty days as from the application date.
(11) **(As amended by: O.G.- 10/3/2017-30003)** In case discrepancy is found in the documents submitted to the Authority or in case it is needed that a detailed examination should be carried out on the application, the applicant may be requested to submit supplementary or extra information and documents. In the examination and evaluation processes, in case it is found that there is a breach of the related and other legislation and/or in case a strong doubt occurs in this regard, the circumstance shall be notified to the Presidency of the Inspection Department and/or the competent administrations. In case a preliminary investigation or inquiry is initiated by the Authority, the measure "not granting letter of conformity to the relevant party during the inquiry" may be taken under the Presidency's Approval in line with the proposal of the Inspection Department.
(12) In case the application is accepted; the information regarding the letter of conformity issued for the petroleum product excluding liquid fuel shall be announced on the web page of the Authority. In case the application is rejected after completion of the examination and evaluation, the decision shall be notified to the applicant.

Items to be contained, as a minimum, in a letter of conformity

ARTICLE 9- (As amended by: O.G.-22/2/2019-30694)
(1) As a minimum, the following items shall be contained in the letters of conformity:
a) Title, tax identification number and address of the person that will perform the procurement;
b) The Customs Tariff Statistics Position and definition of the product that will be procured, and the quantity permitted;
c) Details of the domestic producer from whom or of the customs through which the procurement will be performed;
ç) Validity period of the letter of conformity.

Closure transactions

ARTICLE 10- (1) In order for conclusion of subsequent applications to be filed for the same product and for the procurement resource of the same kind, it is necessary to close the letter of conformity already obtained for that product and that procurement type.
(2) **(As amended by: O.G.-5/6/2014-29021)** In the subsequent applications to be filed for the same product within the same year; the current letter of conformity and the originals and/or certified copies of the audit and attestation contracts signed between the person that will perform the import and/or the industrialist (as the case may be) and the certified public accountant or the independent auditor and of the certified public accountant's or the independent auditor's certificate of activity and the tables contained in Appendix-7 and its appendices shall be submitted to the Authority for the closure transaction.
(3) **(As added by: O.G.-28/12/2014-29219) (2)** As regards the quantity for which the permission has previously been granted to the applicant, the portion of the quantity not procured shall be considered as stock and shall be taken into consideration in the calculation of the permission, which calculation will be made for the next application.

Validity period and return

ARTICLE 11- (As added by: O.G.-28/12/2014-29219) (2)
(1) A letter of conformity issued by the Authority shall be valid by the end of 31 December of the year that the letter of conformity is issued.

Modification

ARTICLE 12- (1) In the case of a change in the information registered in the letter of conformity, the holder of the letter of conformity is obliged to file the relevant application with the Authority together with the information and documents about the change and request for the modification of the letter of conformity, in no later than ten business days following the occurrence of this circumstance.
(2) The requests for modification of the items contained in the letters of conformity shall be concluded by the Department in the case that the grounds indicated are found acceptable and that the requested information and documents are submitted to the Authority.

Termination and cancellation

ARTICLE 13- (1) A letter of conformity shall be terminated by the Department:

a) in case the holder of the letter of conformity is declared bankrupt, the holder's legal personality is dissolved, the holder is deceased or at the request of the holder; or

b) upon it is understood that a document, required within the scope of an application for letter of conformity, becomes subsequently invalid.

(2) In case it is found by the Authority or public institutions and organizations that the products, procured within the scope of a letter of conformity, are misused; such letter of conformity shall be cancelled by the Board decision.

Notification of domestic sales

ARTICLE 14- (As amended by: O.G.-31/12/2016-29935 (3rd Reiterated) (4)

(1) The persons that produce the Appendix-1 products in the Country shall notify to the Authority their domestic sales in accordance with the Regulation on Notifications in the Energy Market, published in the Official Gazette dated 27/5/2014 and issue no. 29012.

Announcement of letters of conformity

TEMPORARY ARTICLE 1- (As added by: O.G.-1/7/2016-29759)

(1) Until 31/12/2016, the letters of conformity shall be announced on the web page of the Authority and be continued to be forwarded to the applicants. As from 1/1/2017, the letters of conformity issued for domestic procurements and the letters of conformity issued for foreign procurements and transmitted to the "Single Window System" of the Ministry of Customs and Trade in electronic environment shall not additionally be forwarded to the applicants. The 23-digit code, which will be assigned by the Ministry of Customs and Trade in electronic environment within the framework of the "Single Window System", shall be required in the registration of the customs declarations regarding release for free circulation of the products included in the scope of this Communique.

Transitional provisions

TEMPORARY ARTICLE 2- (As added by: O.G.-10/3/2017-30003)

(1) The restrictions, applied before the effective date of this article within the framework of the second sentence of the eleventh paragraph of article 8, shall be revoked without the requirement of a further Decision.

Effectiveness

ARTICLE 15- (As amended by: O.G.-29/6/2013-28692)

(1) This Communique shall become effective on 1/1/2014.

Execution

ARTICLE 16- (1) The provisions of this Communique shall be executed by the President.

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(1) By the amendment published in the Official Gazette dated and 29/6/2013 issue no. 28962, the second paragraph, after the first paragraph, was added to this article, and the other paragraphs were re-numerated accordingly.

(2) This amendment shall enter into force on 1/1/2015.

(3) This amendment shall enter into force on 1/1/2016.

(4) This amendment shall enter into force on 1/1/2017.

Official Gazette Date: 24.04.2013, Official Gazette Issue Number: 28627

	Of the Official Gazette in which the Communique was published:	
	Date	**Issue**
	24/4/2013	28627
	Of the Official Gazettes in which the Communiques amending the Communique were published:	
	Date	**Issue**
1.	29/6/2013	28692
2.	5/6/2014	29021
3.	28/12/2014	29219
4.	18/3/2015	29299
5.	31/12/2015	29579
6.	1/7/2016	29759
7.	31/12/2016	29935 (3rd Reiterated)
8.	10/3/2017	30003
9.	8/9/2017	30174
10.	22/2/2019	30694
11.	27/12/2019	30991

ANNEX TO THE PETROLEUM PRODUCTS EXCLUDING LIQUID FUEL

(As amended by: O.G.-27/12/2019/30991) Appendix-1

Petroleum Products Excluding Liquid Fuel-1

G.T.I.P. No.	Description
2707.10.00.00.00	Benzol (benzene)
2707.20.00.00.00	Toluol (toluene)
2707.50.00.00.11	Solvent naphtha (dispersing naphtha)
2707.99.99.00.00	Others
2710.12.11.00.00	Those to be put through a specific process
2710.12.15.00.19	Others
2710.12.21.00.00	White sprit
2710.12.25.00.00	Others
2710.12.41.00.00	Those whose octane (RON) is less than 95 Those whose octane (RON) is 95 or over, however, less than 98
2710.12.45.00.18	Others Those whose octane (RON) is 98 or over
2710.12.49.00.18	Others
2710.12.90.00.11	Other solvents (dispersing agents)
2710.12.90.00.19	Others
2710.19.11.00.00	Those to be put through a specific process
2710.19.15.00.00	Those to be put through chemical change by a process other than the processes referred to in the sub position 2710.19.11.00
2710.19.25.00.19	Others
2710.19.29.00.00	Others
2710.19.31.00.00	Those to be put through a specific process
2710.19.35.00.00	Those to be put through chemical change by a process other than the processes referred to in the sub position 2710.19.31.00
2710.19.43.00.29	Others
2710.19.46.00.29	Others
2710.19.47.00.19	Others
2710.19.48.00.18	Others
2710.19.51.00.00	Those to be put through a specific process
2710.19.55.00.00	Those to be put through chemical change by a process other than the processes referred to in the sub position 2710.19.51.00
2710.19.62.00.39	Others
2710.19.64.00.39	Others
2710.19.68.00.39	Others
2710.19.71.00.00	Those to be put through a specific process
2710.19.75.00.00	Those to be put through chemical change by a process other than the processes referred to in the sub position 2710.19.71.00
2710.19.99.00.11	Spindle Oil, Light Neutral, Heavy Neutral, Bright Stock
2710.19.99.00.98	Others
2710.20.11.00.19	Others
2710.20.16.00.00	Those whose sulphur ratio exceeds 0.001% but does not exceed 0.1% by weight
2710.20.19.00.00	Those whose sulphur ratio exceeds 0.1% by weight
2710.20.32.00.00	Those whose sulphur ratio does not exceed 0.5% by weight
2710.20.38.00.00	Those whose sulphur ratio exceeds 5% by weight
2710.20.90.00.00	Other oils
2901.10.00.90.11	Hexane
2901.10.00.90.12	Heptane
2901.10.00.90.13	Pentane
2902.11.00.00.00	Cyclohexane
2902.20.00.00.00	Benzene (benzol)
2902.30.00.00.00	Toluene (toluol)
2902.41.00.00.00	o-Xylene
2902.42.00.00.00	m-Xylene
2902.44.00.00.00	Xylene isomers mixtures
2909.19.90.00.13	Methyl tarsier butyl ether (MTBE)

(As amended by: O.G.-31/12/2015-29579) Appendix-2
Petroleum Products Excluding Liquid Fuel-2

GTIP No.	**Product Description**
2710.19.81.00.00	Engine oils, compressor lube oils, turbine lube oils
2710.19.83.00.00	Liquid oils peculiar to hydraulic purposes
2710.19.85.00.00	White oils, liquid paraffin
2710.19.87.00.00	Gear oils and redactor oils
2710.19.91.00.00	Compounds peculiar to metal processing mold oils
2710.19.93.00.00	Oils peculiar to electrical insulting
2710.19.99.00.25	Other Lube Oils
3403.11.00.00.00	Preparations peculiar to the processing of the products convenient for weaving, of leather and cowhide leather, of peltries and furs or of other products
3403.19.10.00.00	Those containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, provided that they are not considered as base substance
3403.19.20.00.00	Lubricants which are recyclable at least up to 60% and have at least 25% bio-based carbon content by volume
3403.19.80.00.00	Others
3403.91.00.00.00	Preparations peculiar to the processing of the products convenient for weaving, of leather and cowhide leather, of peltries and furs or of other products
3403.99.00.00.00	Others

(Repealed by: O.G.-5/6/2014/-29021) **Appendix-3**
(Repealed by: O.G.-5/6/2014/-29021) **Appendix-4**

(As amended by: O.G.-29/6/2013-28692) Appendix-5

ACTUAL CONSUMPTION CERTIFICATE

Title of the person that performed the procurement	**:**	
Trade Registration No. of the person that performed the procurement	**:**	
Chamber Registration No. of the person that performed the procurement	**:**	
Production subject of the person that performed the procurement	**:**	
Address of the person that performed the procurement	**:**	
Period	**:**	…/…/… - …/…/…
Number of shifts during which the person -that performed the import in the issuance period- made production	**:**	

The products were procured by the aforesaid person between …/…/… and …/…/… (The following tables shall be prepared separately for each product procured; and for the persons that procured Base Oil, the Base Oil shall be classified as Heavy Neutral, Light Neutral, Spindle Oil, Bright Stock, etc.):

Product Name	:	

CUSTOMS DECLARATION		
Declaration Date	**Declaration No.**	**Quantity (kg)**

Product Name	:	

DOMESTIC PROCUREMENT INFO.		
Seller's Trade Name	**Invoice Date and No.**	**Quantity (kg)**

Quantities of the raw materials which have, in total, been procured, utilized in the production by and are available in the stocks of the aforesaid person between …/…/… and …/…/…:

Product Name	**(I) Domestic Procurements (kg)**	**(II) Foreign Procurements (kg)**	**(III)=(I)+(II) Total Quantity of the Materials Procured (kg)**

Product Name	**(II) Stock Amount at the Beginning of the Period (kg) (industrialist)**	**(III) Stock Amount at the Beginning of the Period (kg) (importer)**	**(IV)=(II)+(III) Total Stock Amount at the Beginning of the Period (kg)**	**(V) Total Quantity of the Materials Procured (kg)**	**(VI) Quantity of Materials Utilized in the Production (kg)**	**(VII) Stock Amount at the End of the Period (kg) (industrialist)**	**(VIII) Stock Amount at the End of the Period (kg) (importer)**	**(IX)=(VII)+(VIII) Total Stock Amount at the End of the Period (kg)**

Finished products that the aforesaid person has produced and sold by utilizing the raw materials subject to the Actual Consumption Certificate between …/…/… and …/…/…:

Product Name (Raw Material)	**Finished Product (……)**	**Finished Product (……)**	**Finished Product (……)**	**Total (kg)**
Total				

(As amended by: O.G.-29/6/2013-28692) Appendix-6

AUTHORIZATION CERTIFICATE

DATE
…/…/…

…….. is hereby granted authorization pursuant to the sales contract we concluded for the import of the products whose kinds and quantities are stated below.

Kindly submitted for your information.

Name(s) and Surname(s) of the Person(s) Authorized to Represent
Signature
Stamp (If legal person)

1- Kinds and Quantities of the Products for which Import Authorization is Granted

Commercial Description	Total Quantity for which the Authorization is Granted (ton)

2- Request for Import included in the Scope of the Authorization Certificate

GTIP	Commercial Description	Quantity Requested within the Scope of the Application (ton)

(As amended by: O.G.-29/6/2013-28692) Appendix-7

CERTIFIED PUBLIC ACCOUNTANT'S
AUDIT AND ATTESTATION REPORT

The Firm's Trade Name :

Of the Certified Public Accountant who performed the attestation

Name and Surname :
Registered Chamber :
Office Address :
Contact Information :

Of the Person who will perform the procurement

Title :
Address :
Tax Office :
Tax Identification Number :
Trade Registration Number :
Contact Information :

Audit Period

Certified Public Accountant's
Name and Surname
Signature and Seal

Appendices: 7/A, 7/B, 7/C

(As amended by: O.G.-29/6/2013-28692) Appendix-7/A

PRODUCT DELIVERY TABLE TO BE ISSUED BY IMPORTERS THAT PERFORM IMPORT ON BEHALF OF INDUSTRIALIST

Issuance Date
.../.../…

TITLE OF THE IMPORTER:
TITLE OR NAME OF THE INDUSTRIALIST:

Of the Letter of Conformity

Number	Date	Quantity Permitted (kg)	GTIP No. (12 digits)	Total Quantity Delivered to the Industrialist (kg)

As Contained in the Customs Declaration			
Declaration No (16 Digits)	The Product's		
	GTIP No (12 Digits)	Commercial Description	Net Quantity (kg)

I have determined the trueness and accuracy of the above information in consequence of the reviews on the Company records and official documents.

Certified Public Accountant's Attestation / Independent Auditor's Attestation

* It is the total quantity delivered, in the event that more than one delivery is made within the scope of the letter of conformity to be closed.

Appendix- 7/B

PRODUCT MOVEMENT TABLE
TO BE ISSUED BY THE INDUSTRIALIST GRANTING PERMISSION TO THE IMPORTER

Issuance Date
…/…/…

INDUSTRIALIST:
TITLE OR NAME:

(I) Product quantity declared in the preceding application (importer) (kg)*	**(II)** Product quantity declared in the preceding application (industrialist) (kg)**	Letter of Conformity No.	Quantity Permitted (kg) ***	**(III)** Quantity Received from the Importer within the scope of the Letter of Conformity (kg)	**(IV)** Quantity of Import Performed on Its Own Behalf (kg)	**(V)** Quantity Received from the Other Importer to whom the Authorization is Granted	**(VI)** Quantity Received from the Domestic Producer (kg)	**(VII)** (I) + (II) + (III) + (IV) + (V) + (VI) Total Product Quantity Received (kg)	**(VIII)** Quantity Utilized in the Production, and Other (kg) ****	**(IX)** Amount of Stock on the Table Issuance Date (importer) (kg)	**(X)** Amount of Stock on the Table Issuance Date (industrialist) (kg)

Appendix-8
(Repealed by: O.G.-31/12/2016-29935)

Appendix-9
(Repealed by: O.G.-31/12/2016-29935)

Official Gazette Date: 12.01.2011, Official Gazette Issue Number: 27844

COMMUNIQUE ON PACKAGING AND MARKET SUPPLY OF LUBE OILS

PART ONE
Objective, Scope, Legal Basis and Definitions

ARTICLE 1- (As amended by: O.G.-21/6/2019-30808)
(1) This Communique has been prepared in order to determine the principles and procedures regarding market supply of, package information pertaining to and necessary technical characteristics of lube oils released to the market, for the purpose of ensuring that such lube oils reach consumers by means of true, accurate and understandable information and in such a way not damaging environmental and human health and not causing a misapprehension.
ARTICLE 2- (As amended by: O.G.-21/6/2019-30808)
(1) This Communique covers the principles regarding provision of the obligations necessary in the matters related to ensuring traceability of lube oils in the market and in the matters related to ensuring that they are released to the market in compliance with the related and other legislation and in the matters related to not damaging the environment and in the matters related to prevention of misuse of lube oils.
ARTICLE 3- (As amended by: O.G.-21/6/2019-30808)
(1) This Communique has been prepared on the basis of the Petroleum Market Law No. 5015, the Petroleum Market Licensing Regulation and the Regulation on Technical Criteria Applicable in the Petroleum Market.
ARTICLE 4- (1) The following terms, referred to in this Communique, shall have the following meanings:
1) Law: Petroleum Market Law No. 5015 of 4/12/2003;
2) Authority: Energy Market Regulatory Authority;
3) Board: Energy Market Regulatory Board;
4) President: President of the Energy Market Regulatory Board;
5) EN: European Standards;
6) TS: Turkish Standards;
7) TSI: Turkish Standards Institute;
8) **(Repealed by: O.G.-21/6/2019-30808)**
9) Safety Data Sheet: Document containing detailed information about characteristics of dangerous materials and preparations, safety measures to be taken at the workplaces (the workplaces where dangerous materials and preparations are available) depending on their characteristics posing danger and the information necessary for protection of human health and environment against adverse effects of dangerous materials and preparations;
10) Production, Import, Sales and Stocks Tables: As regards the materials and preparations associated with lube oil production; tables specifying the information about their components in the production process and the information about their procurement, sending to production, production and sales and stock quantities.
11) Related legislation: Petroleum market-related Laws, regulations, licenses, communiques, circulars and Board decisions;
12) Quality conformity certificate: A certificate stating that a material or equipment, for which there is no Turkish Standard, has been produced and released to the market in conformity with the related international standards or the standards of other countries or the technical specifications adopted by TSI;
13) License: Permission certificate which should be obtained from the Authority by a real or legal person in order to carry out activities in the market;
14) Lube oil: Natural or artificial materials turned into substances which reduce friction and/or abrasion between two moving and contacting surfaces or has cooling effect, upon addition of certain additives to base oil or to the materials processed with chemical synthesis method;
15) Lube oil producer: Real or legal person producing lube oil;
16) Standard: An arrangement, on which a consensus is reached and which is approved by a notified body and specifies one or several of the procedures for and the matters related to features of a product for common and repetitious utilizations aiming at setting up of a system in the most convenient level under current conditions, and/or the processing and production methods and the relevant terminology, symbols, packaging, marking, labeling and conformity evaluation, and whose compliance is optional;
17) Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;

18) **(Repealed by: O.G.-21/6/2019-30808)**
19) TSI Turkish Standards Conformity Certificate: In the matters for which there is a Turkish Standard, certificate stating that those products of the firms that become entitled to obtain Production Compliance Certificate are in conformity with the related Turkish Standard and stating the trademarks, sorts, classes, types and kinds of the products on which TSI Brand will be used and for which the right to use TSI Brand is granted under the contract concluded and which is issued in the name of the relevant firm and whose validity period is one year;
20) Facility: Maritime, railway or land vehicles or a structure comprising of the whole administrative sections and primary and secondary units where license-related activity takes place.
21) **(Repealed by: O.G.-21/6/2019-30808)**
22) **(Repealed by: O.G.-21/6/2019-30808)**

PART TWO
(As amended by: O.G.-21/6/2019-30808)
Obligations Arising from Production, Packaging and Technical Arrangement (1)

ARTICLE 5- (1) It is mandatory to obtain license in order to perform lube oil production activities and establish and/or operate a facility for this purpose. The rights granted by such license may be exercised provided that the matters set forth in the related and other legislation are fulfilled.
(2) The provisions contained in this Communique shall not revoke the obligation to obtain license, permission, approval, registration, authorization, etc. certificates mandatory to be obtained under the relevant special legislation from other public institutions and organizations in relation to lube oil production activities and/or facilities performing productions based on these activities and in relation to the products produced within the scope of these activities, and shall not revoke the obligation to comply with the legislation regulating the principles and procedures mandatory to be observed in relation to the activities.
ARTICLE 6- (As amended by: O.G.-23/12/2011-28151)
(1) **(As amended by: O.G.-21/6/2019-30808)** Lube oil producers and/or lube oil importers are obliged to supply to the market lube oils conforming to the technical arrangements.
(2) For this purpose, the information enlightening the consumer groups that are under risk and may use the product as well as other information to be provided by the producer and the instructions for use, traceability and elimination of the product and the information about the impacts which will be caused by the product against those products (if it is stipulated that the product will be used together with such other products) and the information about the characteristics of the product, including the principles and procedures contained in the other legislation in relation to the composition and package of the product, shall be specified on the packages of all lube oils produced.
(3) It is mandatory that the following information, as a minimum, be displayed on all types of packages (except for types of packages for 5 Liters and less) pertaining to the lube oils to be supplied to the market by lube oil producers:
a) Name/trade name of the real or legal person licensee and the issue number of the license obtained by the real or legal person from the Authority;
b) Full address of the licensed production facility;
c) 12-digit Customs Tariff Statistics Position (GTİP) number assigned to the lube oil produced;
ç) Registered trademark submitted to the Authority by the licensee and its registration number;
d) Production date of, production serial number and/or lot-batch code number pertaining to the lube oil produced;
e) Name of the lube oil produced;
f) Information identifying the performance level of and defining the typical characteristics (TBN, Viscosity Index, pour point, Density, Flashpoint and the like) pertaining to the lube oil produced;
g) Health, safety and environmental information about use of the lube oil produced;
ğ) Information about product components of and place of use pertaining to the lube oil produced;
h) The related TSI/TSEK (Institution of Turkish Standards Institute) standard pertaining to the lube oil produced;
ı) Information about the net amount of the packaged lube oil in kilograms or in liters.
(4) The packaged lube oil, imported for resale purposes, shall be labelled in accordance with the principles and procedures specified in the relevant international and national legislation.
(5) The provisions set forth in the second and third paragraphs shall not apply to the packages of the lube oils to be exported, provided that those packages contain, as a minimum, the trademark of the product and the information about its net amount in kilograms or in liters and the full address of the production facility.
ARTICLE 7- (1) Misleading figurative patterns, images, trade mark, names, texts deviating from those used in the advertising and in the exhibition of the lube oil for sales purposes and misleading expressions in other forms shall not be used on the packages of lube oils.

(1) The heading of the Part Two was amended by the Communique on Amendments to the Communique on Packaging and Market Supply of Lube Oils, published in the Official Gazette dated 21/06/2019 and issue no. 30808.

ARTICLE 8- (1) In accordance with the principles and procedures specified in the related and other legislation, lube oil producers and/or lube oil importers are obliged to create Safety Data Sheets for the lube oils they release to the market; and lube oil producers are obliged to submit to the Authority these data sheets as enclosed with their license application letters. The Safety Data Sheets created for these purposes shall be kept in order that, in the inspections to be carried out, they are submitted to the Authority's personnel and/or to the person(s) authorized to perform inspections on behalf of the Authority.
(2) **(As amended by: O.G.-23/12/2011-28151)** Furthermore, lube oil producers are obliged to create Production, Sales, Stocks and Import Data Sheets for the lube oils they produce and sell, and lube oil importers are obliged to create Import, Sales and Stocks Data Sheets for the lube oils they release to the market. Lube oil producers and/or lube oil importers are obliged to forward, quarterly, to the Implementation and Data Management Department of the Revenue Administration their sheets in compliance with the form enclosed with the Communique and only in electronic environment until 24.00 on the 5th day of the second month following the relevant period (namely 35th day following the period).
(3) Lube oils, for which Safety Data Sheets and Production, Import, Sales and Stocks Sheets are not created, shall never be released to the market.
ARTICLE 9- (1) Lube oil producers are not entitled to produce those lube oils in case their relevant standard number pertaining to the TSI Turkish Standards Conformity Certificate and/or pertaining to the TSEK Conformity Certificate is not registered in their licenses.
(2) The base oils procured by lube oil producers shall not be released to the market and shall not be associated with commercial activities by lube oil producers directly, other than lube oil production activity, and/or as a base oil after mixing them with another additive.
(3) **(Supplementary paragraph added by: O.G.-23/12/2011-28151) (First sentence as amended by: O.G.-28/1/2014-28896)** In cases where it is necessary to renew lube oil producer's TSI/TSEK Conformity Certificate due to a change (revision/modification) in the current Turkish Standard/TSI Quality Criterion or due to publication of a new Turkish Standard/TSEK Quality Criterion; a term of eighteen months shall be granted as from the effective date of the Turkish Standard/TSEK Quality Criterion, in order to obtain the new certificate. If the lube oil producer does not renew the TSI/TSEK Conformity Certificate by the end of this term, the lube oil producer shall suspend the production of the products (they produce within the scope of this certificate) until completion of the renewal transactions pertaining to the certificate.
ARTICLE 10- (1) Real or legal persons, performing lube oil production and/or sales activities, are obliged to indicate the name of the lube oil sold and its 12-digit Customs Tariff Statistics Position (GTİP) number on the documents such as invoices, delivery notes, etc. they will issue in accordance with the provisions of the Tax Procedure Law No. 213.
ARTICLE 11- (1) Petroleum products excluding liquid fuel (solvent, lube oil and base oil, asphalt, solvent naphtha, etc.), and waste oils, waste solvents, waste vegetable oils and the products produced in consequence of the recycling of these products shall not, as a liquid fuel, be offered for sales, shall not be sold as a liquid fuel, shall not be kept as a liquid fuel and/or shall not be purchased and utilized as a liquid fuel by knowing this characteristic. In case the lube oils, released to the market by lube oil producers and/or importers, are found to be misused; the lube oil producers and/or importers are obliged to notify this matter to the Authority as a priority.
(2) Lube oils shall never be offered for sales, shall never be stored or shall never be kept for these purposes at the places other than the places having Business Licenses and Work Permits which are proper for the necessary permission, approval and for their situation and were obtained duly from the administrations that are competent under the related other legislation.
(3) **(As amended by: O.G-24/2/2011-27856)** [(1)] Production, filling and packaging of lube oils shall be performed at licensed facilities.[(2)] At their licensed facilities, lube oil producers are entitled to produce those lube oils that are included in the scope of the Trademark Registration Certificate which has been taken over and/or whose usage right has been acquired and/or which has been obtained in the name of the licensee. Lube oil licensees are not entitled to produce lube oils at a facility other than the facilities included in the scope of their licenses. However; the productions to be performed apart from this paragraph may take place by obtaining permission in accordance with the principles and procedures to be determined by the Authority.
(4) Lube oil producers are not entitled to produce lube oils and/or procure or supply base oils exceeding the quantity registered in their licenses, in the absence of the necessary relevant modification in their licenses.

(2) *The provision "Production, filling and packaging of lube oils shall be performed at licensed facilities" was annulled under the judgment dated 13/02/2014 and no. 2014/383 rendered by the 13th Chamber of the Council of State regarding the file no. 2012/287 (Docket). In the judgment dated 22.03.2017 and no. E.2014/4208 and K.2017/383 rendered by the Council of State, the Plenary Session of the Chambers for Administrative Cases, it is adjudged that the judgment dated 13/02/2014 and no. E.2012/287, K.2014/383 rendered by the 13th Chamber of the Council of State be REVERSED.*

ARTICLE 12- (1) In the design, construction and installation, test and control, commissioning and operation, repair and maintenance of the facilities where the lube oil production activities will be carried out and in ensuring at least the minimum safety in the facilities, it is mandatory to comply with the following standards by the following order of priority namely the TS or EN standards or in the absence of these standards, the other standards adopted by TSI. It is mandatory to hold quality conformity certificates for the materials and equipment in respect of which there is no standard.

ARTICLE 13- (1) Lube oil producers and/or importers are obliged to prove, by means of documents regarding scientific studies, the concrete claims contained in the relevant commercial advertisement or announcement, on the packages of lube oils released to the market by lube oil producers and/or importers, and are obliged to submit these documents to the Authority or to the personnel authorized to perform inspections on behalf of the Authority, in case submission of these documents is requested in the course of the inspections.

(2) Lube oil producers and/or importers are obliged to comply with the related other legislation regulating the administrative and technical principles and procedures regarding classification, labeling and packaging of lube oils released to the market by lube oil producers and/or importers, in order for ensuring that they are controlled and supervised effectively against negative impacts they might create on human health and environment.

ARTICLE 14- (1) Lube oils should be in such characteristics that will not damage human health and environment when they are applied under normal conditions and under conditions foreseeable by the producer or when they are applied as per the terms of use recommended by taking into consideration the information provided by the producer or the explanations regarding their release to the market, labeling and use.

ARTICLE 15- (As amended by: O.G.-23/12/2011-28151)

(1) At the facilities where lube oil production activities are carried out, it is mandatory to employ a manager-in-charge on full-time basis, and it is also mandatory that the manager-in-charge was graduated from Universities' Chemical, Petroleum, Environmental, Mechanical or Industrial Engineering Faculties, or from the Chemistry Departments providing 4-year education and that the manager-in-charge has the professional competency as to the enterprises' fields of activity. During inspections, the manager-in-charge is obliged to submit all kinds of documents and provide the necessary conveniences to the persons authorized to perform inspections and is obliged to make available at the facility all kinds of administrative, financial and technical documents regarding the market activity ongoing within the scope of the license and is obliged to prepare realistically and keep the documents requested by the Authority.

(2) Lube oil producers are obliged to prepare quarterly the information on "The Monthly Premium and Service Documents" pertaining to their employees appointed at the facilities included in the scope of their licenses and are obliged to keep these documents in order that they are submitted to the authorized personnel in the course of the inspections to be carried out by the authorized personnel in case submission of these documents is requested in the course of the inspections.

ARTICLE 16- (1) Real and legal persons, performing lube oil production, storage, transportation and sales activities, are obliged to arrange, for each activity by relevance, a dangerous materials financial liability insurance against pecuniary losses and damages and bodily harms which might be suffered by third parties -whether or not they are faulty- in consequence of accidents that might occur while these activities are being performed.

PART THREE
Inspections, Administrative Sanctions and Effectiveness

ARTICLE 17- (1) In compliance with the principles and procedures specified in the related and other legislation, lube oil producers and/or lube oil importers are obliged to take the measures necessary for lube oils to be released to the market. For a minimum period of 5 years, lube oil producers and/or lube oil importers are obliged to keep the records regarding the real or legal persons to whom they have sold lube oils (together with the sales invoices; the information such as trade registration no., T.R. identity no., tax identification no., name of the registered tax office of the lube oil purchasers indicated on the sales invoices as well as invoice date-no., delivery note date-no., GTİP no., quantity, unit price of the product sold, etc., both in recording environment (physically) and in electronic environment). They are obliged to submit those records to the Authority or the persons authorized to perform inspections on behalf of the Authority and to the Authority's officials authorized to perform inspections within the scope of the related other legislation, in case submission of those records is requested in the course of the inspections.

(2) In cases where its producer cannot be identified; the person that has not, within 30 (thirty) days or the persons that have not, within the same period, declared -in writing to the Authority or to the persons authorized to perform inspections on behalf of the Authority- the information such as the name, invoice, address, etc. pertaining to its producer or the real or legal person to whom these person(s) supplied the product, shall be considered as lube oil producer. Actions shall be taken about these person(s) pursuant to article 19 of the Law.

ARTICLE 18- (As amended by: O.G.-23/12/2011-28151)
(1) Lube oil producers are obliged to keep the original or a notarized copy of the Certified Public Accountant's Production Certification Report which was prepared about the production activities in the preceding calendar year and which contains, as a minimum, the information about:
a) whether or not the lube oils and/or additives procured or supplied by the licensee are misused, their quantities utilized in the productions, their quantities kept in the stocks and the quantity of the base oil procured or supplied,
b) the Customs Tariff Statistics Position (GTİP) numbers assigned to the various lube oils produced within the scope of the license, the quantity of those lube oils, the quantity of those lube oils kept in the stocks, the quantity of those lube oils sold and the findings pertaining to the real or legal persons to whom those lube oils were sold,
c) the stocktaking and the Production Cards issued about the lube oil production activities,
ç) the delivery notes and invoices issued within the scope of the lube oil production activities,
d) other than the products included in the scope of the license, whether or not a product except liquid fuel is utilized and whether or not a production activity is performed for such product,
e) whether or not packaging materials, auxiliary materials and any similar materials, necessary for production of the products included in the scope of the license, are procured,
f) whether or not the staffs, necessary for production of the products included in the scope of the license, are employed, whether or not electricity, water and any similar expenses are made and whether or not they are consistent with the productions performed, and
g) assessment and accrual of SCT and VAT,
which report shall, at their request, be submitted to the personnel authorized for the inspections to be carried out.
ARTICLE 19- (Repealed by: O.G.-21/6/2019-30808)
ARTICLE 20- (1) The market surveillance and inspection of the lube oils released to the market shall be carried out as per the provisions of the Petroleum Market Law No. 5015, the Petroleum Market Licensing Regulation, the Regulation on Principles and Procedures to be followed in Preliminary Investigations and Inquiries and in Inspections to be Performed in the Petroleum Market and as per the provisions of this Communique.
(2) The provisions of the related other legislation shall apply to the matters not contained in this Communique.
ARTICLE 21- (1) The administrative sanctions and/or fines, specified in articles 19 and 20 of the Petroleum Market Law No. 5015, shall apply in the case of noncompliance with the provisions set forth in this Communique.
ARTICLE 22- (As amended by: O.G.-23/12/2011-28151)
(1) Of this Communique:
a) article 15 shall become effective on 1/6/2011;
b) articles 6 and 7 and the first and third paragraphs of article 8 shall become effective on 30/6/2011;
c) article 10 and the second paragraph of article 8 shall become effective on 31/12/2011;
ç) the first paragraph of article 9 shall become effective on 30/6/2012; and
d) the other articles shall become effective on the date of publication.
ARTICLE 23- (1) The provisions of this Communique shall be executed by the President of the Energy Market Regulatory Board.

	Of the Official Gazette in which the Communique was published:	
	Date	**Issue**
	12/2/2011	27844
	Of the Official Gazettes in which the Communiques amending the Communique were published:	
	Date	**Issue**
1.	24/2/2011	27856
2.	23/12/2011	28151
3.	28/1/2014	28896
4.	21/6/2019	30808

BOARD DECISIONS

BOARD DECISION ON THE REVENUE SHARE AMOUNTS FOR 2020

Official Gazette dated 29 December 2019 and issue no. 30993

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9026 **Date: 26.12.2019**

At the Energy Market Regulatory Board's meeting dated 26/12/2019, it was decided to adopt the following Decision relation to the amounts of revenue shares to be utilized for the financial expenses and resource needs which may occur due to acquisition of the supplementary portion of the petroleum stock and for the storage and maintenance costs of that portion of the stocks, to be applicable in 2020 as per article 50 of the Petroleum Market Licensing Regulation and article 16 of the Petroleum Market Law No. 5015, and it was decided that the following decision shall be published in the Official Gazette:

DECISION ON THE REVENUE SHARE AMOUNTS FOR 2020

Article 1- (1) The revenue share amounts, applicable in relation to the petroleum market activities in 2020, are determined as follows pursuant to article 50 of the Petroleum Market Licensing Regulation and article 16 of the Petroleum Market Law No. 5015.
1) For benzine types (including those utilized for bunker purposes) and the ethanol procured to be blended with benzine types: 4,82 TL/m^3
2) For diesel oil (including those utilized for bunker purposes) and biodiesel types: 4,82 TL/m^3
3) For gas oil: 4,82 TL/m^3
4) For aviation fuels: 4,82 TL/m^3
5) For combustible naphtha: 4,82 TL/m^3
6) For distillate marine fuels: 4,82 TL/m^3
7) For residual marine fuels: 5,12 TL/ton
8) For fuel oil (including those utilized for bunker purposes) types: 5,12 TL/ton

Article 2- (1) This Decision shall become effective on the date of its publication.

Article 3- (1) This Decision shall be executed by the President of the Energy Market Regulatory Board.

OBLIGATION TO SELL 0 – 60.000 TONS OF WHITE PRODUCTS

It was published in the Official Gazette dated 17/04/2008 and issue no. 26850.

From the Energy Market Regulatory Authority:

BOARD DECISION

DECISION NO.: 1567/13 **DECISION DATE:** 10/04/2008

At the Energy Market Regulatory Board's meeting dated 10/04/2008;

It is decided that:

a) For distribution undertaking licensees' obligation to sell 60.000 tons of white products, a transitional period of one year starting from the effective dates of their licenses shall be granted to distribution undertaking licensees, and the periods to be taken as basis for fulfillment of the obligation are determined to be calendar years following the last date of the transitional period; and

b) In evaluating the obligation to sell 60.000 tons of white products, the exports and the liquid fuel trade performed by distribution undertakings between each other shall not be taken into consideration; and

c) The Board Decision dated 03/02/2006 and no. 644/29 is hereby repealed.

It was published in the Official Gazette dated 05 August 2011 and issue no. 28016.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3339-13 **Decision Date:** 28.07.2011

At the Energy Market Regulatory Board's meeting dated 28/07/2011, the following Decision about "Principles and Procedures Regarding Liquid Fuel Quality Monitoring System in the Petroleum Market" has been taken.

PRINCIPLES AND PROCEDURES REGARDING LIQUID FUEL QUALITY MONITORING SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope

ARTICLE 1- (1) This Decision covers the activities namely the monitoring, compilation, interpretation and reporting of the periodic developments pertaining to liquid fuels' characteristics values contained in technical arrangements and of their geographical distribution in order to identify the risks against the quality of the liquid fuels supplied to the market and the checking of the concerned persons' compliance with the selected obligations and initiation of the necessary procedures about the responsible persons in case a violation is found.

Legal basis

ARTICLE 2- (1) This Decision has been prepared on the basis of the Petroleum Market Law No. 5015, the Regulation on Technical Criteria Applicable in the Petroleum Market and the Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections to be Carried Out in the Petroleum Market.

Definitions

ARTICLE 3- (1) In addition to the definitions contained in the related legislation, the following terms referred to in this Decision shall have the following meanings:

a) Laboratory: Laboratory that signed a Service Procurement Contract with the Authority for sample analyzes;

b) Sample-Taking Record: Sample-taking record enclosed with the Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections to be Carried Out in the Petroleum Market; and

c) Simple Random Sampling Method: Probability sampling method under which each member of the subset has an equal probability of being chosen for the sample selected.

PART TWO
Liquid Fuel Type, Sample-Taking Places and Number of Samples, Taking of Samples, Dispatch of Samples to Laboratory, Analysis and Reporting

Liquid fuel type

ARTICLE 4- (1) The following shall be included in the scope of the Liquid Fuel Quality Monitoring System:

a) Unleaded Gasoline 95 Octane,

b) Unleaded Gasoline 95 Octane (Containing Additive),

c) Unleaded Gasoline 98 Octane,

d) Diesel oil.

Marine and aviation fuels and benzine and diesel oil types delivered as bunker shall not be included in the scope of the Liquid Fuel Quality Monitoring System.

Sample-taking places and number of samples

ARTICLE 5- (1) Samples shall be taken from pumps of liquid fuel stations in compliance with the related standard. If village pumps and/or agricultural sales tankers are registered in vendor activity licenses related to liquid fuel stations where samples will be taken, samples may be taken from those village pumps and/or agricultural sales tankers as well.

(2) In case the same liquid fuel type is delivered through more than one pump in the same facility, samples shall be taken from one of the pumps only.

(3) The quantity of liquid fuel domestic sales pertaining to the preceding year, as declared to the Authority by distribution undertaking licensees every year, shall be taken as basis in determining the number of samples to be taken within the scope of the Liquid Fuel Quality Monitoring System. The following number of samples shall be taken for each liquid fuel type whose market share is 10 percent and over, at least once in each summer and winter period, as set forth in the related standards:

a) Minimum 200 samples in the event that the total liquid fuel quantity (benzine and diesel oil types), supplied by distribution undertaking licensees in the preceding year, is 15 million tons or over;

b) Minimum 100 samples in the event that the total liquid fuel quantity (benzine and diesel oil types), supplied by distribution undertaking licensees in the preceding year, is less than 15 million tons. Samples, in such number calculated in proportion to the market share, shall be taken from the liquid fuels whose market shares are less than 10 percent.

(4) Province-based liquid fuel domestic sales pertaining to the preceding year, as declared to the Authority by distribution undertaking licensees every year, shall be taken as basis in determining the geographical distribution of the number of samples to be taken within the scope of the Liquid Fuel Quality Monitoring System. The number of samples to be taken on product basis in each province shall be determined by taking as basis the rate of the liquid fuel sales quantity -pertaining to that province as sold by distribution undertaking licensees in the preceding year- to the total quantity of liquid fuel domestic sales. As for the samples to be taken from liquid fuels whose market shares are less than 1 percent, those samples may be taken from those liquid fuels in one province.

(5) In each period, the liquid fuel stations in each province where samples will be taken in accordance with the principles set forth in the fourth paragraph of this article, shall be determined by the Petroleum Market Department using the Simple Random Sampling Method and then, the Petroleum Market Department shall submit the names of these liquid fuel stations to the President for approval.

Taking of samples, dispatch of samples to laboratory, analysis and reporting
ARTICLE 6- (1) In implementing the Liquid Fuel Quality Monitoring System, samples shall be taken under the coordination of the Inspection Department, through the channel of the public institutions and organizations that are granted the authorization to carry out inspections on behalf of the Authority.

(2) National marker controls shall be performed by means of mobile control devices before samples are taken within the scope of the Liquid Fuel Quality Monitoring System. Regardless of the result pertaining to national marker, the samples shall be taken and then, be dispatched to the laboratory. After the samples are taken, the necessary procedures shall be carried out and the records shall be prepared within the framework of the provisions contained in “the Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections to be Carried Out in the Petroleum Market” published in the Official Gazette dated 06/01/2005 and issue no. 25692. However, the inscription “AKİS” shall be written into the column “Reason(s) for the Sample-Taking”, in the Sample-Taking Record.

(3) The analysis of the samples taken shall be carried out through the channel of the laboratories accredited by accreditation agencies. If an analysis list is not delivered together with the samples dispatched or delivered to the laboratory, the analyzes stipulated by the Regulation on Technical Criteria Applicable in the Petroleum Market shall be carried out. The laboratory shall carry out the analyzes in such a way that the characteristics of the sample remain unchanged, and shall determine the result in a report. The inscription “AKİS” shall visibly be contained in the examination report. The laboratory shall keep one copy of the report and shall forward one copy to the Authority for necessary action.

(4) The laboratory shall report separately the analyzes performed within the scope of the Liquid Fuel Quality Monitoring System. As for the results which came to existence after the analyzes performed, the laboratory shall issue the relevant summary report which contains these results prepared in the form of comparable tables.

(5) The implementations pertaining to the Liquid Fuel Quality Monitoring System shall be evaluated; and the liquid fuel quality report prepared by the Petroleum Market Department shall be submitted to the Board. After the Board’s approval, the report shall be forwarded to the relevant authorities.

PART THREE
Temporary and Final Provisions

Temporary Article 1- (1) For 2011, "the minimum number of samples" referred to in the subparagraph (a) of the third paragraph of article 5 of this Decision, shall apply as "100", and "the minimum number of samples" referred to in the subparagraph (b) of the same shall apply as "50".

Effectiveness
ARTICLE 7- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 8- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

PRACTICE OF MINIMUM DISTANCE LIMITATION BETWEEN LIQUID FUEL AND LPG STATIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 6664 **Decision Date:** 15/12/2016

At the Energy Market Regulatory Board's meeting dated 15/12/2016, the following Decision has been taken about the practices of minimum distance limitation between liquid fuel and LPG stations.

Article 1- In the implementation of this Board Decision, the following terms shall have the following meanings:
1) Liquid fuel station: Places established in conformity with the relevant legislation (technical, quality and safety) by distribution undertakings or vendors who have signed exclusive purchase contracts with those distribution undertakings and are operated under the registered trademark of a liquid fuel distribution undertaking or distribution undertakings from a different subtitle, and are specifically serving to meet the liquid fuel, lube oil, auto-gas, LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles; and
2) Structure: Underground and aboveground facilities where liquid fuel and LPG needs are met.

Article 2- In the practices of minimum distance limitation between liquid fuel and LPG stations:
The principle "direction" shall be taken into consideration, not the road code or the name of the road on which the station is located;
a) A distance of ten kilometers shall be required between liquid fuel and LPG stations located on high-ways;
b) A distance of one kilometer shall be required between liquid fuel and LPG stations located on public roads in the city;
c) There shall be a minimum distance of one kilometer between stations at the locations where high-ways and public roads in the city intersect;
d) Public roads in the city and high-ways shall be assessed independently from each other, by taking into consideration the matters set forth above.

Article 3- The distance between two structures shall be taken into consideration, in the measurements of the minimum distance between liquid fuel and LPG stations.

Article 4- Liquid fuel stations shall be assessed among themselves and LPG stations shall be assessed among themselves, in the practices, transactions and operations related to the minimum distance between stations.

Article 5- The Board Decision dated 17/11/2005 and no. 579/113 and the Board Decision dated 05/01/2006 and no. 630/68 are hereby repealed.

Article 6- This Decision shall become effective on the date of its publication.

Article 7- This Decision shall be executed by the President of the Energy Market Regulatory Board.

(Published in the Official Gazette dated 6 July 2007 and issue no. 26574)

VENDOR INSPECTION SYSTEM

BOARD DECISION

Decision No.: 1240 **Decision Date:** 27/6/2007

At the Energy Market Regulatory Board's meeting dated 27/06/2007, the following Decision About the Principles and Procedures Regarding Distribution Undertaking Licensees' Vendor Inspection System in the Petroleum Market has been taken.

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) **(As amended by: Article 1 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274)** This Decision has been issued in order to determine the principles and procedures regarding establishment and implementation of an inspection system by distribution undertaking licensees performing activities in the petroleum market, in order for prevention of illegal liquid fuel sales at their vendors under their own registered trademarks.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 7 of the Petroleum Market Law No. 5015.

ARTICLE 3- (1) **(As amended by: Article 2 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274)** The following terms, referred to in this Decision, shall have the following meanings:
a) Liquid fuel movement: All kinds of physical movements or displacements regarding liquid fuels, including purchases, sales and stock movements;
b) Malfunction: Cases which cause the failure to create electronic data;
c) Contradiction: Case of unrecorded supply and/or unauthorized intervention;
ç) Vendor inspection system: System which continuously enables remote monitoring and inspection of the electronic data obtained through station automation system;
d) Notification system: System defined under the provisions of the "Regulation on Notifications in the Energy Market", namely the Regulation No. 29012 of 27 May 2014;
e) Electronic data: Data which are related to the liquid fuel prices and movements in electronic environment;
f) Station automation system: A part of the vendor inspection system, which enables securely storage of the electronic data associated with liquid fuel movements in liquid fuel stations;
g) Unauthorized intervention: All kinds of direct or indirect interventions which prevent operation of the system properly or which deactivate the station automation system without written authorization of a distribution undertaking licensee registered in the license of a vendor activity licensee;
ğ) Law: Petroleum Market Law No. 5015 of 4/12/2003;
h) Unrecorded supply: Taking the delivery of liquid fuel from other distribution undertakings and their vendors other than the liquid fuel distribution undertaking whom they are the vendors of;
ı) Corporate identity: In relation to the distributor company with which the vendor signed an exclusive sales contract; signs and visual materials, such as trademark, announcement, advertisement, lettering, logo, emblem, image, which distinguish that company from others, and fixtures, panels, equipment and other materials on which those signs are displayed;

i) Automation system guide: Table and report formats and explanations to be defined by the Authority, which are contained in Annex-1;
j) Automatic warning system: A part of the vendor inspection system, which has the capability to identify contradictions in the station automation system;
k) Remote access system: Web interface which will give access to the electronic data included in the scope of the vendor inspection system and shall be arranged as per the criteria to be determined by the Authority;
l) Renovation: Alternations or modifications made in liquid fuel stations after obtaining permission under the related other legislation; and
m) Timestamp: Timestamp defined in accordance with the provisions of the Electronic Signature Law No. 5070 of 15/01/2004.

PART TWO
Principles and Procedures Regarding Inspection System

Obligation to establish and implement inspection system
ARTICLE 4- (As amended by: Article 3 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274) (1) Distribution undertaking licensees shall establish and implement an inspection system that also covers the technological methods preventing sales of illegal petroleum at their vendors under their registered trademarks. In this context, distribution undertaking licensees:
a) shall establish a station automation system for monitoring, in electronic environment, of liquid fuel movements in liquid fuel stations. Through the vendor inspection system, they shall monitor and report liquid fuel movements at their vendors.
b) They shall create as per the automation system guide and submit to the Authority the following included in the scope of the vendor inspection system:
i. The electronic data they shall provide to the Authority by means of the web service determined by the Authority;
ii. A remote access system which enables the access of the Authority and the access of the other related public institutions and organizations as required by their duties; and
iii. The notifications they should transmit through the notification system.
c) **(Repealed by: O.G.-02/08/2018-30497) (BD-26/07/2018-7980))**
ç) By making use of the data obtained within the scope of the vendor inspection system, they shall prepare any further information, documents and reports to be requested by the Authority.
d) In the vendor inspection system, they shall establish and implement an automatic warning system which also contains inter-data comparisons for identification of contradictions in the station automation system.
e) The distribution undertaking licensee shall complete its corporate identity works in the liquid fuel station within six months as from such merger or acquisition in case of distribution company mergers or in case the distributor company is acquired, and in no later than one month as from the date when the distribution undertaking replacement is inserted into the license in case the licensed vendor replaces its distribution undertaking, and as from the license obtaining date for the vendors that will obtain license for the first time. In case the vendor contract expires or is terminated for any reason; the corporate identity items, existing in the station where market activity is ongoing, shall not be removed until the date when the vendor activity license is terminated by the reason that a new vendor contract is not submitted to the Authority or that the modification application is not filed in a timely manner, or until the date when the modification for replacement of the distribution undertaking takes place within the periods stipulated by the Petroleum Market Licensing Regulation.
(2) Distribution undertaking licensees' and vendor activity licensees' obligations included in the scope of the vendor inspection system shall continue remaining in force until such time as the relevant vendor activity license expires, terminates or is cancelled and/or until such time as the modification for replacement of the distribution undertaking is made on the vendor activity license by the Authority.

(Added by: O.G.-11/02/2012-28201) Principles and Procedures Regarding Station Automation System

ARTICLE 5- (As amended by: Article 4 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274) (1) Distribution undertaking licensees:
a) shall ensure that the station automation system is online at all places (tank, temporary tank, pump, etc.) in liquid fuel stations other than the places under renovation and that a data loss does not occur in the context of the vendor inspection system;
b) shall not supply liquid fuel to the relevant vendor until such time as the station automation system at their vendors becomes online in compliance with the principles and procedures;
c) in no later than 10 days as from the date when the first malfunction has occurred, shall repair the malfunctions occurred in the vendor inspection system and/or in the station automation system;
ç) shall make the station automation system functional within 10 days as from the day that the modification for replacement of distribution undertaking is made by the Authority on the licenses of vendor activity licensees;

d) shall be responsible for the security and confidentiality of the information of trade secret nature, they accessed;
e) shall not modify or alter the electronic data included in the scope of the vendor inspection system;
f) shall share with their vendor the electronic data pertaining to their station, at the request of their vendor; and
g) in no later than 3 days, shall mark with timestamps the data -pertaining to the reports that should be created- by the remote access system contained in the automation system guide.
(2) Vendor activity licensees:
a) shall be responsible for the security of the station automation system established in liquid fuel stations;
b) shall not make unauthorized interventions in the station automation system;
c) shall not perform an operation (sale, filling, etc.) associated with liquid fuel movement, at the places where the station automation system is not online (tank, temporary tank, pump, etc.); and
ç) shall submit within 5 days all kinds of documents requested by their distribution undertakings in relation to their sales.
(3) **(Repealed by: O.G.-02/08/2018-30497) (BD-26/07/2018-7980))**
(4) While preparing the tables contained in the automation system guide, the uncertainty ratios shall be calculated by means of the formulas contained in the table explanations, for each liquid fuel type.

ARTICLE 6- (As amended by: Article 5 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274) (1) In case distribution undertaking licensees:
a) find a contradiction at the liquid fuel station, they shall transmit to the Authority the relevant documents and the station automation system data within 24 hours through the notification system; and
b) do not provide to the Authority for 5 consecutive days the “Village Pump Automation System” and/or the “Station Automation System” data -related to each of their vendors- referred to in the automation system guide, those distribution undertaking licensees shall cease supplying liquid fuel to that village pump and/or vendor. In this case, those distribution undertaking licensees shall provide those data to the Authority within a further period of 5 days as from the day that the supply of liquid fuel is ceased and then, they will start supplying liquid fuel. However, if there is a renovation, this provision shall not be taken into consideration in case the distribution undertaking licensee transmits the renovation-related document/certificate to the Authority through the notification system.

PART THREE
Temporary and Final Provisions

Temporary Article 1- (Repealed by: (O.G.-21/02/2015-29274) The Board Decision dated 12/02/2015 and no. 5468-1)

Effectiveness
ARTICLE 7- (As amended by: Article 8 of the Board Decision dated 12/02/2015 and no. 5468-1 published in the Official Gazette dated 21/02/2015 and issue no. 29274) (1) This Decision shall become effective on 01/06/2015.

Execution
ARTICLE 8- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

Of the Official Gazette in which the Energy Market Regulatory Board's Decision dated 27/6/2007 and no. 1240 was published:				
Date			**Issue**	
6/7/2007			26574	
The Board Decisions amending the Energy Market Regulatory Board's Decision dated 27/6/2007 and no. 1240 and the Official Gazettes in which the Board Decisions were published:				
	The Board Decision		**The Official Gazette**	
	Date	**Issue**	**Date**	**Issue**
1-	18/10/2007	1348	24/10/2007	26680
2-	27/12/2007	1442	30/12/2007	26742
3-	30/6/2008	1660	4/7/2008	26926
4-	27/8/2009	2221/5	8/9/2009	27343
5-	25/3/2010	2483/8-2	¼/2010	27539
6-	28/12/2010	2967-5	31/12/2010	27802
7-	22/6/2011	3287	1/7/2011	27981
8-	6/7/2011	3312-5	16/7/2011	27996
9-	25/1/2012	3657-4	11/2/2012	28201
10-	21/06/2012	3889-12	29/6/2012	28338
11-	19/09/2013	4614-11	06/10/2013	28787
12-	22/08/2014	5180-3	30/08/2014	29104
13-	12/02/2015	5468-1	21/02/2015	29274
14-	26/7/2018	7980	2/8/2018	30497

BOARD DECISION ON NOT INITIATION OF INQUIRY ABOUT THE ELIGIBLE CONSUMERS THAT REFUEL LIQUID FUEL FROM VENDORS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 1357/31 **Decision Date:** 25/10/2007

Within the framework of the official letter no. DDB.14.301.05/5953 of 22/10/2007 issued by the Inspection Department to the Office of the President, it is decided that no inquiry shall be initiated about the eligible consumers that refuel liquid fuel from vendors.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8851 **Decision Date:** 26/09/2019

At the Energy Market Regulatory Board's meeting dated 26/09/2019, it has been decided that the "Board Decision on the Sharing of Distribution Undertaking and Vendor Margins", as enclosed herewith, is hereby adopted and shall be published in the Official Gazette.

ENCL.

BOARD DECISION ON THE SHARING OF DISTRIBUTION UNDERTAKING AND VENDOR MARGINS

Objective
Article 1- (1) The objective of this Decision is to set forth the minimum rules regarding the determination of the total margin transparently and the sharing of this determined margin in order to ensure that the distribution undertaking and vendor activity licensees operating in the market continue performing their activities safely and economically, in a competitive environment, in an equitable and stable manner and, is to eliminate the uncertainties in respect of the matters pertaining to the invoices between distribution undertakings and vendors and the costs reflected by the parties and is to ensure the sustainability of the market activities and to increase the total benefit in the long term, including the consumer benefit.

Scope
Article 2- (1) This Decision covers the arrangements regarding the obligations of the licensees to each other, for the determination of the total margin, the determination of the minimum rates in the sharing of the margin and for ensuring the transparency, in respect of the sharing of the total margin occurred in the petroleum market.

(2) The vendors being operated by distribution companies are not included in the scope of this Decision.

Legal basis
Article 3- (1) This Decision has been prepared on the basis of article 5/B of the Law No. 4628 of 20/2/2001 on the Organization and Duties of the Energy Market Regulatory Authority and articles 1, 3, 10 and 22 of the Petroleum Market Law No. 5015 of 4/12/2003.

Total margin, and minimum margin sharing rates
Article 4- (1) The total margin (distribution undertaking and vendor) shall be found by deducting the ex-refinery price, nearest to the relevant vendor, from the price which is determined as the ceiling price or recommended to the vendor for each of the benzine and diesel oil types by the distribution undertaking. In case there is more than one refinery in the same province, the lowest price shall be taken as basis.

(2) In such an amount that minimum 55% of the total margin -included in the scope of the first paragraph- will be the vendor margin, it shall be determined freely between the distribution undertaking and the vendor.

(3) In the event that the vendor performs sales by making a discount from the price which is determined as the ceiling price or recommended for the vendor by its distribution undertaking, the discounts made shall be covered from the vendor margin.

(4) The total margin, taken as basis in the sales performed by means of electronic systems, shall be calculated on the basis of the discounted sales price.

Costs that shall not be reflected to vendor activity licensees
Article 5- (1) The costs, which are related to the operations and transactions carried out at the phases before the delivery to the vendor or are under the responsibility of the distribution undertaking as per the related legislation, such as automation setup and operating cost, blending cost, adding cost related to differentiated products, additional costs that may arise from the

differences between ex-refinery prices and the prices of purchases from resources e.g. acquisition by way of import or trade between distribution undertakings, national marker and distribution undertaking marker cost, national stock cost, shall not additionally be reflected to the vendors under whatever name.

Costs under vendor activity licensees' obligation
Article 6- The matter "which party and at what rate such party shall bear the costs that have emerged in result of procurement of services from a distribution undertaking within the scope of vendor activities (station lease expense, clothes expense, transportation expense, tank cleaning expense, training expense, calibration expense, disassembly expense, etc.)" shall be determined by contracts.

Transparency
Article 7- (1) Any costs, amounts or fees, whose names are not mentioned expressly and whose scope and nature are not defined so as not to leave room for hesitation in the contracts, shall not be reflected to the vendors in any case and situation.

(2) Within the framework of this Decision, the parties shall furnish detailed information to each other about the scope of the invoices they have issued and about the amounts of the invoices.

Effectiveness
Article 8- This Decision shall become effective on the date of its publication, to be applied to the new contracts that will be concluded between distribution undertakings and vendors.

Execution
Article 9- (1) This Decision shall be executed by the President of the Energy Market Regulatory Authority.

It was published in the Official Gazette dated 20 December 2014 and issue no. 29211.

THE TECHNICAL AND ECONOMIC POWER THAT DISTRIBUTION UNDERTAKINGS AND LICENSEES SHOULD POSSESS

From the Energy Market Regulatory Authority

BOARD DECISION

Decision No.: 5352 **Decision Date:** 10/12/2014

At the Energy Market Regulatory Board's meeting dated 10/12/2014, the following Decision has been taken about the technical and economic power that distribution undertaking and bunker delivery licensees should possess in accordance with the subparagraph (g) of the sixth paragraph of article 7 of the Petroleum Market Licensing Regulation:

Article 1- (As amended by: O.G.-26/06/2019-30813)
In addition to those referred to in the Petroleum Market Licensing Regulation, the following conditions and qualifications shall be required for distribution undertaking licenses:

The total assets of the legal persons that filed license application should be in the minimum amount of TL 37,500,000 for distribution undertaking licenses,

(As amended by: O.G.-22/12/2016/29926) Distribution undertaking licensees should have total assets in the amount specified in the paragraph (a) of this article, as shown in their balance sheets contained in their Corporate Tax Returns pertaining to the preceding year.

Article 1/A- (Added by: O.G.-22/12/2016/29926) (Amended by: O.G.-30.03.2017-30023) (Amended by: O.G.-31.10.2017-30226) (Repealed by: O.G.-26/06/2019-30813)

Article 2- (**Amended by: O.G.-22/12/2016-29926) (As amended by: O.G.-26/06/2019-30813)** The conditions specified in the subparagraph (b) of article 1 of this Decision shall be required for the current distribution undertaking licensees as from 2018, by taking into consideration their balance sheets contained in their Corporate Tax Returns for 2017 for the first time.

Article 3- This Decision shall become effective on the date of its publication.

Article 4- This Decision shall be executed by the President of the Energy Market Regulatory Board.

GUIDE REGARDING TRADE BETWEEN DISTRIBUTION UNDERTAKINGS

	GENERAL TERMS
1.	The data shall be sent by using the user name and password provided by the Authority, within the scope of the matters contained in the Decision no. 7204-9 of 27/07/2017 on Principles and Procedures Regarding Stock Monitoring System.
2.	In case the type of the trade is “sale” and “cancellation”, the data shall be sent by the distribution undertaking licensees that have performed the liquid sales within the scope of trade of liquid fuel between distribution undertakings.
3.	In case the type of the trade is “return”, the return invoice shall be notified by the distribution undertaking licensee that has accepted the return.
4.	The distribution undertaking licensees, who have sold liquid fuel within the scope of trade of liquid fuel between distribution undertakings, shall notify to the Authority through web service the invoices pertaining to the trade they have carried out, which notification shall be made by the end of the tenth day of the month following the month that the trade has taken place.
5.	After the end of the tenth day, the data sent to the Authority shall not be modified/corrected.
6.	In case the invoice contains data related to more than one liquid fuel type, the notification shall be made on separate lines by declaring the same invoice number.
7.	The document, which will additionally be prepared in relation to the data transmissions, shall be published on the web site of the Authority, on the page where the Board Decision is published; and the address of the web service to be used for the data transmissions is determined to be https://ppdos.epdk.org.tr/ppdos/

Trade between distribution undertakings, Sales Declaration – DAT

Invoice Date	Invoice No.	Distribution Undertaking License No. through which the sale has taken place/from which the return has been accepted	Title of the Distribution Undertaking through which the sale has taken place/from which the return has been accepted	Liquid Fuel Type	Quantity (Liter)	The place where the sale has taken place	Storage License No., where the sale has taken place	Title of the Storage Licensee through which the sale has taken place	Type of the Trade

Notification Code	Notification Name	Type of Transmission to the Authority	Notification Frequency	Until when at the latest	Incumbent Licensee	May it be modified/corrected?
DAT	Trade between distribution undertakings, Sales Declaration	Web Service	Monthly	Until 23.59 on the tenth day of the month following the sale	The distribution undertaking licensees who have performed sales of liquid fuel between distribution undertakings	Updating/deletion is allowed until expiration of the notification term.

Explanation Guide

Column Heading	Explanation
Invoice Date	The date, contained in the invoice issued for the sale, shall be entered as dd/mm/yyyy.
Invoice No.	The date, contained in the invoice issued for the sale, (may be in words and/or in figures).
Distribution Undertaking License No. through which the sale has taken place/from which the return has been accepted	The license number assigned to the distribution undertaking licensee through which the sale has taken place or from which the return has been accepted.
Title of the Distribution Undertaking through which the sale has taken place/from which the return has been accepted	The title of the distribution undertaking licensee through which the sale has taken place or from which the return has been accepted.
Liquid Fuel Type (DAT)	Type of the liquid fuel sold (Benzine types, diesel oil types, fuel oil types, aviation fuels, marine fuels, blended ethanol, biodiesel)
Quantity (Liter)	All liquid fuel types shall be declared in liters. However, in case fuel oil types and marine fuels (residual) contained in marine fuels group are associated with trade of liquid fuel between distribution undertakings, the density of the said products shall be considered as 1 kg/liter and the data shall be sent in liters, in whole numbers.
The place where the sale has taken place	Licensed Storage, Ship, Other
Storage License No., where the sale has taken place	The license no. of the storage where the liquid fuel trade has taken place between the distribution undertakings. In case the place where the sale has taken place is written as “Ship” or “Other”, the relevant field shall be left blank.
Title of the Storage Licensee through which the sale has taken place	Title of the storage licensee, where the liquid fuel trade has taken place between the distribution undertakings. In case the place where the sale has taken place is written as “Ship” or “Other”, the relevant field shall be left blank.
Type of the Trade	One of the alternatives namely Sale, Return or Cancellation shall be selected.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 7742 **Decision Date:** 14/3/2018

At the Energy Market Regulatory Board's meeting dated 14/03/2018, it has been decided that the "Decision on Trade of Liquid Fuel Between Distribution Undertakings", as enclosed herewith, is hereby adopted and shall be published in the Official Gazette.

ENCL.

DECISION ON TRADE OF LIQUID FUEL BETWEEN DISTRIBUTION UNDERTAKINGS

Objective
Article 1- (1) The objective of this Decision is to determine the principles and procedures regarding the permissions for trade of liquid fuel between distribution undertakings.
Legal basis
Article 2- (1) This Decision has been prepared on the basis of articles 3 and 9 of the Petroleum Market Law No. 5015.
Definitions
Article 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Activity period: 12 months' period between 01 April and 31 March;
b) Permission: Approval granted for the conduct of sales transactions within the scope of liquid fuel trade between distribution undertakings; and
c) Tracking period: Calendar year prior to the beginning of the activity period; and
ç) **(As added by: O.G.-25/2/2020-31050)** Licensed facility: Licensed storages, the storages contained in the sub-title distribution undertaking and refining undertaking, the vehicles included in the scope of transportation license and the pipelines included in the scope of transmission license.
(2) The other terms and concepts which are referred to, however, are not defined in this Decision shall, unless otherwise specified, have the meanings and scope attributed to them in article 4 of the Petroleum Market Licensing Regulation published in the Official Gazette dated 17/06/2004 and issue no. 25495.
Application, and grant of permission
Article 4- (1) Permission applications shall be made by submitting to the Authority the receipt indicating that the permission fee has been paid in as determined for the activity period associated with the application. Permission applications related to the activity period shall be made as of 1 March of the year pertaining to the beginning of the activity period.
(2) The application, made for permission, shall be submitted to the Board by the Petroleum Market Department in order that the Board takes the relevant decision. The licensees that are granted the permission for trade of liquid fuel between distribution undertakings under the relevant Board decision shall start to perform liquid fuel trading activities between distribution undertakings following announcement of the permission on the Authority's web site. The permissions shall be granted for one activity period and shall automatically terminate at the end of the period.
(3) **(As amended by: O.G.-25/2/2020-31050)** The procedures related to permission applications shall be concluded within thirty days following the applications. In the phase for evaluation of the application, the Authority may request the applicant to provide information about "from which licensed facility the liquid fuels have been supplied within the tracking period". The applications, submitted by those who have not proved the supply, shall be rejected.
(4) In case the permission application made by a distribution undertaking is rejected by the Board, the grounds of the rejection shall be notified to the distribution undertaking; and the permission fee, paid by the distribution undertaking, shall be reimbursed after the distribution undertaking's written request.
(5) **(As amended by: O.G.-25/2/2020-31050)** Liquid fuel trade between distribution undertakings may be carried out by the distribution undertaking licensees that have performed minimum 60.000 tons of white product (benzine and diesel oil) sales within the tracking period. The deliveries to eligible consumers and the quantity of delivery by the applicant to its vendors shall be taken as basis in calculating the sales quantity. The quantity of delivery by distribution undertakings to their vendors shall be calculated by means of the data sent to the Authority within the scope of the "Board Decision No. 1240 About the Principles and Procedures Regarding Distribution Undertaking Licensees' Vendor Inspection System in the Petroleum Market".

(6) **(Added by: O.G.-09/12/2018-30620)** [(1)] The table for the Sales Declaration About Trade Between Distribution Undertakings, as contained in the "Guide Regarding Trade Between Distribution Undertakings", shall be sent to the Authority by the permission holder through network service, within the period of time specified in the obligations table.

Restrictions

Article 5- (1) Distribution undertaking licensees that are not granted the permission shall not carry out sales transactions within the scope of liquid fuel trade between distribution undertakings. **(Supplementary sentence as added by: O.G.-25/2/2020-31050)** Trade of liquid fuel between distribution undertakings shall not be performed, other than licensed facilities. Within the scope of the liquid fuel trade between distribution undertakings, liquid fuel may only be procured from distribution undertaking licensees that are granted the permission.

(2) Trade of liquid fuel between distribution undertakings shall be limited to the liquid fuels contained in the license subtitle of both of the licensees making the sales and the procurement. Gas oil shall not be associated with trade of liquid fuel between distribution undertakings.

(3) **(Added by: 1/6/2019-30791)** The total quantity of delivery which may be made by the permission holder in one activity period within the scope of trade of liquid fuel between distribution undertakings shall not exceed the sum of the quantity of the liquid fuel procured by the permission holder through importation and/or from the refining undertaking within the same period.

(4) **(Added by: 1/6/2019-30791)** In case it is found that the permission holder does not comply with the restriction prescribed by the third paragraph of this article, the permission shall not be granted to the permission holder for the next period and its existing permission, if any, shall be terminated by the Board, in addition the administrative sanction to be imposed as per the relevant articles of the Petroleum Market Law No. 5015.

Determination of the permission fee

Article 6- (1) The permission fee for trade of liquid fuel between distribution undertakings shall be determined by the Board prior to 31 December, for each activity period, and shall be published in the Official Gazette.

Board Decision repealed

Article 7- (1) The Board Decision dated 17/1/2015 and no. 5921-3 is hereby repealed.

Permissions for trade of liquid fuel between the existing distribution undertakings

Temporary Article 1- (1) As for the licensees that have been already granted the permission for trade of liquid fuel between distribution undertakings for 2018 under the Board Decision dated 17/1/2015 and no. 5921-3, prior to the effective date of this Decision;

a) in case those licensees have fulfilled the obligation to sell minimum 60.000 tons of white products under article 4 of this Decision in 2017, those licensees shall be deemed to have been granted the permission for the 1 April 2018-31 March 2019 activity period.

b) In case those licensees have not fulfilled this obligation, their permissions shall be deemed to have terminated as of 1 June 2018. In this case, the permission fees paid by those licensees for 2018 shall, in full, be reimbursed to those licensees at their written request.

Permission fee for the 1 April 2018-31 March 2019 period

Temporary Article 2- (1) The amount of the permission fee for trade of liquid fuel between distribution undertakings, as determined for 2018 by the Board Decision dated 21/12/2017 and no. 7561, shall exactly apply to the 1 April 2018-31 March 2019 activity period as well.

Restriction for the 2019 activity period

Temporary Article 3- (Added by: O.G.-1/6/2019-30791) For the 01 April 2019-31 March 2020 activity period, the interval between 01 August 2019 and 31 March 2020 shall be taken as basis in evaluating the restriction prescribed by the third paragraph of article 5 of this Decision.

Effectiveness

Article 8- (1) This Decision shall become effective on ¼/2018.

Execution

Article 9- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

(1) This paragraph shall become effective on 01/04/2019.

Official Gazette dated 22 November 2019 and issue no. 30956

From the Energy Market Regulatory Authority:

Decision No.: 8934 **Decision Date:** 14/11/2019

At the Energy Market Regulatory Board's meeting dated 14/11/2019, it has been decided that the enclosed "Board Decision on the Principles and Procedures Regarding the Quality Monitoring System for Liquid Fuel in Storages" is hereby adopted and shall be published in the Official Gazette.

ENCL.

BOARD DECISION ON THE PRINCIPLES AND PROCEDURES REGARDING THE QUALITY MONITORING SYSTEM FOR LIQUID FUEL IN STORAGES

Objective and Scope

ARTICLE 1- (1) This Decision covers the activities of national marker measurement, monitoring the conformity of liquid fuels with the technical arrangements, national marker stock controls and controlling the measurement systems included in the scope of the stock monitoring system, in order to determine the anomalies concerning the quality and quantity of the liquid fuels in the tanks monitored as part of the stock monitoring system, which liquid fuels will be supplied to the market.

Legal basis

ARTICLE 2- (1) This Decision has been prepared on the basis of the Petroleum Market Law No. 5015, the Regulation on the Technical Criteria Applicable in the Petroleum Market and the Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections.

Definitions

ARTICLE 3- (1) In addition to the definitions contained in the related legislation, the following terms referred to in this Decision shall have the following meanings:

a) Independent Inspection Firm: Entities which are empowered by the Authority and are accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker and which will be assigned by the related licensees;

b) Simple Random Sampling Method: Probability sampling method under which each member of the subset has an equal probability of being chosen for the sample selected;

c) DAKİS: Quality Monitoring System for Liquid Fuel in Storages;

d) Laboratory: Laboratory that signed a Service Procurement Contract with the Authority for sample analyzes;

e) Sample-Taking Record: Sample-taking record enclosed with the Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections to be Carried Out in the Petroleum Market;

f) Sample Size: Minimum number of samples necessary to be analyzed in order for the DAKİS results to represent the country;

g) Sample Size: Minimum number of samples necessary to be analyzed in order for the DAKİS results to represent the country;

Stock Monitoring System: System introduced by the Decision no. 7204-9 on the Principles and Procedures Regarding Stock Monitoring System, published in the Official Gazette dated 01.08.2017 and issue no. 30141;

ğ) Stratified Sampling Method: Sampling method which enables the subgroups in the population to be represented in the sampling in proportion to their weights;

h) Tank Measurement: Processes carried out in order to determine the quantity of the product in the tank included in the scope of the implementation;

ı) Implementation Period: Period between 01 January and 31 December of the relevant year; and

i) Implementation List: List indicating the facilities, tanks and their substitutes included in the scope of this Decision in the Implementation Period.

Determination of the facilities and tanks included in the scope of the implementation

ARTICLE 4- (1) The tanks, in which measurements will be performed and from which samples will be taken, shall be determined by the Petroleum Market Department, using the Stratified Sampling Method. An "Implementation List", which indicates the tanks determined and their substitutes -in case those tanks are not convenient for sample-taking or tank measurement-, and the facilities where the tanks are located, shall be prepared by the Petroleum Market Department and then, the Petroleum Market Department shall submit this list to the President for approval. After the Implementation List is approved by the President, the list shall be communicated to the Inspection Department by the Petroleum Market Department.

2) Within the scope of the implementation, the sample size shall be determined by the Petroleum Market Department, which sample size should not be less than 5% of the population.

3) The strata, indicating the refractions in the population pertaining to the relevant implementation period, shall be determined by the Petroleum Market Department.

4) The number, which is found while calculating the number of tanks to be included into the implementation in each facility, shall be increased to the next upper whole number.

5) The facilities, included in the scope of the implementation, may be visited more than once. The facilities in this situation and the tanks, which are located in these facilities and from which samples will be taken and in which tank measurements will be performed, shall be selected by means of the simple random sampling method.

6) The facilities, licensed after the implementation list is prepared, may be included into the implementation list in substitution for the facilities whose activities have been suspended temporarily or whose licenses have been revoked after the list is prepared. In this case, the facilities and tanks included into the implementation list shall be communicated to the Inspection Department by the Petroleum Market Department.

7) Measurement and sample-taking operations shall not be carried out in the tanks sealed by the public institutions and organizations empowered to carry out inspections on behalf of the Authority. In substitution for those tanks, the measurement and sample-taking operations shall be performed primarily through the substitute tanks indicated in the implementation list, or if the substitute tanks are improper, starting from the tank containing the highest liquid fuel quantity.

8) In case it is found that both the primary tanks and the substitute tanks are improper to take samples and perform measurements, the number shall -starting from the tank containing the highest liquid fuel quantity- be completed to the number of measurements and sample-takings determined for each facility, in line with the declaration of the facility's official in the course of the inspection.

9) After the sample-taking and tank measurement operations are performed through the tanks contained in the implementation list in the number stated in the implementation list, in cases where deemed necessary by the inspector that performed the DAKİS implementation, sample-taking and quantity determination operations may also be performed through the other tanks convenient for sample-taking and quantity determination. The number of tanks, from which samples will be taken and in which the quantity will be determined in this way, shall not exceed one-third of the primary tanks contained in the implementation list for the relevant facility, which shall not be less than one.

10) In cases where the tanks in the implementation list are empty, contain products in such level from which it is not possible to take samples in the course of the implementation, where the preparations for the product have not been completed and the liquid fuel is not made ready for domestic sales, samples shall not be taken from the tanks. In substitution for those tanks, the measurement and sample-taking operations shall be performed primarily through the substitute tanks indicated in the implementation list, or if the substitute tanks are improper, starting from the tank containing the highest liquid fuel quantity.

11) The operations included in the scope of DAKİS shall be performed through the tanks into which national marker has been added.

Liquid fuel types included in the scope of the implementation

ARTICLE 5- (1) The liquid fuel types, which will be included in the scope of DAKİS in the relevant implementation period, shall -together with the implementation list for the relevant year- be submitted to the President for approval, which types should include the diesel oil, biodiesel and benzine types as a minimum.

Sample-taking procedures

ARTICLE 6- (1) In the DAKİS implementation, the samples shall -under the coordination of the Inspection Department- be taken by means of the public institutions and organizations empowered to carry out inspections on behalf of the Authority.

2) Within the scope of DAKİS, national marker control shall be performed by means of portable control device through the tanks into which national marker has been added. Regardless of the result pertaining to the national marker, samples shall be taken and be dispatched to the laboratory. After the samples are taken, the necessary transactions shall be performed and the records shall be prepared within the framework of the provisions of the "Regulation on Principles and Procedures to be Followed in Preliminary Investigations and Inquiries and in Inspections" published in the Official Gazette dated 06/01/2005 and issue no. 25692. The inscription "DAKİS" shall be inserted into section "Reason(s) for the Sample-Taking" in the Sample-Taking Record.

3) Within the scope of DAKİS, the samples shall be taken in conformity with the related standards.
4) The analyzes of the samples taken shall be carried out by the laboratories accredited by accreditation agencies. The analyzes shall be performed, as prescribed for all the characteristics specified in the related standards within the scope of the Regulation on Technical Criteria Applicable in the Petroleum Market. The analyzes, requested to be performed, shall be carried out by the laboratory without the sample characteristics undergo a change, and the laboratory shall determine the result in a report. The inscription "DAKİS" shall be indicated visibly in the examination report. The laboratory shall keep one copy of the report and shall send the other copy to the Authority for necessary action.
5) The laboratory shall report separately the analyzes performed within the scope of DAKİS. As for the results which came to existence after the analyzes performed, the laboratory shall, by the end of February of the following year, issue the relevant summary report which contains these results prepared in the form of comparable tables.

Procedures regarding national marker
ARTICLE 7- (1) If there is national marker in the facility included in the scope of the implementation, the national marker stock shall also be determined. The national marker stock shall be found by the official of the relevant distribution undertaking or refining undertaking licensee to the accompaniment of the inspection personnel and the facility's official, under the supervision of the independent inspection firm.
2) The "National Marker Stock Fact-Finding Record" (Annex-2) shall be filled in for the stock fact-finding operations. The stock fact-finding operations shall be performed in compliance with the instructions contained in the record. The "National Marker Stock Fact-Finding Record", which has been prepared, shall be sent to the Petroleum Market Department.
(3) If, in the same facility, there is national marker pertaining to different license types, the stock fact-finding operations shall be performed separately for each licensee and the records shall be prepared separately.
(4) The national marker weight measurement shall be performed by means of the precision scales in the facility and thus, the actual measurement result shall be found. If the seals of the vessels are not broken after they have been received from the Scientific and Technological Research Council of Turkey (TÜBİTAK), the quantity information shall be inserted into the record on the basis of the value indicated in the certificate.
5) In the National Marker Stock Fact-Finding Record, the weight units shall be indicated in kilograms, the volume units shall be indicated in liters and there shall be three digits after the comma. The national marker density information shall be obtained from its certificate.
6) The tares, weighed and inserted into the record by TÜBİTAK in the course of the national marker delivery, shall be taken while the tares of the national marker vessels are inserted into the record. In cases where the national marker is in the vessels that are not used for the receipts of national marker from TÜBİTAK, the tare weights determined by the independent inspection firm shall be used. If there is seal on the vessel, the seal weights should also be included into the tare of the vessel.
7) In case empty national marker vessels are found in the facility, it shall be checked if there is national marker in those vessels and then, the circumstance shall be stated in the record.

Procedures regarding tank measurement
ARTICLE 8- (1) The quantity of the products -in the tanks from which DAKİS samples are taken- shall also be found. The product quantity/volume information, which has been found, shall be inserted into the table shown in Annex-1. This table shall be forwarded to the Petroleum Market Department.
2) The tank measurement operations shall be performed by the official of the relevant storage, refining undertaking or distribution undertaking licensee to the accompaniment of the inspection personnel, under the supervision of the independent inspection firm.
3) In case the measurements are performed through the tanks which are "Substitute" or "Having the Highest Liquid Fuel Quantity" or "Selected by the Inspector", instead of the tanks indicated as "Primary" in the implementation list; the reason for this operation shall be explained in the section "Explanations" in the record.
4) The volume information pertaining to the products in the tanks shall be corrected to 15ºC and then, shall be inserted into the table.

Notifications
ARTICLE 9- (1) The notifications related to the Quality Monitoring System for Liquid Fuel in Storages shall be made under the Regulation on Notifications in the Energy Market.

Effectiveness
ARTICLE 10- (1) This Decision shall become effective on 01.01.2020.

Execution
ARTICLE 11- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.
ANNEXES:
ANNEX-1, DAKİS Tank Measurement Record
ANNEX-2, National Marker Stock Fact-Finding Record

BOARD DECISION ON THE PRINCIPLES AND PROCEDURES REGARDING THE QUALITY MONITORING SYSTEM FOR LIQUID FUEL IN STORAGES, ANNEXES

DAKİS TANK MEASUREMENT RECORD				**ANNEX-1**
License No.:				
Measurement Date:				
Entity that performed the measurement:				
Tanks in the Implementation List				
Seq.	Primary Tank Code	Substitute Tank Code		
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Of the Tank through which the measurement has been performed				
Tank Code	Tank Type (Primary/Substitute/Liquid Fuel/Inspector's Selection)	Measurement Hour and Date	Liquid Fuel Type	Product Quantity Measured (m3) (Corrected to 15^{0}C)
Explanations				
On …. / …. / …., this record has been prepared in …. Copies and the copies have been delivered to the persons concerned.				
Facility's Official	IIF Official	Licensee's Official	Inspector	Inspector

ANNEX-2

NATIONAL MARKER FACT-FINDING RECORD			**ANNEX-2**
Facility License No.:		Marker Owner's License No.:	
Inspection Authorization Certificate No.:		Fact-Finding Date:	

A. National Marker Stock Status at the Beginning of the Period	
National Marker Type	Total national marker stock (kg) on 01 / … / ….
MarkR	
MarkR-BE	
MarkR-GN	

B. Information Pertaining to the National Market Quantity Found (3)							
Seq.	N.M. Vessel No.	N.M. Type	Weight (kg) (1)	Vessel Tare (5)	Net N.M. Quantity (kg)	Volume (liter)	N. M. Density (4)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

C. Information Pertaining to the National Marker Addition Operations Performed within the Month (2)							
Seq.	N.M. Type	Imp. Date	Quantity Used (kg)	Seq.	N.M. Type	Imp. Date	Quantity Used (kg)
1				11			
2				12			
3				13			
4				14			
5				15			
6				16			
7				17			
8				18			
9				19			
10				20			

Ç. Quantity of National Marker Received within the Month							
Seq.	N.M. Type	Delivery Date	Delivery Quantity (kg)	Seq.	N.M. Type	Delivery Date	Delivery Quantity (kg)
1				5			
2				6			
3				7			
4				8			

ANNEX-2

D. Other Findings
On …. / …. / …., this record has been prepared in …. Copies and the copies have been delivered to the persons concerned. Facility's Official IIF Official Licensee's Official Inspector Inspector 1. The weight measurement shall be performed by means of the precision scales in the facility and thus, the actual measurement result shall be inserted. 2. The inspection firm's records and documents, related to all the transactions and operations contained in this section, shall be attached to this record. 3. The weight units shall be indicated in kilograms, the volume units shall be indicated in liters and there shall be three digits after the comma. 4. Density information shall be obtained from the N.M. certificate. 5. The tares, weighed and inserted into the record by TÜBİTAK in the course of the national marker delivery, shall be taken. If the vessels' tares determined by TÜBİTAK are not found, the tare weights determined by the independent inspection firm shall be used. If there is seal on the vessel, the seal weights should also be included into the tare.

BOARD DECISION ON
ADOPTION OF THE EKS SAFETY CONTROLS DOCUMENT

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 7177 **Decision Date:** 07/07/2017

Within the framework of the official letter no. 21518343-719-29259 of 05/07/2017 issued by the Strategy Development Department to the Office of the President;

It has been decided that:

a) The enclosed EKS Safety Controls document is hereby adopted and shall be published on the home page of the Authority's web site, and
b) The Strategy Development Department is hereby granted authorization for any updates to be made in the EKS Safety Controls document in line with the developing technology and needs.

ENCLOSURES:
ENCLOSURE-1 The EKS Safety Controls document

SALES OF LIQUID FUEL THROUGH ELECTRONIC SYSTEM

BOARD DECISION

Decision No.: 1088/1 **Decision Date:** 07/02/2007

Within the framework of the official letter no. PPD\13.870.2\1479 of 01/02/2007 issued by the Petroleum Market Department to the Office of the President, it is decided that distribution companies may, through electronic systems, sell liquid fuel to consumers through the channel of their vendors, including the persons benefiting from the exceptionalities within the scope of the Special Consumption Tax No. 4760 of 6/6/2002

PRINCIPLES AND PROCEDURES REGARDING FINANCIAL INTERMEDIATION SERVICES TO BE PROVIDED FOR SALES OF LIQUID FUEL TO CONSUMERS THROUGH ELECTRONIC SYSTEMS IN THE PETROLEUM MARKET

It was published in the Official Gazette dated 21/11/2010 and issue no. 27763.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 2870 **Decision Date:** 09/11/2010

At the Energy Market Regulatory Board's meeting dated 09/11/2011, the following Decision about "The Principles and Procedures Regarding Financial Intermediation Services to be Provided for Sales of Liquid Fuel to Consumers Through Electronic Systems in the Petroleum Market" has been taken.

PRINCIPLES AND PROCEDURES REGARDING FINANCIAL INTERMEDIATION SERVICES TO BE PROVIDED FOR SALES OF LIQUID FUEL TO CONSUMERS THROUGH ELECTRONIC SYSTEMS IN THE PETROLEUM MARKET

ARTICLE 1- (1) Distribution undertaking licensees and vendor activity licensees having the category "with station" may procure financial intermediation services from capital companies that fulfil the obligations determined in article 2 of this Decision, for sales of liquid fuel to consumers through electronic systems.
(2) Financial intermediation services may only be procured for the liquid fuel sales:
a) for which electronic systems are used,
b) for which the supply is carried out from the liquid fuel stations holding vendor activity licenses,
c) whereby fuel needs of land vehicles are met.

ARTICLE 2- (1) Capital companies that will provide financial intermediation services shall have the following obligations:
a) To carry out their activities in compliance with the general provisions and the petroleum market legislation, pursuant to the written contracts to be concluded with licensees and consumers;
b) Not to purchase and sell liquid fuel, and to reflect exactly the liquid fuel prices on consumers;
c) Not to intervene in the liquid fuel prices determined by licensees in accordance with the related legislation;
ç) To act in compliance with the financial legislation, in the issuance of invoices and in collection of invoice sums;
d) If a service fee will be collected, to invoice this fee separately and not to add this fee to the liquid fuel price or not to deduct this fee from the liquid fuel price;
e) To submit to the Authority the copies of the contracts to be concluded with licensees and consumers and any amendments to these contracts, before they become effective; and
f) To submit to the Authority the information and documents requested, to sign the records, and to allow officials to perform examinations/audits.

ARTICLE 3- (1) This Decision shall become effective on the date of its publication.

ARTICLE 4- (1) This Decision shall be executed by the President of the Energy Market Regulatory Board.

AMENDMENT DECISION REGARDING INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

It was published in the Official Gazette dated 27 April 2019 and issue no. 30757.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8559 **Decision Date:** 25/04/2019

At the Energy Market Regulatory Board's meeting dated 25/04/2019, it has been decided that the "Board Decision Regarding Amendments to the Board Decision on Instructions for Use of the Energy Market Notification System" is hereby adopted and shall be published in the Official Gazette.

BOARD DECISION REGARDING AMENDMENTS TO THE BOARD DECISION ON INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

ARTICLE 1- "The Annex-2 Table of Obligations for Notifications in the Natural Gas Market", "the Annex-3 Table of Obligations for Notifications in the Petroleum Market" and "the Annex-4 Table of Obligations for Notifications in the Liquefied Petroleum Gases (LPG) Market", which are the annexes to the Instructions for Use of the Energy Market Notification System adopted by the Board Decision dated 20/11/2014 and no. 5313-1 and published in the Official Gazette dated 24/12/2014 and issue no. 29215, have been amended as enclosed.

ARTICLE 2- This Decision shall become effective on the date of its publication.

ARTICLE 3- The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

It was published in the Official Gazette dated 24/12/2014 and issue no. 29215.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5313/1 **Decision Date:** 20/11/2014

At the Energy Market Regulatory Board's meeting dated 20/11/2014, it has been decided that the enclosed Instructions for Use of the Energy Market Notification System are hereby adopted and that the Instructions shall be forwarded to the Prime Minister's Office in order to be published in the Official Gazette.

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective

ARTICLE 1- (1) The objective of these Instructions is to regulate the principles and procedures regarding collection of the data needed by the Authority in the process of monitoring, analysis and reporting of market activities, in order to achieve the goals contained in the related legislation in the energy market, within the framework of the Regulation on Notifications in the Energy Market.

Scope

ARTICLE 2- (1) These Instructions cover the rules regarding the notification obligations in the energy market within the scope of the Regulation on Notifications in the Energy Market. These Instructions constitute a whole together with the annexes.

(3) The data which will be received through the notification system in order to obtain the data to be needed within the scope of the works and studies necessary to be concluded in a short span of time by the Authority, and the data which, as required by the provisions of the other legislation, will be received by the Authority through the notification system in order to fulfil its obligation to send data to other institutions and organizations, shall not be included in the scope of these Instructions.

Legal basis

ARTICLE 3- (1) These Instructions have been prepared on the basis of the Regulation on Notifications in the Energy Market, published in the Official Gazette dated 27/5/2014 and issue no. 29012.

Definitions and abbreviations

ARTICLE 4- (1) The definitions and abbreviations, referred to in these Instructions, shall have the meanings and scope attributed to them in the related legislation.

PART TWO
PRINCIPLES AND PROCEDURES REGARDING NOTIFICATION OBLIGATIONS

Obligation to make notification

ARTICLE 5- (1) Unless otherwise specified in the related legislation, the obligation to make notification covers the notification periods within term that the license is effective, as well as the periods for other real and legal persons as specified in these Instructions.

(2) In case a notification incumbent does not perform any activities in the period subject to notification, this shall not revoke its notification obligation. In this case, the notification shall be made, however, which notification shall state that the notification incumbent has not performed any activities subject to notification in that period.

(3) In cases where a notification incumbent's license is terminated or cancelled, the notifications which should, by using electronic signature, be made in relation to the activities performed prior to the termination or cancellation of that license shall be made in writing.

Notification forms

ARTICLE 6- (1) The notifications specified in these Instructions shall be made by means of the notification forms determined by the relevant Board decision and published on the web site of the Authority.

Notification explanations
ARTICLE 7- (1) Explanations for use of the notification system and for filling up of the notification forms shall be announced on the web site of the Authority.
Making of notifications
ARTICLE 8- (1) The notifications, stipulated to be made -by using electronic signature- in these Instructions, shall be made by notification incumbents' officials, using electronic signature, through use of the notification system.
Requests for correction of notifications
ARTICLE 9- (1) For the notifications made by the notification incumbents to the Authority, those notification incumbents may request for correction by indicating the reason(s) of such correction, after expiration of the term for making the notification, with the exception of the notifications for which no request for correction is allowed to be submitted. In case such request for correction is accepted by the Authority, they may make corrections in the notifications they made previously, within the correction terms determined in these Instructions.
(2) In case of need, a request for correction may also be made by the Authority.

PART THREE
FINAL PROVISIONS

Effectiveness
ARTICLE 10- (1) These Instructions shall become effective on the date of publication.
Execution
ARTICLE 11- (1) The provisions of these Instructions shall be executed by the President of the Energy Market Regulatory Authority.

ANNEXES:
1- Table of Obligations for Notifications in the Electricity Market
2- Table of Obligations for Notifications in the Natural Gas Market
3- Table of Obligations for Notifications in the Petroleum Market
4- Table of Obligations for Notifications in the Liquefied Petroleum Gases (LPG) Market

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM, TABLE OF OBLIGATIONS FOR NOTIFICATIONS IN THE PETROLEUM MARKET

Annex-3 Table of Obligations for Notifications in the Petroleum Market

Notification Incumbent	Name of Notification	The way how the notification shall be made	Notification frequency	Term for making the notification	Period that the notification is subject to	May a request for correction be made?	Term to be granted following approval of the request for correction*	Shall a warning be made prior to the initiation of the inspection process related to erroneous notifications or notifications that have not been made?	Completion/correction term to be granted to those who have been warned prior to the initiation of the inspection process related to erroneous notifications or notifications that have not been made
REFINING UNDERTAKING LICENSEE									
REFINING UNDERTAKING LICENSEE	Marketing projection	Electronic signature	Yearly	Until the last day of November	The following calendar year	Yes	10 business days	Yes	10 business days
	Stock and revenue	In writing	Yearly	Until the last day of May	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Domestic resource information -Domestic resource determination chart (Petroleum and petroleum products)	In writing	Yearly	Until the last day of November	The last 12-month period	Yes	10 business days	Yes	10 business days
	Participation share	Electronic signature	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Income statement	Electronic signature	Yearly	Until the last day of May	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Blending (Refinery)	Electronic signature	Yearly	By the end of February	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Petroleum products movements	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	National marker (Refining undertaking)	Electronic signature	Monthly	In no later than 5 business days of the month following the period pertaining to the operation "addition of national marker"	The preceding month	Yes	10 business days	Yes	10 business days
	Revenue share	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	Significant event	Electronic signature, and in writing for transmission of annexes	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	10 business days	Yes	10 business days
	Refinery Tank	Electronic signature	Depending on occurrence	In case of a change or replacement of tanks		Yes	10 business days	Yes	10 business days
	Marking and adding	In writing	Depending on occurrence	In the initially making of and change of the marking and adding		Yes	10 business days	Yes	10 business days
	Tariff (Refinery) depending on formation	In writing	Depending on formation	In the case of a change in the tariff		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on formation	By the end of the day prior to the implementation of the new price		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on formation	In the case of a change in the tariff		Yes	10 business days	Yes	10 business days
	Shareholding structure	Electronic signature	Depending on occurrence	Within 4 business days following the day of completion of the processes in the related other legislation in relation to the change, after each change occurred in the shareholding structure		Yes	10 business days	Yes	10 business days

	National marker depending on occurrence	Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of return, in the event that the national marker is returned		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of transportation, in the event that the national marker is transported to a different facility within the scope of the authorization		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms contained in the relevant Board decision		Yes	10 business days	Yes	10 business days
	National stock location (Refining undertaking)	Electronic signature	Depending on occurrence	In the case of a change in the facilities where the national petroleum stock is kept		Yes	10 business days	Yes	10 business days
DISTRIBUTION UNDERTAKING LICENSEE									
DISTRIBUTION UNDERTAKING LICENSEE	Vendor (With station liquid fuel bunker) information	Electronic signature	Yearly	Until the last day of January	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Income statement	Electronic signature	Yearly	Until the last day of May	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Participation share	Electronic signature	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Domestic resource information -Domestic resource determination chart (Petroleum and petroleum products	In writing	Yearly	Until the last day of November	The last 12-month period	Yes	10 business days	Yes	10 business days
	Marketing projection	Electronic signature	Yearly	Until the last day of November	The following calendar year	Yes	10 business days	Yes	10 business days
	Blending (Distribution undertaking)	Electronic signature	Yearly	By the end of February	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Deviation explanations (Liquid fuel)	Electronic signature	Quarterly	Until the last day of the following month	The preceding three months	Yes	10 business days	Yes	10 business days
	Liquid fuel movements	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	Monthly Liquid Fuel Stock and Purchases-Sales Report	Electronic signature	Monthly	Until the 20th day (excluding) of the following month	The preceding month	No (With the exception of the specific circumstances to be considered appropriate by the addressee of the notification)	10 business days	Yes	10 business days
	Tariff	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	Monthly national marker notification	Electronic signature	Monthly	In no later than 5 business days of the month following the period pertaining to the national marker addition operation	The preceding month	Yes	10 business days	Yes	10 business days
	Vendor inspection	Electronic signature	Depending on occurrence	Within 4 business days as from the starting date of renovation		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Within 4 business days as from the completion date of renovation		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When supply to the vendor is ceased		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms specified as per the Board Decision No. 1240		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In case a contradiction is found as per the subparagraph (h) of the paragraph 1 of article 4 of the Board Decision No. 1240		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In case it is found that the vendor performs sales for resales purposes, as per the paragraph 5 of article 6 of the Board Decision No. 1240		Yes	10 business days	Yes	10 business days

DISTRIBUTION UNDERTAKING LICENSEE	Vendor inspection	Electronic signature	Depending on occurrence	Within 3 business days following the notification of MB-07		Within 3 business days following the expiration of the notification term of the relevant period, for MB-07 only (With the exception of the specific circumstances to be considered appropriate by the unit to which the notification will be transmitted)	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Within one month as from the date of the analysis		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the vendor information		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the village pump information		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the agricultural sales tanker information		Yes	10 business days	Yes	10 business days
	Sales demand between distribution undertakings	Electronic signature	Depending on occurrence	As determined by the Board before the sales take place	The period determined by the Board for trading between distribution undertakings	Yes	10 business days	Yes	10 business days
	Tariff depending on formation (Distribution undertaking	Electronic signature	Depending on formation	By the end of the day prior to the implementation of the new price		Yes	10 business days	Yes	10 business days
	Marking and adding	In writing	Depending on occurrence	In the initially making of and change of the marking and adding		Yes	10 business days	Yes	10 business days
	Shareholding structure	Electronic signature	Depending on occurrence	Within 4 business days following the day of completion of the processes in the related other legislation in relation to the change, after each change occurred in the shareholding structure		Yes	10 business days	Yes	10 business days
	Significant event	Electronic signature, and in writing for transmission of annexes	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	10 business days	Yes	10 business days
	Tariff change	In writing	Depending on formation	In the case of a change in the tariff		Yes	10 business days	Yes	10 business days
	Standard contract	In writing	Depending on occurrence	In the event of a modification in the standard contract		Yes	10 business days	Yes	10 business days
	National marker (Distribution undertaking)	Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of return, in the event that the national marker is returned		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms contained in the relevant Board decision		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of transportation, in the event that the national marker is transported to a different facility within the scope of the authorization		Yes	10 business days	Yes	10 business days
	National stock location (Distribution undertaking)	Electronic signature	Depending on occurrence	In the case of a change in the facilities where the national petroleum stock is kept		Yes	10 business days	Yes	10 business days

	National Marker Depending on Occurrence	Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of return, in the event that the national marker is returned		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of transportation, in the event that the national marker is transported to a different facility within the scope of the authorization		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms contained in the relevant Board decision		Yes	10 business days	Yes	10 business days
	National stock location (Refining undertaking)	Electronic signature	Depending on occurrence	In the case of a change in the facilities where the national petroleum stock is kept		Yes	10 business days	Yes	10 business days
DISTRIBUTION UNDERTAKING LICENSEE									
DISTRIBUTION UNDERTAKING LICENSEE	Vendor (With station liquid fuel bunker) information	Electronic signature	Yearly	Until the last day of January	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Income Statement	Electronic signature	Yearly	Until the last day of May	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Participation Share	Electronic signature	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Domestic resource information -Domestic resource determination chart (Petroleum and petroleum products)	In writing	Yearly	Until the last day of November	The last 12-month period	Yes	10 business days	Yes	10 business days
	Marketing Projection	Electronic signature	Yearly	Until the last day of November	The following calendar year	Yes	10 business days	Yes	10 business days
	Blending (Distribution Undertaking)	Electronic signature	Yearly	Until the last day of February	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Deviation Explanations	Electronic signature	Quarterly	Until the last day of the following month	The preceding three months	Yes	10 business days	Yes	10 business days
	Liquid Fuel Movements	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	Liquid Fuel Stock and Purchase-Sale Report	Electronic signature	Monthly	Until the 20th day (excluding) of the following month	The preceding month	No (With the exception of the specific circumstances to be considered appropriate by the addressee of the notification)	10 business days	Yes	10 business days
	Tariff	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
	Monthly National Marker Notification	Electronic signature	Monthly	In no later than 5 business days of the month following the period pertaining to the operation "addition of national marker"	The preceding month	Yes	10 business days	Yes	10 business days
	Vendor inspection	Electronic signature	Depending on occurrence	Within 4 business days as from the starting date of renovation		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Within 4 business days as from the completion date of renovation		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When supply to the vendor is ceased		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms specified as per the Board Decision No. 1240		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In case a contradiction is found as per the subparagraph (h) of the paragraph 1 of article 4 of the Board Decision No. 1240		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In case it is found that the vendor performs sales for resales purposes, as per the paragraph 5 of article 6 of the Board Decision No. 1240		Yes	10 business days	Yes	10 business days

DISTRIBUTION UNDERTAKING LICENSEE	Vendor inspection	Electronic signature	Depending on occurrence	Within 3 business days following the notification of MB-07		Within 3 business days following the expiration of the notification term of the relevant period, for MB-07 only (With the exception of the specific circumstances to be considered appropriate by the unit to which the notification will be transmitted)	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Within one month as from the date of the analysis		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the vendor information		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the village pump information		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	When a change occurs in the village pump information		Yes	10 business days	Yes	10 business days
	Sales Demand Between Distribution Undertakings	Electronic signature	Depending on occurrence	As determined by the Board before the sales take place	The period determined by the Board for trading between distribution undertakings	Yes	10 business days	Yes	10 business days
	Tariff Depending on Occurrence (Distribution Undertaking)	Electronic signature	Depending on occurrence	By the end of the day prior to the implementation of the new price		Yes	10 business days	Yes	10 business days
	Marking and Adding	In writing	Depending on occurrence	In the initially making of and change of the marking and adding		Yes	10 business days	Yes	10 business days
	Shareholding Structure	Electronic signature	Depending on occurrence	Within 4 business days following the day of completion of the processes in the related other legislation in relation to the change, after each change occurred in the shareholding structure		Yes	10 business days	Yes	10 business days
	Significant Event	Electronic signature, and in writing for transmission of annexes	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	10 business days	Yes	10 business days
	Tariff Change	In writing	Depending on occurrence	In the case of a change in the tariff		Yes	10 business days	Yes	10 business days
	Standard Contract	In writing	Depending on occurrence	In the event of a modification in the standard contract		Yes	10 business days	Yes	10 business days
	National Marker (Distribution Undertaking)	Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of return, in the event that the national marker is returned		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	Pursuant to the terms contained in the relevant Board decision		Yes	10 business days	Yes	10 business days
		Electronic signature	Depending on occurrence	In no later than 5 business days as from the date of transportation, in the event that the national marker is transported to a different facility within the scope of the authorization		Yes	10 business days	Yes	10 business days
	National stock location (Distribution undertaking)	Electronic signature	Depending on occurrence	In the case of a change in the facilities where the national petroleum stock is kept		Yes	10 business days	Yes	10 business days

ELIGIBLE CONSUMER (NATIONAL STOCK KEEPING OBLIGOR)	Stock (Eligible Consumer) – Obligatory Stock	Electronic signature	Monthly	Until the last day of the following month	The preceding month	Yes	10 business days	Yes	10 business days
TRANSMISSION LICENSEE									
TRANSMISSION LICENSEE	Participation Share	In writing	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Significant Event	In writing	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	10 business days	Yes	10 business days
	Tariff Change	In writing	Depending on occurrence	In the case of a change in the tariff		Yes	10 business days	Yes	10 business days
TRANSPORTATION LICENSEE									
TRANSPORTATION LICENSEE	Participation Share	In writing	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
	Significant Event	In writing	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	10 business days	Yes	10 business days
VENDOR ACTIVITY LICENSEE	Participation Share	In writing	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	10 business days	Yes	10 business days
Automotive manufacturers exporting automotive products and electricity generation companies exporting electricity within the scope of inward processing certificate	Liquid fuel and lube oil import within the scope of inward processing	In writing	Depending on occurrence	When liquid fuel and lube oil import is performed within the scope of inward processing		Yes	10 business days	Yes	10 business days
Industrialists that export or deliver to refineries the products produced as a by-product in industrial facilities	Industrialist	In writing	Depending on occurrence	When a product, produced as a by-product in industrial facilities, is exported or delivered to refineries or to distribution undertakings		Yes	10 business days	Yes	10 business days
Accredited laboratories contracted with EMRA	AKİS	Electronic signature and in writing, separately	Depending on occurrence	Within 5 business days following preparation of the examination report		Yes	10 business days	Yes	10 business days
Inspection authorization certificate holder			Depending on occurrence						
Inspection authorization certificate holder	Independent inspection firm's report	Electronic signature	Depending on occurrence	In no later than 4 business days following national marker addition date		Yes	10 business days	Yes	10 business days

The relevant notification obligations should also be taken into consideration for the activities registered in the license sub-title.
* The mentioned periods do not apply to the requests for the corrections to be made by the Authority.

DIFFERENTIATED LIQUID FUELS

Official Gazette dated 24 July 2019 and issue no. 30841

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8730 **Decision Date:** 18/07/2019

At the Energy Market Regulatory Board's meeting dated 18/07/2019, it has been decided that the enclosed Board Decision on Differentiated Liquid Fuels is hereby adopted and shall be published.

ENCL.

BOARD DECISION ON DIFFERENTIATED PRODUCTS

Objective and scope
Article 1- (1) The objective of this Decision is to determine the principles and procedures for defining differentiated liquid fuel and supply of differentiated liquid fuel to the market.
(2) This Decision covers the principles and procedures regarding the tracking of differentiated liquid fuel about which the licensees declare that its one or more than characteristic has been improved by addition of additive and which is thus supplied to the market under a different commercial name and the principles and procedures regarding provision of such liquid fuel to the consumers.

Legal basis
Article 2- (1) This Decision has been prepared on the basis of articles 1, 3 and 7 of the Petroleum Market Law No. 5015 of 04/12/2003.

Definitions
Article 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Differentiated liquid fuel: Liquid fuel defined as "Differentiated Product" in the subparagraph (n) of the first paragraph of article 4 of the Regulation on Petroleum Market Pricing System, entered into force upon publication in the Official Gazette dated 14/10/2008 and issue no. 27024;
b) Additive material: Organic and inorganic materials that are aimed at improving the quality of liquid fuel products;
c) Adding: Adding of additive material without renaming the liquid fuel and in order to improve its quality, which adding shall not exceed 0,5% by volume in any case; and
ç) Technical arrangement: All kinds of arrangements, including related administrative provisions, which are mandatory to be observed and cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil.
(2) Unless otherwise specified, the other terms and concepts which are referred to, however, are not defined in this Decision shall have the meanings and scope attributed to them in article 4 of the Regulation on Technical Criteria Applicable in the Petroleum Market, published in the Official Gazette dated 10/09/2004 and issue no. 25579.

Additive material
Article 4- (1) Before releasing differentiated liquid fuel to the market, distribution undertaking licensees are obliged to submit to the Authority the reports and information contained in Annex-1, as a minimum, in respect of how and to what extent the additive material to be used improves the characteristics of the liquid fuel. In case the reports are in a foreign language, the original reports shall be submitted to the Authority together with their translations in Turkish. In case the report is not found sufficient or understandable, the Authority may request for additional information or explanations. Release of differentiated liquid fuel to the market shall take place after the application is approved by the Board.
(2) The additive material to be used for this purpose shall not render the liquid fuel noncompliant with the technical arrangements and shall not contain metallic elements. It is mandatory that the additive material is of such quality which will maintain the characteristics of national marker and that the total additive materials used do not exceed 0.5% of the liquid fuel by volume.

Tracking of additive material
Article 5- (1) All kinds information, documents and reports, which are related to the acquisition of additive material and adding additive material to the liquid fuel, in respect of obtaining differentiated liquid fuel, shall be kept by the distribution undertaking licensee for a minimum period of 5 years in order to be submitted when requested by the Authority if necessary. It is mandatory that the relevant reports contain, as a minimum, the information on the adding stock at the beginning and at the end of the month and on each adding operation.

Differentiated liquid fuel
Article 6- (1) In provision of or offering differentiated liquid fuel to consumers and/or in relevant advertisement and/or announcement made on any media, the licensees shall not make any reference to the Energy Market Regulatory Authority or to any public institution or organization without its consent and shall not make any statements that might have such meaning. No information, other than the information submitted to the Authority, shall be displayed in advertising, marketing and offering differentiated liquid fuel.
(2) Supply of differentiated liquid fuel shall not be performed by vendor activity licensees in the absence of the consumer's express demand in this regard.
(3) On or near the dispensers where differentiated liquid fuel is sold, it is mandatory that there is an information text which shall be in conformity with the information submitted to the Authority and shall be explicit and easily understandable and shall be in respect of at what rate and in what range (minimum and maximum) the effects of the differentiated liquid fuel are. The following statements shall also be contained in the information text: *"All the liquid fuel types, whether differentiated or not differentiated, supplied to the market by the licensees in our Country, have to be in conformity within the European Union standards and the technical arrangements determined by EMRA. Within this context, all the liquid fuel types may be used safely in the vehicles depending on their types. There are no restrictive distinctions between differentiated liquid fuel and others, with regard to the regulated characteristics such as quality, etc., by the vehicle types such as automobile, bus, truck, articulated lorry, tractor, etc. Differentiated liquid fuel may only be supplied in line with the consumer's demand."*
(4) Differentiated liquid fuel shall not be associated with liquid fuel trading between distribution undertakings.

Responsibility
Article 7- (1) The burden of proof that the differentiated liquid fuel bears the asserted characteristics shall lie with the distribution undertaking licensee. If deemed necessary by the Authority, the distribution undertaking licensee may be requested to apply additional tests at any stage. All kinds of expenses related to these tests shall be covered by the distribution undertaking licensee.
(2) Distribution undertaking licensees are obliged to monitor the provision of differentiated liquid fuel to consumers, by means of the station automation system established within the scope of the Board Decision No. 1240, bearing the heading "Principles and Procedures Regarding Vendor Inspection", entered into force and published in the Official Gazette dated 06/07/2007 and issue no. 26574. In case differentiated liquid fuel is mixed with liquid fuel of the same type, a product that emerged in result of this mixing shall never be released to the market as differentiated product.
(3) In case the distribution undertaking licensee finds that its vendor does not comply with the matters contained in this Decision, the distribution undertaking licensee is obliged to inform the Authority.
(4) Administrative sanctions shall be imposed as per the relevant articles of the Petroleum Market Law No. 5015 in case distribution undertaking licensees conceal information, provide misleading information within the context of this Decision or in case they commit acts manifestly in violation of this Decision.
(5) Distribution undertaking licensees shall inform their vendors and the staffs serving at the vendors, about the rights and obligations contained in this Board Decision.

Adapting
Temporary Article 1- (As amended by: O.G.-18/2/2020-31043)
(1) The distribution undertaking licensees that sell liquid fuel conforming to the definition of differentiated liquid fuel are obliged to bring their situations in compliance with this Decision until 01/03/2021 at the latest. Until that date, the distribution undertaking licensees may perform adding to liquid fuels after they submit to the Authority the "Marking and Adding Notification". The distribution undertaking licensees, who do not, until that date, submit to the Authority the information and documents requested under Annex-1 and obtain the necessary approval or bring their activities in compliance with this Decision, shall not sell differentiated liquid fuel after 01/03/2021.

Effectiveness
Article 8- (1) This Decision shall become effective on the date of its publication.

Execution
Article 9- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

ANNEX- The information and documents requested.

DIFFERENTIATED LIQUID FUEL INFORMATION FORM

DIFFERENTIATED LIQUID FUEL INFORMATION FORM ANNEX-1				
Licensee's Trade Name				
License No.	DIST/.... -.../.....			
Additive Producer's Trade Name				
Additive Material's Trade Mark				
Additive Material's Importer				
Additive Material's GTİP Number				
Liquid Fuel Type to be Differentiated		Benzine T.		Diesel Oil T.
Liquid Fuel's Trade Mark (1)				
Adding Rate (2)	... ppm (± %…)			
Other Usage Rate (3)	... ppm (± %...)			

(1) The brand used in the provision of differentiated liquid fuel.
(2) It must be the same as the rate used at the test stages.
(3) If the same additive material is also used for the differentiated liquid fuel, the quantity used shall be written; otherwise, it shall be left blank.

(T-1) Additive's Intended Use (4)		
Icing Inhibitor/Moisture Absorber	Degumming Solvent	Algae-Bacteria-Fungus Inhibitor
Anti-Knock	Odorant	Valve Lubricant
Oxidation Inhibitor	Metal Deactivator	Emulsification Inhibitor
Conductivity Reducer	Pour Point Depressor	Anti-Flammant
Cetane Enhancer	Sediment Inhibitor	Antacid
Combustion Regulator	Stabilizer	Combustion Chamber Cleaner
Corrosion Inhibitor	Top Roller Lubricant	Cloud Point Reducer
Precipitate Regulator	Octane Enhancer	Foaming Inhibitor
Detergent	Flow Equalizer	Diluter
Paint	Carburetor Cleaner	Emission Control
Exhaust System Scrubber	Marker / Descriptor	Fuel Injector Cleaner
Suction Valve Cleaner	Lubricity Improver	Oxygenate
Rust Inhibitor	Starting Fluid	Saccharin
Stopper/Retainer	Other (….....)	Other (… .....)

(4) One or more than one column should be selected depending on the additive's intended use.

(T-2) Liquid Fuel Test Center Information (5)	
Test Center's Name	
Test Center's Address	
Accreditation Information	

(5) If more than one test center has been used, the information on the other test centers should also be submitted as enclosed.

(T-3) Additive Material's Element Distribution (6)				
	Element Distribution	**Percentage**	**Analysis Method**	
1	Carbon			
2	Hydrogen			
3	Oxygen			
4	Nitrogen			
5	Sulfur			
6	...			
7	...			
8	...			
9	...			
	Total	100		

(3) It shall contain information on all the elements forming the additive material; the number of the columns may be customized.

Differentiated Liquid Fuel Characteristics (7)			
	Benefit Type	**Benefit Quantity**	**Testing Method**
	Reduction in fuel consumption	Min.: …% Max.: …%	
	Acceleration increase	Min.: …% Max.: …%	
	Engine power increase	Min.: …% Max.: …%	
	Engine cleaning		
	Change in emission values		
	CO		
	THC		
	Nox		
	NMHC		
	PM		
	THC + Nox		

(3) Only the sections related to the claims used in the provision of the differentiated liquid fuel to the consumer should be filled in; if the provision of fuel will take place with a benefit type not contained in the table, columns may be added depending on the need. A benefit should absolutely be concrete and based on testing.

(T-5) Additive Material's Use in Foreign Countries					
Is the additive material registered with EPA (8)?					
	Yes		No		
Is it used in another Country?					
	Yes	Countries			No

(8) US Environment Protection Agency

APPENDICES:
APPENDIX-A The additive material producer's documents related to the additive material
APPENDIX-B The accredited laboratory's report stating that the additive improves the characteristics of the liquid fuel (The report should expressly state that the rate of the additive material used for testing purposes is the same as the rate of the adding declared.)
APPENDIX-C Information regarding the liquid fuel test center (including the accreditation documents regarding the testing methods pursuant to which the tests were performed)
APPENDIX-D The results of the analyzes indicated in the Tables T-3 and T-4 in respect of the additive material, and the accreditation information pertaining to the laboratory that performed the analysis
APPENDIX-E Information on the claims regarding the provision of the differentiated liquid fuel (relevant parts of the analysis report)
APPENDIX-F The report received from the National Metrology Institute of the Scientific and Technological Research Council of Turkey (TÜBİTAK UME) and stating that there is no interaction with the national marker
APPENDIX-G Material Safety Data Sheet (MSDS)

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 6648 **Decision Date:** 17/12/2016

At the Energy Market Regulatory Board's meeting dated 17/12/2016, the following Decision has been taken in the sense of "the Decision on Substances Associated with Crude Oil, Liquid Fuel, Bunker, Lube Oil, Base Oil and Petroleum".

DECISION ON SUBSTANCES ASSOCIATED WITH CRUDE OIL, LIQUID FUEL, BUNKER, LUBE OIL, BASE OIL AND PETROLEUM

Article 1- The following shall be included in the implementation scope of the Petroleum Market Law:
a) In the context of crude oil, condensate and crude oil;
b) In the context of liquid fuels, -with the exception of the liquid fuels considered as bunker-, gasoline, diesel oil, fuel oil types and biodiesel, combustible naphtha and gas oil;
c) In the context of the liquid fuels considered as bunker, aviation fuels and marine fuels;
ç) Lube oil;
d) Base oil; and
e) Product blended with liquid fuel.

Article 2- (1) **(As amended by: O.G.-19/12/2019-30983)** With the exception of the liquid fuels considered as bunker within the Country; the types, official names and GTIP numbers of the products that may be offered to the market in the context of liquid fuels are shown in the following table:

Liquid Fuel Types	Official Name	GTIP No.
Combustible Naphtha	Combustible Naphtha	2710.12.15.00.11
Benzine Types	Unleaded Gasoline 95 Octane	2710.12.45.00.11
	Unleaded Gasoline 95 Octane (E10)	2710.12.45.00.13
	Unleaded Gasoline 98 Octane	2710.12.49.00.11
	Unleaded Gasoline 98 Octane (E10)	2710.12.49.00.12
Gas Oil	Gas Oil	2710.19.25.00.11
Diesel Oil	Diesel Oil	2710.19.43.00.11
		2710.20.11.00.11
Fuel Oil Types	Heating Fuel	2710.19.62.00.10
		2710.19.64.00.10
	Fuel Oil	2710.19.62.00.11
		2710.19.64.00.11
	High Sulphur Fuel Oil	2710.19.68.00.11
Biodiesel	Biodiesel	3826.00.10.00.11

(2) The official name of diesel oil shall be changed to "Rural Diesel" in the event that it is delivered within the scope of a tax differentiation.

Article 3- (1) The types, official names and GTIP numbers of the substances that may be offered to the market in the context of liquid fuel considered as bunker are shown in the following table:

Liquid fuel types included in the scope of bunker delivery	Official Name	GTIP No.
Marine Fuels	Distillate marine fuels	2710.19.43.00.17
		2710.19.46.00.18
		2710.19.47.00.18
		2710.19.48.00.11
	Residual marine fuels	2710.19.62.00.31
		2710.19.64.00.31
		2710.19.68.00.31
Aviation Fuels	Aviation Gasoline	2710.12.31.00.00
	Benzine Type Jet Fuel	2710.12.70.00.00
	Jet Fuel	2710.19.21.00.00

(2) As delivered by vendor activity licensees having the category “with station” and the subtitle “bunker” and bunker delivery, refining undertaking and distribution undertaking licensees in whose licenses bunker delivery activity is registered; those benzine, diesel oil and fuel oil types delivered in order to be used -without mixing- in sea vehicles, shall also be considered as bunker.
(3) **(Repealed by: O.G.-24/07/2019-30841)**
(4) Aviation fuels shall be supplied to air vehicles in aviation facilities, under their names contained in the Turkish Customs Tariff Schedule.
Article 4- (1) **(As amended by: O.G.-19/12/2019-30983)** In the implementation of the Petroleum Market Law, the substances referred to in the following table shall be put into process on the basis of their following GTIP numbers.

Substances	GTIP No.
Crude Oil	2709.00.10.00.00
	2709.00.90.00.00
Lube Oil	2710.19.81.00.00
	2710.19.83.00.00
	2710.19.85.00.00
	2710.19.87.00.00
	2710.19.91.00.00
	2710.19.93.00.00
	2710.19.99.00.25
	3403.11.00.00.00
	3403.19.10.00.00
	3403.19.20.00.00
	3403.19.80.00.00
	3403.91.00.00.00
	3403.99.00.00.00
Base Oil	2710.19.75.00.00
	2710.19.99.00.11
	2710.19.99.00.98
	2710.19.71.00.00
Product blended to benzine types	2207.20.00.10.13
	2207.20.00.10.14
	2909.19.90.00.13
Product blended to diesel oil types	3826.00.10.00.11

(2) Lube oils shall be considered as bunker in case they are used for marine or aviation purposes.

(3) Products blended with liquid fuel may be blended to liquid fuels, provided that those products conform to the types referred to in article 2 and that they do not exceed the rate determined in the technical arrangement pertaining to the liquid fuel.

Article 5- (1) Import of crude oil, liquid fuel and liquid fuel considered as bunker shall be carried out by those listed below:

a) Import of crude oil shall be carried out by refining undertaking or distribution undertaking or bunker delivery licensees, and by the producers producing crude oil in Turkey provided that they blend crude oil in such quantity to be mixed with low-gravity domestic production crude oil;

b) Import of liquid fuel shall be carried out by refining undertaking licensees, and by distribution undertaking licensees provided that this activity is registered in their licenses and provided that they notify to the Authority that this activity is in conformity with their marketing projections submitted together with the vendor information; and

c) Import of liquid fuel considered as bunker shall be carried out by refining undertaking licensees, and by bunker delivery and distribution undertaking licensees provided that this activity is registered in their licenses and provided that they notify to the Authority that this activity is in conformity with their bunker marketing projections.

(2) With the exception of those which do not exceed 50 kilograms (including 50 kilograms) and are not of commercial nature by their quantities and area of utilization, import transactions and operations of crude oil, liquid fuel and liquid fuels considered as bunker shall be performed through the channel of the customs administrations which are determined by the Ministry of Customs and Trade and have the equipment allowing them to perform quantity measurements.

(3) Import of lube oil shall be carried out through the channel of the customs administrations which are determined by the Ministry of Customs and Trade and have the equipment allowing them to perform quantity measurements.

Article 6- Liquids, which are not referred to in articles 2 and 3, shall not be offered to the market as liquid fuel and bunker.

In all kinds of correspondences, notifications and commercial transactions and operations related to liquid fuel types (including those considered as bunker), it is mandatory to use the official names determined in this Decision. In the sales of liquid fuel types, the names which are contained in the domestic producers' invoices or are registered in the customs declaration forms shall not be changed. However, in marine fuels produced in result of mixing, official names shall be used in conformity with the technical characteristics of the product.

Article 7- The Energy Market Regulatory Board's Decision dated 17/02/2015 and no. 5922 is hereby repealed.

Article 8- This Decision shall become effective on 01/01/2017.

Article 9- This Decision shall be executed by the President of the Energy Market Regulatory Authority.

DECISION AMENDING THE BOARD DECISION NO. 6648 OF 07/12/2016 ON SUBSTANCES ASSOCIATED WITH CRUDE OIL, LIQUID FUEL, BUNKER, LUBE OIL, BASE OIL AND PETROLEUM

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9116 **Decision Date:** 09/01/2020

At the Energy Market Regulatory Board's meeting dated 09/01/2020, it has been decided that the enclosed "Decision Amending the Board Decision No. 6648 of 07/12/2016 on Substances Associated with Crude Oil, Liquid Fuel, Bunker, Lube Oil, Base Oil and Petroleum" is hereby adopted and shall be published in the Official Gazette.

ENCL.

ARTICLE 1- The table, pertaining to the first paragraph of article 2 of the "Decision No: 6648 of 07/12/2016 on Substances Associated with Crude Oil, Liquid Fuel, Bunker, Lube Oil, Base Oil and Petroleum" published in the Official Gazette dated 09/12/2016 and issue no. 29913, is hereby amended as follows.

Liquid Fuel Types	Official Name	GTİP No.
Combustible Naphtha	Combustible naphtha	2710.12.15.00.11
Benzine Types	Unleaded Gasoline 95 Octane	2710.12.45.00.11
	Unleaded Gasoline 95 Octane (E10)	2710.12.45.00.13
	Unleaded Gasoline 98 Octane	2710.12.49.00.11
	Unleaded Gasoline 98 Octane (E10)	2710.12.49.00.12
Gas Oil	Gas Oil	2710.19.25.00.11
Diesel Oil	Diesel Oil	2710.19.43.00.11
		2710.20.11.00.11
Fuel Oil Types	Heating Fuel	2710.19.62.00.10
		2710.19.67.00.11 (1)
	Fuel Oil	2710.19.62.00.11
		2710.19.66.00.11
		2710.19.67.00.11 (2)
	High Sulphur Fuel Oil	2710.19.67.00.11 (3)
Biodiesel	Biodiesel	3826.00.10.00.11

ARTICLE 2- (1) This Decision shall become effective on the date of its publication.

ARTICLE 3- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

(1) The notifications, which shall be made for the fuel oil types having the sulphur rate between 0,5% and 1% by mass and meeting the heating fuel (Fuel Oil 4) technical criteria under the TS 2177 standard, should be made through the notification code 2710.19.67.00.12.
(2) The notifications, which shall be made for the fuel oil types having the sulphur rate between 0,5% and 1% by mass and meeting the heating fuel (Fuel Oil 3) technical criteria under the TS 2177 standard, should be made through the notification code 2710.19.67.00.13.
(3) The notifications, which shall be made for the fuel oil types meeting the high sulphur fuel oil (Fuel Oil 6) technical criteria under the TS 2177 standard, should be made through the notification code 2710.19.67.00.14.

It was published in the Official Gazette dated 01 April 2010 and issue no. 27539.

MONITORING ACTIVITIES

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 2480 **Decision Date:** 24/03/2010

At the Energy Market Regulatory Board's meeting dated 24/03/2010; it is decided that, for the Arab Medium crude oil determined as "equivalent petroleum" as to 26 API and lighter crude oils under article 10 of the Petroleum Market Law, it is found appropriate to take the FOB Ras Tanura Mediterranean price into consideration within the framework of the criteria determined in respect of the price of equivalent petroleum in the Law, amongst the FOB Ras Tanura Mediterranean, FOB Ras Tanura North West and FOB Sidi Kerir prices being published by Platts whose published data are used in the current situation and which is the largest one among the international data providers in the global energy market.

PARTICIPATION SHARE

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 7562 **Decision Date:** 21/12/2017

At the Energy Market Regulatory Board's meeting dated 21/12/2017, the following Decision has been taken about the participation shares which are applicable for 2018 and are payable by the licensee real and legal persons that will perform activities in the petroleum market.

Article 1- Pursuant to the subparagraph (a) of the paragraph (c) of article 10 of the Law No. 4628 on the Organization and Duties of the Energy Market Regulatory Authority as amended by article 27 of the Petroleum Market Law No. 5015:

a) The rate regarding the 2018 participation share payable by refining undertaking, processing, distribution undertaking, transmission, bunker delivery, lube oil and storage licensee real and legal persons performing activities in the petroleum market, is hereby determined as 0.1% (one per thousand) of the net sales amount pertaining to the market activities carried out within the scope of the license, contained in their yearly income statements; and

b) The rate regarding the 2018 participation share payable by transportation and vendor activity licensee real and legal persons, is hereby determined as 0 (zero), including subtitles.

c) The amount to be collected from participation share obligors by the Authority shall be calculated in such an amount that shall not exceed the amount in TL corresponding to 2,000,000 (two million) US Dollars, as per the buying rate of exchange to be announced by the Central Bank of the Republic of Turkey on 31/12/2018.

Article 2- This Decision shall become effective on 01/01/2018.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Board.

Published in the Official Gazette dated 05/12/2007 and 26721

IMPOSITION OF THE OBLIGATION TO HAVE SAMPLE VESSELS PRESENT IN THE FACILITIES BELONGING TO THE RELEVANT LICENSEES

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 1394 **Decision Date:** 29/11/2017

At the Energy Market Regulatory Board's meeting dated 29/11/2007, the following Decision namely the Decision amending the "Board Decision No. 836 of 20/07/2006 about the Imposition of the Obligation to have Sample Vessels Present in the Facilities belonging to the Relevant Licensees Performing Activities in the Petroleum Market" has been taken.

ARTICLE 1- Article 4 of the Board Decision No. 836 of 20/07/2006 entered into force as published in the Official Gazette dated 30 July 2006 and issue no. 26244 is hereby amended as follows.
"ARTICLE 4- (1) This Decision shall become effective on 01/17/2008."

ARTICLE 2- This Decision shall become effective on the date of its publication.

ARTICLE 3- This Decision shall be executed by the President of the Energy Market Regulatory Board.

ACTS CURABLE BY THEIR NATURE IN THE PETROLEUM MARKET

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8487-3 **Decision Date:** 14/03/2019

At the Energy Market Regulatory Board's meeting dated 14/03/2019, it has been decided that the acts referred to in the enclosed list are hereby adopted by the Board as the acts possible to be cured by their nature, pursuant to article 33 of the Law No. 7164 of 14.02.2019 on Making Amendments to the Mining Law and Certain Decree Laws which amends article 20 of the Petroleum Market Law No. 5015.

ENCL.

LIST OF THE ACTS POSSIBLE TO BE CURED BY THEIR NATURE, DETERMINED PURSUANT TO THE SUBPARAGRAPH (A) OF THE SECOND PARAGRAPH OF ARTICLE 20 OF THE LAW NO. 5015

Seq. No.	Name of the Act	License Type
1	Not to keep ready for sales the liquid fuels bottles displayed on the billboard	Vendor Activity License
2	Sales of liquid fuel without price announcement	Vendor Activity License
3	Sales of liquid fuel at a price lower than the recommended price determined as of the actual date by the affiliated distribution company, however, exceeding the price announced on the price billboard	Vendor Activity License
4*	Existence of a tank/pump connected to the automation system, however, not contained the layout plan or in the Business License	Vendor Activity License
5	Not to repair within 10 days a malfunction occurred in the automation system of its vendor	Distribution Undertaking License
6	The licensee's failure to submit to the Authority -within the term specified by the legislation- the data about the station automation system, with the exception of the contradiction notifications	Distribution Undertaking License
7	The failure of the licensee -performing storage activities- to submit to the Authority the data related to its tanks and its trading activities	Distribution Undertaking, Storage and Refining Undertaking Licenses
8	The failure of the real or legal persons -performing lube oil production and/or sales activities- to specify the lube oil name and/or its 12-digit GTİP number in the financial documents they shall prepare as per the provisions of the Tax Procedure Law No. 213	Lube Oil License
9	Not to declare termination of the vendor contract to the Authority in due time	Distribution Undertaking License
10	Not to declare the title change to the Authority in due time	For All License Types
11	Not to submit -at all or properly in due time- the information-documents requested in writing	For All License Types
12	Although a change or a replacement has occurred in the licensee's shareholding structure, in the chairperson or members of its board of directors or in the persons authorized to represent and bind the licensee; the licensee's failure to declare the change/replacement to the Authority in due time	For All License Types

Seq. No.	Name of the Act	License Type
13	In case it is necessary to change/modify an item of information registered in the license and to add information into the license or to remove an item of information from the license; not to notify this circumstance to the Authority in due time, as from the date that this circumstance has occurred or that it has been found out by the licensee	For All License Types
14	As regards a registered trademark recorded into the license of the licensee, the transfer of this trademark or the right of use on the trademark to third parties by the licensee without the relevant license modification, by replacing the trademark with a new registered trademark	Distribution Undertaking and Lube Oil Licenses
15	The failure of the distribution undertaking to complete in due time the corporate identity works and studies at its contracted vendor	Distribution Undertaking License
16	The failure of the licensee to remove from the liquid fuel station -within the term specified by the legislation- the corporate identity indications/signs pertaining to another distributor firm other than the corporate identity indications/signs pertaining to its contracted distributor firm	Vendor Activity License
17	Not to fulfil the obligations regarding the remote access system	Distribution Undertaking License
18	Not to arrange insurance for facilities and/or activities that are included in the scope of compulsory insurance liability	For All License Types
19	To allow use of the licensed facility without permission of the Board	Vendor Activity License
20*	Existence of a difference between the actual tank capacities and the tank capacities specified in the layout plan or in the Business License	Vendor Activity License
21	Not to have sample vessels present in the facility	Distribution Undertaking, Storage, Processing, Lube Oil and Bunker Delivery Licenses
22	To leave consumer complaints unanswered	Distribution Undertaking License
23	As for the stickers and/or plates displaying the freephone number and the statements about complaints that might be made to the distribution undertaking licensee, not to place those stickers and/or plates on each pump island if there are pump islands in their stations, or not to place those stickers and/or plates on all the pumps if there is no pump island in their stations	Vendor Activity License
24	Not to indicate the addressee's license number in financial documents	All licensees, with the exception of eligible consumers
25	Not to comply with promotion prohibition	Vendor Activity and Distribution Undertaking Licenses
26	Not to display the vendor-related information on the station price billboard	Vendor Activity License
27	To perform agricultural liquid fuel sales by means of fixed village pump or tanker not registered in its license	Vendor Activity License
28	Not to make in due time the notifications related to the petroleum market under the Regulation on Notifications in the Energy Market	For All License Types

***** Sealing operation shall not be performed in the case that, within the thirty (30) days warning term, the relevant application has been filed with the competent authorities for elimination of the contradiction and that, however, the procedures have not been completed yet by the competent authority at the expiration of the term.

It was published in the Official Gazette dated 07/11/2014, Friday and issue no. 29168.

TRACKING OF LIQUID FUEL PRICES

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5291 **Decision Date:** 03/11/2014

ABOUT TRACKING OF LIQUID FUEL PRICES

Article-1: Of the average of the daily prices published in US Dollar/ton under the heading "CIF MED (Genova/Lavera)" on the Platts European Market Scan, the amount (TL/ton) converted into TL on the basis of the selling rate of exchange announced by the Turkish Central Bank shall be taken into consideration in the tracking of the liquid fuel sales price applicable by refining undertaking licensees. In calculating the TL/lt. value of this amount, the density value shall be taken as 0,845 ton/m3 for diesel oil and 0,775 ton/m3 for gasoline. As regards the product price to be determined by refining undertaking licensees, the costs borne within the scope of supply of the product to the domestic market shall also be taken into consideration in addition to the value, in TL, of the product's price in the international market.

Article-2: The distribution undertaking and vendor margin in the price formation in the closest accessible free markets followed and the sales price determined for the relevant product by refining undertaking licensees shall be taken into consideration in determining the ceiling/recommended prices announced by distribution undertakings. At-the-pump sales prices may be determined differently on province basis, by considering shipping costs.

Article-3: The average of the vendor ceiling sales prices declared to the Authority for Istanbul (European Side) until 01.01.2015 by 8 distribution undertakings having the highest trading volumes, the weighted average of the sales prices displayed on the billboard as declared to the Authority in relation to their vendors as from 01.01.2015 by 8 distribution undertakings having the highest trading volumes, shall be taken into consideration in the tracking of the total distribution undertaking and vendor margin. It is a principle that the margin, which will be found by deduction of the refinery sales price from the Turkish weighted average at-the-pump price, is in accord with the average of the margins found by deducting the domestic refinery sales prices in the relevant countries from the tax-free at-the-pump sales prices published on the European Union official web page for the countries followed (United Kingdom, Italy, France, Germany).

Article-4: In the event that the domestic refinery sales price, for the countries followed, could not be reached; the average of the daily prices published in US Dollar/ton under the heading "CIF MED (Genova/Lavera)" on the Platts European Market Scan shall be taken as the refinery price.

Article-5: The effect of the differences between the market conditions in our Country and the market conditions in those countries may be reflected into the margins to be determined within the scope of articles 3 and 4 of this Decision, for the countries followed.

Article-6: In the case of a noncompliance with the arrangements made within the scope of the tracking methodology contained in this Decision, the necessary administrative proceedings shall be carried out within the scope of article 10 of the Law No. 5015.

Article-7: This Decision shall become effective on the date of its publication.

Article-8: This Decision shall be executed by the President of the Energy Market Regulatory Authority.

Published in the Official Gazette dated 27/06/2009 and issue no. 27271

CEILING PRICES FOR 2009

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 2145/1 **Decision Date:** 25/06/2009

At the Energy Market Regulatory Board's meeting dated 25/06/2009, the following Decision has been taken about determination of the liquid fuel prices applicable for two months in the petroleum market in accordance with article 10 of the Petroleum Market Law No. 5015:

Article 1- Liquid fuel distribution ceiling price and liquid fuel vendor ceiling price in TL/lt., applicable on the relevant day, including taxes, shall be calculated as follows:

ADF = ((PF * 1,05 * Density/1000) + ÖTV+GP) *1,18 + (M/2) *1,18)

ABF = ADF+((M/2*1,18)

Where;

ADF : Liquid Fuel Distribution Ceiling Price on the Relevant Day,

ABF : Liquid Fuel Vendor Ceiling Price on the Relevant Day,

PF : Parity Price,

M : Upper Limit Margin,

GP : Revenue Share,

ÖTV : Special Consumption Tax,

Density : 0,775 ton/m3 for Unleaded Gasoline 95 Octane, 0,845 ton/m3 for Diesel Oil and Rural Diesel (at 15^0C)

Parity price is the price which is found in result of multiplication of the average of the daily prices published under the heading "CIF MED (Genova/Lavera)" on the Platts European Market Scan on the preceding day by indicative US Dollars selling rate of exchange announced by the Turkish Central Bank after 15.30 on the preceding day. If the third digit after the comma is 5 or greater than 5 at the end of the calculation, the second digit shall be rounded up, otherwise, shall be rounded down.

In the aforementioned bulletin, the Premium Unl 10ppm prices shall be taken into consideration for benzine types, the 10ppm ULSD prices shall be taken into consideration for diesel oil and the Gasoil 0.1% prices shall taken into consideration for rural diesel.

Upper limit margin shall be 25 Kr/Lt for gasoline, 30 Kr/Lt for diesel oil and 27.5 Kr/Lt for rural diesel.

RF and ABF shall be calculated on Monday, Wednesday and Friday and shall start to apply for the following day.

Article 2- This Decision shall become effective on the date of its publication.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Authority.

Published in the Official Gazette dated 21 March 2014 and issue no. 28948

CEILING PRICES FOR 2014

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 4927 **Decision Date:** 20/03/2014

At the Energy Market Regulatory Board's meeting dated 20/03/2014, the following Decision has been taken about determination of the liquid fuel price applicable for two months in the petroleum market in accordance with article 10 of the Petroleum Market Law No. 5015:

Article 1- Liquid fuel vendor ceiling price, liquid fuel distribution ceiling price and liquid fuel ex-refinery price in TL/lt., applicable on the relevant day, including taxes, shall be calculated as follows:

RF = ((PF * 1,01 * Density/1000) + ÖTV+GP) *1,18

ADF = RF + (M/2) *1,18

ABF = ADF+((M/2 + Shipping) *1,18)

Where;

RF **:** Liquid Fuel Ex-Refinery Ceiling Price on the Relevant Day,
ADF **:** Liquid Fuel Distribution Ceiling Price on the Relevant Day,
ABF **:** Liquid Fuel Vendor Ceiling Price on the Relevant Day,
PF **:** Parity Price,
M **:** Upper Limit Margin,
GP **:** Revenue Share,
ÖTV **:** Special Consumption Tax,
Density: 0,775 ton/m3 for Unleaded Gasoline 95 Octane, 0,845 ton/m3 for Diesel Oil (at 15^0C)
Shipping: TL/Liter differences as determined in the enclosed table for each province.

Parity price is the price which is found in result of multiplication of the average of the daily prices published under the heading "CIF MED (Genova/Lavera)" on the Platts European Market Scan on the preceding day by indicative US Dollars selling rate of exchange announced by the Turkish Central Bank after 15.30 on the preceding day. If the third digit after the comma is 5 or greater than 5 at the end of the calculation, the second digit shall be rounded up, otherwise, shall be rounded down.

In the aforementioned bulletin, the Premium Unl 10ppm prices shall be taken into consideration for benzine types and 10ppm ULSD prices shall be taken into consideration for diesel oil.

Upper limit margin shall be 37 Kr/Lt for gasoline and 37 Kr/Lt for diesel oil.

RF, ADF and ABF shall be calculated on Tuesday and Friday and shall start to apply for the following day.

Article 2- This Decision shall become effective on the date of its publication.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Authority.

CEILING PRICES FOR 2014, ANNEX

Diesel Oil		Gasoline	
PROVINCE	**Shipping Difference**	**PROVINCE**	**Shipping Difference**
	TL/LT		**TL/LT**
ADANA	0,00	ADANA	0,01
ADIYAMAN	0,04	ADIYAMAN	0,04
AFYON	0,03	AFYON	0,05
AĞRI	0,08	AĞRI	0,09
AKSARAY	0,02	AKSARAY	0,03
AMASYA	0,04	AMASYA	0,03
ANKARA	0,01	ANKARA	0,01
ANTALYA	-0,01	ANTALYA	0,01
ARDAHAN	0,06	ARDAHAN	0,07
ARTVİN	0,04	ARTVİN	0,06
AYDIN	0,01	AYDIN	0,03
BALIKESİR	0,01	BALIKESİR	0,03
BARTIN	0,04	BARTIN	0,03
BATMAN	0,11	BATMAN	0,08
BAYBURT	0,04	BAYBURT	0,05
BİLECİK	0,02	BİLECİK	0,01
BİNGÖL	0,14	BİNGÖL	0,11
BİTLİS	0,13	BİTLİS	0,10
BOLU	0,02	BOLU	0,01
BURDUR	0,00	BURDUR	0,02
BURSA	0,02	BURSA	0,01
ÇANAKKALE	0,02	ÇANAKKALE	0,04
ÇANKIRI	0,02	ÇANKIRI	0,02
ÇORUM	0,03	ÇORUM	0,02
DENİZLİ	0,02	DENİZLİ	0,04
DİYARBAKIR	0,13	DİYARBAKIR	0,10
DÜZCE	0,02	DÜZCE	0,01
EDİRNE	0,03	EDİRNE	0,02
ELAZIĞ	0,06	ELAZIĞ	0,12
ERZİNCAN	0,05	ERZİNCAN	0,06
ERZURUM	0,05	ERZURUM	0,07
ESKISEHIR	0,03	ESKISEHIR	0,02
GAZİANTEP	0,02	GAZİANTEP	0,02
GİRESUN	0,03	GİRESUN	0,05
GÜMÜŞHANE	0,03	GÜMÜŞHANE	0,04
HAKKARİ	0,23	HAKKARİ	0,14
HATAY	0,01	HATAY	0,01
İÇEL	-0,01	İÇEL	0,00
IĞDIR	0,10	IĞDIR	0,10
ISPARTA	0,01	ISPARTA	0,03
ISTANBUL (ANATOLIAN)	0,01	ISTANBUL (ANATOLIAN)	0,00
ISTANBUL (EUROPEAN)	0,00	ISTANBUL (EUROPEAN)	0,00
IZMIR	0,01	IZMIR	0,02

Diesel Oil		Gasoline	
PROVINCE	**Shipping Difference**	**PROVINCE**	**Shipping Difference**
	TL/LT		**TL/LT**
KAHRAMANMARAŞ	0,02	KAHRAMANMARAŞ	0,02
KARABÜK	0,04	KARABÜK	0,03
KARAMAN	0,02	KARAMAN	0,03
KARS	0,07	KARS	0,08
KASTAMONU	0,06	KASTAMONU	0,04
KAYSERİ	0,03	KAYSERİ	0,04
KİLİS	0,02	KİLİS	0,02
KIRIKKALE	0,00	KIRIKKALE	0,00
KIRKLARELİ	0,03	KIRKLARELİ	0,02
KIRŞEHİR	0,01	KIRŞEHİR	0,01
KOCAELİ	0,00	KOCAELİ	-0,01
KONYA	0,04	KONYA	0,04
KÜTAHYA	0,04	KÜTAHYA	0,02
MALATYA	0,05	MALATYA	0,05
MANİSA	-0,01	MANİSA	0,02
MARDİN	0,13	MARDİN	0,10
MUĞLA	0,02	MUĞLA	0,04
MUŞ	0,14	MUŞ	0,11
NEVŞEHİR	0,03	NEVŞEHİR	0,03
NİĞDE	0,02	NİĞDE	0,03
ORDU	0,03	ORDU	0,04
OSMANİYE	0,01	OSMANİYE	0,01
RİZE	0,02	RİZE	0,04
SAKARYA	0,01	SAKARYA	0,00
SAMSUN	0,01	SAMSUN	0,02
SİİRT	0,12	SİİRT	0,09
SİNOP	0,03	SİNOP	0,04
SİVAS	0,05	SİVAS	0,05
SANLIURFA	0,04	SANLIURFA	0,04
ŞIRNAK	0,14	ŞIRNAK	0,10
TEKİRDAĞ	0,01	TEKİRDAĞ	0,01
TOKAT	0,05	TOKAT	0,04
TRABZON	0,02	TRABZON	0,03
TUNCELİ	0,13	TUNCELİ	0,13
UŞAK	0,02	UŞAK	0,04
VAN	0,15	VAN	0,12
YALOVA	0,01	YALOVA	0,00
YOZGAT	0,02	YOZGAT	0,02
ZONGULDAK	0,03	ZONGULDAK	0,02

Published in the Official Gazette dated 20 February 2015 and issue no. 29273

CEILING PRICES FOR 2015

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5486 **Decision Date:** 19/02/2015

At the Energy Market Regulatory Board's meeting dated 19/02/2015, the following Decision has been taken about determination of the liquid fuel price applicable for two months in the petroleum market in accordance with article 10 of the Petroleum Market Law No. 5015:

Article 1- Liquid fuel vendor ceiling price, liquid fuel distribution ceiling price and liquid fuel ex-refinery price in TL/Lt., applicable on the relevant day, including taxes, shall be calculated as follows:

Diesel Oil Types Price:

RF = Tüpraş Izmit Refinery Diesel Oil Sales Price (TL/Lt)

ABF = RF + (37 Kurus/Liter) *1,18

The above 37 Kurus/Liter margin is the sum of the distribution undertaking and vendor margin, and at least 60% of this margin shall be provided to the vendor.

K. Benzine Types Price:

RF = Tüpraş Izmit Refinery K. Gasoline 95 Octane Sales Price (TL/Lt)

ABF = RF + (34 Kurus/Liter) *1,18

The above 34 Kurus/Liter margin is the sum of the distribution undertaking and vendor margin, and at least 60% of this margin shall be provided to the vendor.

RF **:** Liquid Fuel Ex-Refinery Price on the Relevant Day,

ABF **:** Liquid Fuel Vendor Ceiling Price on the Relevant Day,

Article 2- In each province, for diesel oil types and benzine types, the TL/Liter price difference determined in the enlosed table may apply to the Liquid Fuel Vendor Ceiling Price. The licensee(s) (refining undertaking, distribution undertaking, vendor), ensuring the supply of the product in that province, may share this price difference between each other.

Article 3- This Decision shall become effective on the date of its publication.

Article 4- This Decision shall be executed by the President of the Energy Market Regulatory Authority.

CEILING PRICES FOR 2015, ANNEX

Benzine Types, Difference		Diesel Oil Types, Difference	
PROVINCE	**Shipping Difference**	**PROVINCE**	**Shipping Difference**
	TL/LT		**TL/LT**
ADANA	0,02	ADANA	0,01
ADIYAMAN	0,05	ADIYAMAN	0,00
AFYON	0,07	AFYON	0,01
AĞRI	0,12	AĞRI	0,11
AKSARAY	0,04	AKSARAY	0,03
AMASYA	0,04	AMASYA	0,08
ANKARA	0,03	ANKARA	0,06
ANTALYA	0,03	ANTALYA	0,03
ARDAHAN	0,08	ARDAHAN	0,09
ARTVİN	0,07	ARTVİN	0,07
AYDIN	0,04	AYDIN	0,02
BALIKESİR	0,04	BALIKESİR	0,03
BARTIN	0,04	BARTIN	0,05
BATMAN	0,10	BATMAN	0,10
BAYBURT	0,06	BAYBURT	0,07
BİLECİK	0,02	BİLECİK	0,00
BİNGÖL	0,13	BİNGÖL	0,19
BİTLİS	0,12	BİTLİS	0,17
BOLU	0,02	BOLU	0,03
BURDUR	0,06	BURDUR	0,00
BURSA	0,02	BURSA	0,03
ÇANAKKALE	0,05	ÇANAKKALE	0,03
ÇANKIRI	0,04	ÇANKIRI	0,09
ÇORUM	0,04	ÇORUM	0,03
DENİZLİ	0,05	DENİZLİ	0,03
DİYARBAKIR	0,13	DİYARBAKIR	0,17
DÜZCE	0,02	DÜZCE	0,03
EDİRNE	0,00	EDİRNE	0,00
ELAZIĞ	0,15	ELAZIĞ	0,10
ERZİNCAN	0,08	ERZİNCAN	0,09
ERZURUM	0,09	ERZURUM	0,09
ESKİŞEHİR	0,03	ESKİŞEHİR	0,04
GAZİANTEP	0,03	GAZİANTEP	0,03
GİRESUN	0,06	GİRESUN	0,06
GÜMÜŞHANE	0,06	GÜMÜŞHANE	0,06
HAKKARİ	0,18	HAKKARİ	0,21
HATAY	0,02	HATAY	0,02
IĞDIR	0,05	IĞDIR	0,01
ISPARTA	0,05	ISPARTA	0,05

Benzine Types, Difference

PROVINCE	Shipping Difference
İSTANBUL	0,00
İZMİR	0,02
KAHRAMANMARAŞ	0,02
KARABÜK	0,03
KARAMAN	0,04
KARS	0,08
KASTAMONU	0,06
KAYSERİ	0,04
KIRIKKALE	0,01
KIRKLARELİ	0,03
KIRŞEHİR	0,03
KİLİS	0,02
KOCAELİ	0,00
KONYA	0,05
KÜTAHYA	0,03
MALATYA	0,04
MANİSA	0,04
MARDİN	0,11
MERSİN	0,01
MUĞLA	0,07
MUŞ	0,14
NEVŞEHİR	0,05
NİĞDE	0,03
ORDU	0,05
OSMANİYE	0,02
RİZE	0,05
SAKARYA	0,01
SAMSUN	0,02
SİİRT	0,11
SİNOP	0,05
SİVAS	0,07
ŞANLIURFA	0,05
ŞIRNAK	0,14
TEKİRDAĞ	0,00
TOKAT	0,06
TRABZON	0,04
TUNCELİ	0,16
UŞAK	0,05
VAN	0,14
YALOVA	0,01
YOZGAT	0,03
ZONGULDAK	0,03

Diesel Oil Types, Difference

PROVINCE	Shipping Difference
İSTANBUL	0,00
İZMİR	0,00
KAHRAMANMARAŞ	0,02
KARABÜK	0,05
KARAMAN	0,05
KARS	0,11
KASTAMONU	0,07
KAYSERİ	0,05
KIRIKKALE	0,00
KIRKLARELİ	0,01
KIRŞEHİR	0,04
KİLİS	0,04
KOCAELİ	0,00
KONYA	0,02
KÜTAHYA	0,02
MALATYA	0,05
MANİSA	0,01
MARDİN	0,14
MERSİN	0,01
MUĞLA	0,04
MUŞ	0,17
NEVŞEHİR	0,02
NİĞDE	0,01
ORDU	0,04
OSMANİYE	0,06
RİZE	0,05
SAKARYA	0,02
SAMSUN	0,01
SİİRT	0,03
SİNOP	0,06
SİVAS	0,12
ŞANLIURFA	0,08
ŞIRNAK	0,13
TEKİRDAĞ	0,00
TOKAT	0,11
TRABZON	0,04
TUNCELİ	0,12
UŞAK	0,03
VAN	0,17
YALOVA	0,00
YOZGAT	0,07
ZONGULDAK	0,04

LICENSE APPLICATIONS

(It was published in the Official Gazette dated 9/6/2011 and issue no. 27959.)

BOARD DECISION ABOUT THE EXPLANATIONS FOR LICENSE APPLICATIONS IN THE PETROLEUM MARKET

Decision No.: 3242/2 **Decision Date:** 31/5/2011

At the Energy Market Regulatory Board's meeting dated 31/5/2011, the following Board Decision About the Explanations for License Applications in the Petroleum Market has been taken.

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) This Decision has been issued in order to determine the information and documents to be required for license applications in the petroleum market.
Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 7 of the Petroleum Market Licensing Regulation.
Definitions
ARTICLE 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) **(Repealed by: O.G.-15/12/2018-30626)**
b) Address Confirmation Letter: Official letter which has been obtained from the competent local administration in order to document the change occurred in the address of the facility;
c) **(Repealed by: O.G.-15/12/2018-30626)**
ç) Minimum Distance Fact-Finding Record: Official document in which the distance, in meters, between the back and next closest liquid fuel and/or LPG stations on the same direction of the road is determined by Metropolitan Mayoralties within metropolitan municipal borders and metropolitan municipal adjacent areas, by Mayoralties within municipal borders and municipal adjacent areas and by Provincial Special Administrations outside municipal borders and municipal adjacent areas;
d) Report Regarding Determination of Minimum Paid-Up Capital in Cash: Certified Public Accountant's Report indicating that the amount of minimum paid-up capital in cash, as paid up by the applicant legal person, is in the amount or over the amount set out in the subparagraph (a) of the sixth paragraph of article 7 contained in the Petroleum Market Licensing Regulation;
e) Vendor Contract: Exclusive sales contract concluded between a vendor and a distribution undertaking licensee;
f) Business License: License obtained situationally under the Regulation on Business Licenses;
g) Capacity Report: Up-to-date report which is issued by the competent Chamber of Trade and/or Industry and contains information on the facility's fields of production, yearly production capacity, technology, equipment pool, raw materials utilized, capital and employment and any similar matters;
ğ) Board: Energy Market Regulatory Board;
h) Authority: Energy Market Regulatory Authority;
ı) Trademark Registration Certificate: Trademark registration certificate issued by the Turkish Patent Institute in accordance with the Decree Law No. 556 on the Protection of Trademarks;
i) Course and Emergency Lane File: File containing information on the location and surface width of the course and emergency lane; and as marked on an appropriate scale map, the locations and names of the course and emergency lane and special security zones if any, intersections with rivers and courses, the locations and names of the aboveground units and roads outside existing airports, railways and footpaths as well as information on the type, scope and reasons of the measures necessary to be taken;
j) Chamber Registry Record: Certificate of Trade Registry or chamber registration certificate obtained, about the person's registered office, from the competent Chamber of Industry and/or Trade or other relevant chambers;

k) **(As amended by: O.G.-08/10/2013-28789)** Partners', Executive Board Chairperson's and Members' and Officials' Declaration: Text in which the following information is declared or in which the following information is affirmed by the competent chamber: Names and surnames of the real persons who directly became a partner with the legal person, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, starting date of their partnership, their share rates and capital amounts, titles of the legal persons that directly became a partner with the legal person, their competent chamber, their chamber registration numbers, their share rates and capital amounts, names and surnames of the Executive Board Chairperson and Members, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, the dates when they took office, names and surnames of the persons authorized to represent and bind the legal person, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, effective date and term of the authorization;
l) Marketing Projection Proposal: File containing, for each liquid fuel or bunker type and in quarterly periods per annum, information on stock quantity at the beginning of the period, procurement projection, sales and export projection, stock quantity at the end of the period, import or export quantities by liquid fuel and bunker types, their distribution by countries, the number of stations being operated or under its ownership, the number of vendors and information on the vendors which are under their own ownership or which they will establish under contracts;
m) **(Repealed by: O.G.-15/12/2018-30626)**
n) Tanker Counter Inspection Report: Report issued by the authorities empowered pursuant to the provisions of the Measurements and Calibration Law No. 3516;
o) Tariff File: File containing the Tariff Proposal Form prepared in accordance with the Regulation on Petroleum Market Pricing System and containing the tariff-related methodology, and the principles, assumptions and calculation methods, as used in connection with the tariff;
ö) Tax Identification Certificate: Copy of the tax identification certificate containing the tax identification number and information on the competent tax office, or the tax registration certificate, or the official letter providing this information;
p) Fuel Consumption File: File containing information on the type and consumption purposes of the liquid fuel associated with eligible consumption, yearly consumption amount which has taken place in the preceding calendar year and is planned for the license period, the number and capacity of the storages and information on the filling possibilities;
r) Investment Assessment File: File which contains technical and economic assessments and is required for new facility investments;
s) Authorization Certificate: In legal persons, circular of signature containing the names, surnames, specimen signatures of and the authorization limits pertaining to the persons authorized to represent and bind the legal person; and in real persons, statement of signature containing the name, surname, identity information, residence address and specimen signature of the person;
ş) **(Added by: O.G.-16/12/2011-28144)** Station Automation System Declaration: Written declaration which is submitted by distribution undertaking licensees and indicating that station automation system has been established at fixed village pumps, agricultural sales tankers and/or liquid fuel stations associated with the license application and which affirms that the station automation system is in operating state;
t) **(Added by: O.G-08/10/2013-28789)** Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts: Written declaration which is submitted by the applicant and affirms that, due to any acts in violation of the Anti-Smuggling Law No: 5607:
there is no final verdict of conviction against the real person (if the applicant is a real person), and against the partners/shareholders of the legal person (if the applicant is a legal person),
the applicant real person or the direct shareholders in the legal person against which there is a final verdict of conviction are not, as of the date when the offense was committed, a shareholder having shares at a rate more than ten percent, executive board chairperson and member and a person authorized to represent and bind the legal person,
with the exception of refineries, there is no proceeding which is pending due to acts found to have been committed in the facility associated with the application, and
there is no unpaid administrative fine imposed on the licensee by the Authority within the framework of the activities included in the scope of previous license issued for the facility associated with the application;
u) **(Added by O.G.-28/11/2014-29189)** Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law, Due To SCT-Free Sales: Written declaration that it is not a legal person whose license was cancelled under the first and/or fifth paragraph of article 20, entitled "administrative sanctions", of the Law and that it is not, on the date when the license cancellation-related act was committed, a shareholder having shares at a rate more than ten percent, executive board chairperson and/or member in that legal person and a person authorized to represent and bind that legal person;
ü) **(Added by: O.G.-21/2/2015-29274)** Pipeline Survey Report: Report which shall be prepared by an inspection company to which the status "international inspection company" is granted by the Ministry of Economy, which report shall contain information on the locations of the access and exit points of the petroleum to be transmitted through transmission or connected pipelines, the characteristics and capacities of the pipelines, the diameter, length, flow rate of the pipelines and information on similar matters;

v) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
y) **(Added by: O.G.-21/2/2015-29274)** Bunker Information File: File which contains the written declaration about the Customs Tariff Statistics Position and official name of the bunker to constitute the subject of the market activity, the bunker sales contract or the relevant preliminary contract concluded with the consumer to whom the bunker will be sold and the authorization certificates of the signatories, a list of the sea or air vehicles to which the bunker will be supplied, the relevant government permission certificates and certificates of approval, the documents indicating their usage capacities and actual consumption amounts, the SCT-Deducted Fuel Procurement Book effective for sea vehicles, the documents (for jet fuel sales) referred to in the second paragraph of article 32 of the Petroleum Market Licensing Regulation and which contains the authorization certificate of the company that will provide jet fuel storage or supply services, if jet fuel storage or supply services will be procured;
z) (**Added by: O.G.-21/2/2015-29274)** Financial Statements: In case the applicant legal person has newly been incorporated, the registration statement which has been certified by tax office or has undergone independent audit and the income statement pertaining to the current year; and in other cases, the balance sheet and income statement which has been prepared by the year-end prior to the license application date and has been certified by tax office or has undergone independent audit;
aa) (**Added by: O.G.-21/2/2015-29274)** Industrial Registry Certificate: Industrial Registry Certificate whose endorsements have been completed and which has been issued by Ministry of Industry and Technology, or official letter stating that the enterprise will be registered with the industrial registry when it starts production activities;
bb) (**Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-7/9/2019-30881)**
cc) (**Added by: O.G.-21/2/2015-29274)** TSI Conformity Certificate: Criteria Conformity Certificate or Turkish Standards Conformity Certificate which has been issued by the Turkish Standards Institute about the product to be produced and whose endorsements have been completed;
çç) (**Added by: O.G.-21/2/2015-29274)** National Marker Injection Equipment Declaration: Written statement about the brand, serial number and pump serial number of the national marker injection equipment in the facility as well as information about the injection equipment's location and about marker injection point;
dd) **(Added by: O.G.-15/12/2018-30626)** License Application Letter: In case the license application is submitted in writing, the letter contained in ANNEX-1 to this Board Decision; and
ee) **(Added by: O.G.-15/12/2018-30626)** Insurance Declaration Form: The form contained in the ANNEX-2 to this Decision.

PART TWO
Contents of Application Letters' Enclosures

Common provisions
ARTICLE 4- (1) **(Amended by: O.G.-16/12/2011-28144) (As amended by: O.G.-15/12/2018-30626)** The persons that wish to obtain license shall apply for the Authority by submitting the required information and documents in writing or in electronic environment. In case the license application is made in writing, the License Application Letter (ANNEX-1) shall be submitted together with these documents. The vendors' license application transactions in electronic environment may also be performed through the agency of their distribution undertakings with which they concluded contract.
(2) The information and documents, indicated in the relevant articles of this Decision, shall be required for each license application.
(3) In case the applicant requests for performing more than one activity within the scope of the license requested, the application file shall contain different documents required to be submitted for the relevant activity.
(4) **(As amended by: O.G.-15/12/2018-30626)** Unless otherwise specified in this Decision, in the applications submitted in writing, it is necessary to submit to the Authority originals of the required documents or their copies as affirmed by the relevant entity that issued the document, or notarized within the last six months, as enclosed with the application letter.
(5) **(As amended by: O.G.-15/12/2018-30626)** Copy of the Report Regarding Determination of Minimum Paid-Up Capital in Cash as attested by a certified public accountant, copy of the Vendor Contract as certified by the distribution undertaking's official and copy of the Tax Identification Certificate as attested by a public accountant, independent accountant and financial advisor, certified public accountant or as certified by tax office shall also be admitted.
(6) **(As amended by: O.G.-08/10/2013-28789)** Partners', Executive Board Chairperson's and Members' and Officials' Declaration shall not be required for license applications to be filed by real persons. In the applications to be filed by associations, foundations and cooperative societies, only the information about the executive board chairperson and members and the officials shall be contained. In case the applicant is a publicly-held company, the declaration shall not contain information about the holders of the publicly-held shares, however, shall additionally state the publicly-held share percentages.
(7) Chamber Registry Record shall not be required for the applications to be filed by public legal entities other than state economic enterprises and municipality-owned enterprises.

(8) **(Amended by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
(9) **(Amended by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
Refining undertaking license
ARTICLE 5- (1) The following information and documents shall be submitted in the applications for refining undertaking license:
a) **(As amended by: O.G.-21/2/2015-29274)** In relation to the facilities, the Facility Information File which contains information about the name, location and yearly refining capacity of the facility, names and capacities of its units, the standard to be used in the units, the lowest and highest API gravity values of the crude oil to be processed and its minimum quantity, the appropriate scale map information about deployment of the units and ownership information for the facilities; the application-related location's province, district, village, neighborhood, square, parcel, plot number in a scale of 1/25.000 and coordinate data determined in accordance with the UTM-ED50 (6º) system; information on the product type, utilization situation, status, capacity, tank number regarding the internal consumption tanks and the liquid fuel tanks to which national marker is applicable and inapplicable, tanks for products blended to liquid fuel, product except liquid fuel, by-product, crude oil, raw materials at the facility,
b) The Investment Assessment File,
c) The Tariff File,
ç) The Course and Emergency Lane File,
d) The Marketing Projection Proposal,
e) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
f) The Business License,
g) The Chamber Registry Record,
ğ) The Tax Identification Certificate,
h) The Authorization Certificate,
ı) **(Repealed by: O.G.-15/12/2018-30626)**
i) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
j) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,
k) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
l) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
m) **(Added by: O.G.-21/2/2015-29274)** The Pipeline Survey Report,
n) **(Added by: O.G.-21/2/2015-29274)** The Financial Statements,
o) **(Added by: O.G.-21/2/2015-29274)** The Industrial Registry Certificate,
ö) **(Added by: O.G.-21/2/2015-29274)** The National Marker Injection Equipment Declaration.
(2) **(As amended by: O.G.-21/2/2015-29274)** Business License, Pipeline Survey Report, Industrial Registry Certificate and National Marker Injection Equipment Declaration shall not be required for refining undertaking license applications filed to establish a facility.
Transmission license
ARTICLE 6- (1) The following information and documents shall be submitted in the applications for transmission license:
a) In relation to the facilities, the Facility Information File which contains information about the name, route and yearly capacity of the facility, the appropriate scale map and ownership information about the pipeline and other units, the standard to be used in the units, the lowest and highest quality values of the petroleum to be transmitted and its minimum quantity, the pipe diameters and standards to be used, length of the pipeline, the facility's maximum and average operating pressure and flow rate, the stations' locations and capacities, access and exit points,
b) The Investment Assessment File,
c) The Tariff File,
ç) The Course and Emergency Lane File,
d) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
e) The Business License,
f) The Chamber Registry Record,
g) The Tax Identification Certificate,
ğ) The Authorization Certificate,
h) **(Repealed by: O.G.-15/12/2018-30626)**
ı) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
i) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,

j) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
k) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
l) **(Added by: O.G.-21/2/2015-29274)** The Pipeline Survey Report,
m) **(Added by: O.G.-21/2/2015-29274)** The Financial Statements.
(2) Business License shall not be required for transmission license applications filed to establish a facility and for transmission license applications for transmission lines shorter than 10 kilometers and with a pipe diameter of 600 millimeters and less than 600 millimeters.

Storage license

ARTICLE 7- (1) The following information and documents shall be submitted in the applications for storage license:
a) **(As amended by: O.G.-21/2/2015-29274)** In relation to the facilities, the Facility Information File which contains information about the name, location and total storage capacity of the facility, names and capacities of its units, the standard to be used in the units, type of the petroleum to be stored, minimum delivery quantity and specifications, ownership and map information about the tanks and pipelines, the application-related location's province, district, village, neighborhood, square, parcel, plot number in a scale of 1/25.000 and coordinate data determined in accordance with the UTM-ED50 (6º) system and information on how the liquid fuel will be supplied to the facility and the reception and delivery capacities,
b) The Investment Assessment File,
c) The Tariff File,
ç) The Course and Emergency Lane File,
d) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
e) The Business License,
f) The Chamber Registry Record,
g) The Tax Identification Certificate,
ğ) The Authorization Certificate,
ı) **(Repealed by: O.G.-15/12/2018-30626)**
i) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
j) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,
k) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
l) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
m) **(Added by: O.G.-21/2/2015-29274)** The Financial Statements.
(2) Business License shall not be required for storage license applications filed to establish a facility.
(3) **(Added by: O.G.-21/2/2015-29274)** If there is a pipeline connected to the storage facility, the Pipeline Survey Report shall also be submitted as enclosed with the application; and if the operation "addition of national marker" will be performed in the facility, the National Marker Injection Equipment Declaration shall also be submitted as enclosed with the application. However, these documents shall not be required for storage license applications filed to establish a facility.

Processing license

ARTICLE 8- (1) The following information and documents shall be submitted in the applications for processing license:
a) **(As amended by: O.G.-21/2/2015-29274)** In relation to the facilities, the Facility Information File which contains information about the name and location of the facility, names of the products to be produced in the facility, the relevant Customs Tariff Statistics Position, yearly production capacity, production standard, the date and issue number of the certificate related to the production standard, names of the raw materials to be utilized for the productions, the relevant Customs Statistics Position and yearly raw material utilization capacity,
b) **(Repealed by: O.G.-21/2/2015-29274)**
c) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
ç) The Business License,
d) The Chamber Registry Record,
e) The Tax Identification Certificate,
f) The Authorization Certificate,
g) **(Repealed by: O.G.-15/12/2018-30626)**

ğ) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
h) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,
ı) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
i) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
j) **(Added by: O.G.-21/2/2015-29274)** The Capacity Report,
k) **(Added by: O.G.-21/2/2015-29274)** The Financial Statements,
l) **(Added by: O.G.-21/2/2015-29274)** The Industrial Registry Certificate,
m) **(Added by: O.G.-21/2/2015-29274)** The TSI Conformity Certificate.
(2) **(Added by: O.G.-21/2/2015-29274)** In the processing license applications filed to produce biodiesel, the biodiesel sales contract or the relevant preliminary contract concluded between the applicant and the distribution undertaking licensee authorized to associate the biodiesel (to be produced) with market activity, the authorization certificates of the signatories and the National Marker Injection Equipment Declaration (if the operation "addition of national marker" will be performed in the processing facility) shall also be submitted as enclosed with the application.

Distribution undertaking license

ARTICLE 9- (1) The following information and documents shall be submitted in the applications for distribution undertaking license:
a) The Tariff File,
b) The Marketing Projection Proposal,
c) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
ç) The Chamber Registry Record,
d) The Tax Identification Certificate,
e) The Authorization Certificate,
f) **(Repealed by: O.G.-15/12/2018-30626)**
g) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
ğ) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,
h) The Trademark Registration Certificate,
ı) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
i) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
j) **(Added by: O.G.-21/2/2015-29274) (As amended by: O.G.-7/9/2019-30881)** The Financial Statements.
(2) In distribution undertaking license applications, Business License shall not be required for registered office (principal place of business) address; however, if there is a facility, the Business License pertaining to the facility and the information file relevant to the facility shall be required.
(3) **(Added by: O.G.-21/2/2015-29274)** If the activity "distribution of biodiesel" will be performed, the biodiesel sales contract or the relevant preliminary contract concluded between the applicant and the processing licensee authorized to produce biodiesel, and the authorization certificates of the signatories shall also be submitted as enclosed with the application.
(4) **(Added by: O.G.-21/2/2015-29274)** If the activity "distribution of gas oil" will be performed, the gas oil sales contracts or the relevant preliminary contracts concluded between the consumers and the applicant's vendors, and the authorization certificates of the signatories shall also be submitted as enclosed with the application, together with the documents indicating that gas oil was consumed by the relevant consumers for heating and lighting purposes in the past.

Bunker delivery license

ARTICLE 10- (1) The following information and documents shall be submitted in the applications for bunker delivery license:
a) The Marketing Projection Proposal,
b) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
c) The Chamber Registry Record,
ç) The Tax Identification Certificate,
d) The Authorization Certificate,
e) **(Repealed by: O.G.-15/12/2018-30626)**

f) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
g) The Report Regarding Determination of Minimum Paid-Up Capital in Cash,
h) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
ı) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
i) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-7/9/2019-30881)**
j) **(Added by: O.G.-21/2/2015-29274)** The Bunker Information File.
(2) In bunker delivery license applications, Business License shall not be required for registered office (principal place of business) address; however, if there is a facility, the Business License pertaining to the facility and the information file relevant to the facility shall be required.
(3) **(Repealed by: O.G.-21/2/2015-29274)**

Lube oil license

ARTICLE 11- (1) The following information and documents shall be submitted in the applications for lube oil license:
a) **(As amended by: O.G.-21/2/2015-29274)** In relation to the facility, the Facility Information File which contains information about the name and location of the facility, names of the products to be produced in the facility, the relevant Customs Tariff Statistics Position, yearly production capacity, production standard, the date and issue number of the certificate related to the production standard, names of the raw materials to be utilized for the productions, the relevant Customs Statistics Position and yearly raw material utilization capacity,
b) The Capacity Report,
c) The Marketing Projection Proposal,
ç) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
d) The Business License,
e) The Chamber Registry Record,
f) The Tax Identification Certificate,
g) The Authorization Certificate,
h) **(Repealed by: O.G.-15/12/2018-30626)**
ı) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
i) The Trademark Registration Certificate,
j) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
k) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
l) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
m) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
n) **(Added by: O.G.-21/2/2015-29274)** The Financial Statements,
o) **(Added by: O.G.-21/2/2015-29274)** The Industrial Registry Certificate,
ö) **(Added by: O.G.-21/2/2015-29274)** The TSI Conformity Certificate.
(2) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
(3) **(Amended by: O.G.-1/9/2016-29818) (Amended by: O.G.-23/1/2016-29602) (Added by: 2/6/2015-29374)** Those, who will have the activity regarding production of base oil from waste lube oil registered as a subtitle in their licenses, shall submit to the Authority the TSI Service Place Competence Certificate indicating that the facility associated with the license is in conformity with the standard "TSI 13541 Work Places-Waste Oil Refining and Regeneration Facilities-General Rules".

Transportation license

ARTICLE 12- (1) The following information and documents shall be submitted in the applications for transportation license:
a) **(As amended by: O.G.-30/03/2017-30023)** The Facility Information File which contains, in relation to ships, certified registry record, certificate of seaworthiness, tonnage certificate, charter party if the ship is for rent, and which contains, in relation to railway vehicles, freight car capacity list, Registration Certificate issued under the Regulation on Railway Vehicles Registration and Registry, Authorization Certificate for Railway Train Operation in appropriate type issued under the Regulation on Authorization for Railway Operation, and Dangerous Material Activity Certificate issued under the Regulation on Transportation of Dangerous Materials by Railway,
b) **(Amended by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
c) The Chamber Registry Record,
ç) The Tax Identification Certificate,

d) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
e) The Authorization Certificate,
f) **(Repealed by: O.G.-15/12/2018-30626)**
g) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
h) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
l) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales,
(2) **(Added by: O.G.-21/2/2015-29274) (Repealed by: O.G.-15/12/2018-30626)**
Eligible consumer license
ARTICLE 13- (1) The following information and documents shall be submitted in the applications for eligible consumer license:
a) The Fuel Consumption File,
b) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
c) The Chamber Registry Record,
ç) The Tax Identification Certificate,
d) The Authorization Certificate,
e) **(Repealed by: O.G.-15/12/2018-30626)**
f) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
g) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales.
Vendor activity license
ARTICLE 14- (1) The following information and documents shall be submitted in the applications for vendor activity license:
a) **(As amended by: O.G.-08/10/2013-28789)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,
b) The Business License,
c) The Chamber Registry Record,
ç) The Tax Identification Certificate,
d) The Authorization Certificate,
e) The Vendor Contract,
f) The Minimum Distance Fact-Finding Record,
g) **(Repealed by: O.G.-15/12/2018-30626)**
ğ) **(As amended by: O.G.-15/12/2018-30626)** The Insurance Declaration Form,
h) The Address Confirmation Letter,
ı) **(Added by: O.G.-08/10/2013-28789)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,
i) **(Added by: O.G.-28/11/2014-29189)** The Declaration That It Has No Relationships with The Legal Persons Whose Licenses Were Cancelled and/or That Its License Has Not Been Cancelled Under Article 20 of the Law Due To SCT-Free Sales.
(2) **(Amended by: O.G.-16/12/2011-28144) (As amended by: O.G.-7/9/2019-30881)** In vendor activity license applications, if the liquid fuel station will start to operate newly and if it has not been already licensed, the declaration letter related to the circumstance and the Station Automation System Declaration shall also be submitted as enclosed with the application. Address Conformation Letter shall not be required in cases where this declaration letter is submitted or where the facility's address remains unchanged.
(3) **(As amended by: O.G.-7/9/2019-30881)** In vendor activity license applications, if it is requested that a village pump be registered in the license, the Business License pertaining to the village pump shall also be submitted as enclosed with the application.
(4) **(Amended by: O.G.-27/4/2012-28276) (As amended by: O.G.-7/9/2019-30881)** In vendor activity license applications, if it is requested that an agricultural liquid fuel sales tanker be registered in the license, the Tanker Counter Inspection Report containing the tanker's license plate number and the vehicle card, the vehicle list and the transportation authorization certificate issued by the Ministry of Transport, Maritime Affairs and Communication in relation to the liquid fuel tanker, with the exception of the vehicles included in the scope of the subparagraph (ç) of the third paragraph of article 2 of the Road Transportation Regulation published in the Official Gazette dated 11/06/2009 and issue no. 27255, shall also be submitted as enclosed with the application.

(5) **(Repealed by: O.G.-7/9/2019-30881)**
(6) Vendor Contract shall not be required for vendor activity license applications filed for liquid fuel stations operated by distribution companies themselves.
(7) **(As amended by: O.G.-17/07/2018-30481)** With the exception of the locations whose licenses have previously been terminated since it was understood that they submitted the license application in violation of the related legislation, Minimum Distance Fact-Finding Record shall not be required for license applications to be filed for liquid fuel stations to which vendor activity license has already been granted.

PART THREE
Temporary and Final Provisions

Implementation of the related legislation
ARTICLE 15- (1) **(As amended by: O.G.-15/12/2018-30626)** In cases where there is no relevant provision in this Decision, the provisions of Petroleum Market Law, the Petroleum Market Licensing Regulation and the related legislation shall apply, respectively.

Provisions repealed
ARTICLE 16- (1) The Board Decision about the adoption of the Explanations for Petroleum Market License Applications and Declarations, namely the Board Decision dated 11/5/2006 and no. 753/120 is hereby repealed together with the amendments thereto.

TEMPORARY ARTICLE 1- (1) This Decision shall apply to the license applications to be filed after the effective date of the Decision.
(2) The Board Decision dated 11/5/2006 and no. 753/120 shall continue to apply to the license applications which have not been concluded by the effective date of this Decision.

Effectiveness
ARTICLE 17- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 18- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

(Added by: O.G.-15/12/2018-30626) ANNEX-1

ANNEX-1

LICENSE APPLICATION LETTER (As amended by: O.G.-7/9/2019-30881)

**TO THE PRESIDENCY OF
THE ENERGY MARKET REGULATORY AUTHORITY OF
THE REPUBLIC OF TURKEY**

I declare that I have the qualifications referred to in article 7 of the Petroleum Market Licensing Regulation, and I kindly submit for the grant of the license suitable for my below request.

NAME AND SURNAME OF THE PERSON(S)
AUTHORIZED TO REPRESENT
DATE
SIGNATURE
STAMP (FOR LEGAL PERSONS)

THE APPLICANT'S

TRADE REGISTRATION NUMBER ……
:…….
TRADE REGISTRY OFFICE …….
:……..
REGISTERED ELECTRONIC MAIL ADDRESS (1): ……
……
FACILITY COORDINATES (2) ……...
:……
REPUBLIC OF TURKEY IDENTITY NUMBER (3) ……...
:……...
TAX IDENTIFICATION NUMBER …….
:……
FACILITY IDENTIFICATION NUMBER (4) …….
:……
CORRESPONDENCE ADDRESS ……
:……
PHONE: …….
……
: …….. ……
FACSIMILE: ……..
……..
: …….. ……

(1) Optional for all licensees. It should be indicated only for sending communications to the Authority by Registered Electronic Mail.
(2) In ED50-UTM 6º coordinate format.
(3) Only real person licensees should mandatorily indicate it.
(4) A specific number which is unchanging and has been determined by the Authority for the facilities licensed previously. This is not required with regard to the facilities for which a license application will be filed for the first time

TYPE OF LICENSE APPLICATION
(Please put "X" into the box next to the license type requested)

- TRANSMISSION ☐
- STORAGE ☐
- PROCESSING ☐
- BUNKER DELIVERY ☐
- TRANSPORTATION ☐
- ELIGIBLE CONSUMER ☐

REFINING U.T. ☐

If Requested
- BUNKER DELIVERY (1) ☐
- TRANSPORTATION (2) ☐
- STORAGE (3) ☐
- PROCESSING (3) ☐

DISTRIBUTION U.T. ☐

If Requested
- BUNKER DELIVERY ☐
- LUBE OIL ☐
- BASE OIL PRODUCTION (5) ☐
- TRANSPORTATION (4) ☐
- STORAGE ☐

VENDOR ☐

SUB-TITLE
- LIQUID FUEL ☐
- BUNKER ☐

CATEGORY
- VENDOR WITH STA ☐
- VENDOR WITHOUT STA ☐

If Requested
- For Agricultural Sales Purposes ☐

Fixed Village Pump Qty. (.....)
Mobile Supply Vehicle Qty. (.....)

LUBE OIL ☐

If Requested
- BASE OIL PRODUCTION (5) ☐

(1) Other than the restriction set forth in the temporary article 3 of the Law.
(2) Transportation, via pipelines, to the other facilities located nearby.
(3) Inside or in the vicinity of the refining facility.
(4) Transportation of liquid fuel, via pipelines, to the facilities located nearby storage facilities and by transportation vehicles.
(5) This only covers production of base oil from waste lube oil.

(Added by: O.G.-15/12/2018-30626) ANNEX-2

ANNEX-2

INSURANCE DECLARATION FORM

**TO THE PRESIDENCY OF
THE ENERGY MARKET REGULATORY AUTHORITY OF
THE REPUBLIC OF TURKEY**

Under the subparagraph (d) of the fourth paragraph of article 4 of the Petroleum Market Law No. 5015 ("the Law"), article 15 of the Law, article 49 of the Petroleum Market Licensing Regulation, the Communique on Insurance Liabilities in the Petroleum Market and the Council of Ministers' Decree No. 2010/190, I hereby declare and acknowledge that I have fulfilled the compulsory insurance liability in compliance with the policy information provided below and the legislation referred to above.

NAME AND SURNAME OF THE PERSON(S)
AUTHORIZED TO REPRESENT
DATE
SIGNATURE
STAMP (FOR LEGAL PERSONS)

Dangerous Materials and Hazardous Wastes Compulsory Financial Liability Insurance[1]

Name of the Insurant-Policy Holder/Insured	
Tax ID No. of the Insurant-Policy Holder/Insured	
Address of the Facility Insured	
Trade Name of the Insurance Company	
Trade Name of the Agent	
Policy No.	
Commencement-Expiration of the Insurance	

Facilities and Petroleum All Risks Insurance[2]

Name of the Insurant-Policy Holder/Insured	
Tax ID No. of the Insurant-Policy Holder/Insured	
Address of the Facility Insured	
Trade Name of the Insurance Company	
Trade Name of the Agent	
Policy No.	
Commencement-Expiration of the Insurance	

1. The Dangerous Materials and Hazardous Wastes Compulsory Financial Liability Insurance information should be filled up in all license applications to be filed in order to perform activities in the petroleum market.
2. The Facilities and Petroleum All Risks Insurance information should be filled up in refining undertaking, transmission and storage license applications.

Of the Official Gazette in which the Energy Market Regulatory Board Decision dated 31/5/2011 and no. 3242-2 was published:	
Date	**Issue**
9/6/2011	27959

The Board Decisions amending the Energy Market Regulatory Board Decision dated 31/5/2011 and no. 3242-2 and the Official Gazettes in which these Board Decisions were published:				
	The Decision		**The Official Gazette**	
	Date	**Issue**	**Date**	**Issue**
1-	1/12/2011	3521-18	16/12/2011	28144
2-	18/4/2012	3785-4	27/4/2012	28276
3-	28/8/2013	4567-2-b	8/10/2013	28789
4-	3/11/2014	5290	28/11/2014	29189
5-	12/2/2015	5468-3	21/2/2015	29274
6-	29/5/2015	5612-1-a	2/6/2015	29374
7-	12/1/2016	6065	23/1/2016	29602
8-	25/8/2016	6450-12	1/9/2016	29818
9-	13/12/2018	8241	15/12/2018	30626
10-	5/9/2019	8816	7/9/2019	30881

LICENSE DURATION EXTENSION

(It was published in the Official Gazette dated 9/6/2011 and issue no. 27959.)

BOARD DECISION

ABOUT INFORMATION AND DOCUMENTS TO BE REQUIRED FOR LICENSE DURATION EXTENSION APPLICATIONS IN THE PETROLEUM MARKET

Decision No.: 3242/4 **Decision Date:** 31/5/2011

At the Energy Market Regulatory Board's meeting dated 31/5/2011, the following Board Decision has been taken about the Information and Documents to be Required for License Duration Extension Applications in the Petroleum Market.

Objective and scope
ARTICLE 1- (1) This Decision has been issued in order to determine the information and documents to be required for license duration extension applications filed by licensees in the petroleum market.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Licensing Regulation.

Definitions
ARTICLE 3- (1) Unless otherwise specified; the terms, concepts and abbreviations referred to in this Decision shall have the meanings given to them in article 3 of the Board Decision dated 31/05/2011 and no. 3242/2 about the Explanations for License Applications in the Petroleum Market.

Common provisions
ARTICLE 4- (1) **(As amended by: O.G.-15/12/2018-30626)** The persons that wish to make a license duration extension application shall apply for the Authority by submitting the required information and documents in writing or in electronic environment. In case the license duration extension application is made in writing, the "License Duration Extension Application Form" (ANNEX-1) shall be submitted together with these documents. The vendors' license duration extension application transactions in electronic environment may also be performed through the agency of their distribution undertakings with which they concluded contract. In the duration extension applications made in writing, in case of a discrepancy between the information contained in the "License Duration Extension Application Form" and a document submitted within the scope of the license duration extension application, the submitted document shall be taken as basis. In the duration extension applications made electronically, in case of a discrepancy between the information entered into the system and a document uploaded to the system, the document uploaded to the system shall be taken as basis.
(2) **(Amended by: O.G.-15/12/2018-30626) (As amended by: O.G.-7/9/2019-30881)** The duration extension applications shall be made by submitting to the Authority the authorization certificate and the receipt indicating that the duration extension fee has been paid. In eligible consumer license duration extension applications, in addition, the letter documenting the yearly consumption of 5.000 tons and more than 5.000 tons for the relevant fuel type shall also be submitted to the Authority. In case the information registered in the license has changed in the period prior to the duration extension transaction, the licensees' obligations regarding the notification necessities and the modification transactions contained in the related legislation shall continue remaining in force. Nonetheless, in line with the licensee's request, in duration extension applications, provided that the documents referred to in the "Board Decision About Information and Documents to be Required for License Modification Applications in the Petroleum Market" are submitted, the requested modification transaction shall be performed without collecting the modification fee, with the exception of transportation license, vendor activity license and eligible consumer license modifications. However, in case a lacking document for a license modification is not completed within the period specified by the legislation, the modification application made within the scope of duration extension application shall not be taken into consideration.
(3) **(Amended by: O.G.-15/12/2018-30626) (As amended by: O.G.-7/9/2019-30881)** The license duration will be extended by taking into consideration the new licensing periods, as from the end of the license duration.
(4) **(Repealed by: O.G.-7/9/2019-30881)**

(5) **(As amended by: O.G.-15/12/2018-30626)** Unless otherwise specified in this Decision, in the applications submitted in writing, it is necessary to submit to the Authority originals of the required documents or their copies as affirmed by the relevant entity that issued the document, or notarized within the last six months, as enclosed with the application.

Implementation of the related legislation
ARTICLE 5- (1) **(As amended by: O.G.-15/12/2018-30626)** In cases where there is no relevant provision in this Decision, the provisions of Petroleum Market Law, the Petroleum Market Licensing Regulation and the related legislation shall apply, respectively.

Implementation of the Decision
ARTICLE 6- (1) This Decision shall apply to the license duration extension applications which will be filed after the effective date of this Decision.

Effectiveness
ARTICLE 7- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 8- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

ANNEX-1

LICENSE DURATION EXTENSION APPLICATION FORM (As amended by: O.G.-7/9/2019-30881)

TO THE PRESIDENCY OF THE ENERGY MARKET REGULATORY AUTHORITY
(The Petroleum Market Department)

I declare that the following information is true and up-to-date. I kindly request for extension of my license's duration in line with my declaration.

LICENSE INFORMATION			
LICENSEE'S TRADE NAME			
LICENSE NO.		**LICENSE TYPE**	
LICENSING DATE		**FACILITY IDENTIFICATION NO. (1)**	
RECENT INFORMATION ABOUT THE LICENSEE			
CORRESPONDENCE ADDRESS			
REGISTERED ELECTRONIC MAIL ADDRESS (2)		**FACILITY COORDINATES (3)**	
TRADE REGISTRY OFFICE		**TRADE REGISTRATION NO.**	
CAPITAL (TL)		**T.R. ID NO. (4)**	
TAX ID NO.		**PHONE and FACSIMILE**	

OF THE LICENSEE'S SHAREHOLDERS (5)			
NAME AND SURNAME, OR TRADE NAME IF THE SHAREHOLDER IS A LEGAL PERSON	**T.R. ID NO. (6), OR TRADE REGISTRY OFFICE AND TRADE REGISTRATION NUMBER IF THE SHAREHOLDER IS A LEGAL PERSON**	**CAPITAL AMOUNT AND SHARE PERCENTAGES (%)**	**SHAREHOLDING COMMENCEMENT DATE**

CHAIRPERSON AND MEMBERS OF THE LICENSEE'S BOARD OF DIRECTORS		
NAME AND SURNAME	**T.R. ID NO. (6)**	**DATE OF TAKING OFFICE**

OF THE PERSONS AUTHORIZED TO REPRESENT AND BIND THE LICENSEE		
NAME AND SURNAME	**T.R. ID NO. (6)**	**TERM AND COMMENCEMENT DATE OF THE AUTHORIZATION**
In case of a modification request, its explanation (7)		

NAME AND SURNAME OF THE PERSON(S) AUTHORIZED TO REPRESENT, SIGNATURE, STAMP, DATE

EXPLANATIONS:
(1) For each facility, a specific number which is unchanging and has been assigned by the Authority in the first licensing.
(2) Optional for all licensees. It should be indicated only for sending communications to the Authority by Registered Electronic Mail.
(3) In ED50-UTM 6° coordinate format.
(4) Only real person licensees should mandatorily indicate it.
(5) It shall be filled up by legal person licensees other than associations and foundations. In case the licensee is a publicly-held company, it is not necessary to provide information about the holders of the publicly-held shares; only the total publicly-held share percentage shall be indicated.
(6) For foreign nationals, an equivalent number shall be written.
(7) It should be indicated only in case a modification application will be made together with a duration extension application.
IMPORTANT NOTE: In case the information does not fit into the blank spaces, it is necessary that additional form be filled up and that each page be stamped and undersigned.

LICENSE MODIFICATION

(It was published in the Official Gazette dated 9/6/2011 and issue no. 27959.)

BOARD DECISION ABOUT INFORMATION AND DOCUMENTS TO BE REQUIRED FOR LICENSE MODIFICATION APPLICATIONS IN THE PETROLEUM MARKET

Decision No.: 3242/3 **Decision Date:** 31/5/2011

At the Energy Market Regulatory Board's meeting dated 31/5/2011, the following Board Decision has been taken about the Information and Documents to be Required for License Modification Applications in the Petroleum Market.

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope

ARTICLE 1- (1) This Decision has been issued in order to determine the information and documents to be required for license modification applications filed by licensees in the petroleum market.

Legal basis

ARTICLE 2- (1) This Decision has been prepared on the basis of article 15 of the Petroleum Market Licensing Regulation.

Definitions

ARTICLE 3- (1) Unless otherwise specified; the terms, concepts and abbreviations referred to in this Decision shall have the meanings given to them in article 3 of the Board Decision dated 31/05/2011 and no. 3242/2 about the Explanations for License Applications in the Petroleum Market.

PART TWO
Modification Procedures Applicable in All License Types

Common provisions

ARTICLE 4- (1) **(As amended by: O.G.-15/12/2018-30626)** The persons that wish to make a license modification application shall apply for the Authority by submitting the required information and documents in writing or in electronic environment. In case the license modification application is made in writing, the "License Modification Application Form" (ANNEX-1) shall be submitted together with these documents. The vendors' license modification application transactions in electronic environment may also be performed through the agency of their distribution undertakings with which they concluded contract.

(2) **(As amended by: O.G.-15/12/2018-30626)** In license modification applications made in writing, all modification requests made for the same license shall be specified in the same "License Modification Application Form". In case of a discrepancy between the information contained in the "License Modification Application Form" and a document contained in the license modification file, the submitted document shall be taken as basis. In the license modification applications made electronically, in case of a discrepancy between the information entered into the system and a document uploaded to the system, the document uploaded to the system shall be taken as basis.

(3) In case there is a document which has already been obtained from the licensee and entered in the Authority's records and about which the licensee declares in writing that the document remains unchanged, such document shall not be requested again for the license modification application.

(4) **(As amended by: O.G.-15/12/2018-30626)** Unless otherwise specified in this Decision, in the applications submitted in writing, it is necessary to submit to the Authority originals of the required documents or their copies as affirmed by the relevant entity that issued the document, or notarized within the last six months, as enclosed with the application.

(5) **(Amended by: O.G.-28/11/2014-29189) (As amended by: O.G.-15/12/2018-30626)** In case, in one application form, the applicant requests for more than one modification for the same license; one license modification fee shall be collected. License modification fee shall not be collected for license modifications to be made by the reason that the competent administration has changed the name of a neighborhood, an avenue, a street or a similar location, even if there is a change in the Business License information registered in the license.

Modification of title

ARTICLE 5- (1) The following information and documents shall be submitted for modification of title:

a) The Business License issued as per the new title,

b) The Turkish Trade Registry Gazette indicating the change in the title.
(2) If there are documents whose information is registered in the chapter "special provisions" of the license, those documents' copies issued as per the new title shall be required.
(3) In vendor activity license modifications, the Vendor Contract containing the recent title shall be required.
(4) If there is no facility registered in the license, the Business License issued as per the new title shall not be required.

Modification of address

ARTICLE 6- (1) The competent administration's letter indicating the change in the address shall be submitted for modification of address.
(2) In vendor activity license modifications, the Vendor Contract containing the recent address shall be required.
(3) In case the Business License pertaining to the facility specifies that the name of a neighborhood, an avenue, a street or a similar location has been changed, the competent administration's letter indicating the change in the address shall not be required.

Modification of subtitle

ARTICLE 7- (1) In modification applications filed for registration of an activity -subject to a license- as a subtitle in another license; the information and documents, which are requested in the license application associated with the market activity to be carried out within the scope of the subtitle, shall be required. In case it is requested that the subtitle be deleted from the license; only the "License Modification Application Form", the certificate of authorization pertaining to the applicant and the receipt of the license modification fee shall be submitted.

Modification of public or official documents

ARTICLE 8- (As amended by: O.G.-21/2/2015-29274)

(1) For a change of the information pertaining to any permissions, certificates of approval or other public or official documents registered in the license; the valid permission, certificate of approval or public or official document issued by the relevant public body shall be submitted.

Modification of products

ARTICLE 8/A- (Added by: O.G.-21/2/2015-29274)

(1) In order to add a product to the liquid fuel types to be associated with market activity within the scope of a license; the Marketing Projection Proposal, the Report Regarding Determination of Minimum Paid-Up Capital in Cash and the Tariff File shall be submitted.
(2) If the product which will be added to the liquid fuel types is biodiesel, the biodiesel sales contract or the relevant preliminary contract concluded between the applicant and the processing licensee authorized to produce liquid fuel and the authorization certificates of the signatories shall be submitted in addition to the documents referred to in the first paragraph of this article.
(3) If the product which will be added to the liquid fuel types is gas oil, the gas oil sales contracts or the relevant preliminary contracts concluded between the consumers and the applicant's vendors, and the authorization certificates of the signatories as well as the documents indicating that gas oil was consumed by the relevant consumers for heating and lighting purposes in the past, shall be submitted in addition to the documents referred to in the first paragraph of this article.
(4) For an extension of the authorization term for jet fuel included in the scope of the bunker or for addition of a product to the bunker types to be associated with market activity within the scope of the license, the Marketing Projection Proposal, the Report Regarding Determination of Minimum Paid-Up Capital in Cash and the Bunker Information File shall be submitted.

Modification of facility

ARTICLE 8/B- (Added by: O.G.-21/2/2015-29274)

(1) For addition of facility-related information into a license, the Facility Information File which is appropriate for the license type and about the entire facility or the relevant part of the facility, the official permission or certificate of approval issued by the relevant public body and the Course and Emergency Lane File (in refining undertaking, storage, transmission licenses) shall be submitted.
(2) In relation to the facility:
a) For a change of the tank number or tank status information registered in the license, the official permission or certificate of approval issued by the relevant public body shall be submitted;
b) For a change of the stored or transmitted product type information registered in the license, the relevant written statement shall be submitted;
c) For a change of the transmission line or connected pipeline information registered in the license, the Pipeline Survey Report shall be submitted;
ç) For a change of the production or utilization capacity information registered in the license, the Facility Information File appropriate for the license type, the Capacity Report and the Industrial Registry Certificate shall be submitted; and
d) For a change of the consumption amount information registered in eligible consumer licenses, the Fuel Consumption File shall be submitted.
(3) The National Marker Injection Equipment Declaration shall be submitted in order that the national marker injection equipment information is added into the license or is modified.

(4) Among the facility-related information registered in a license, for a change of those falling outside the ones listed in this article; the Facility Information File which is appropriate for the license type and about the entire facility or the relevant part of the facility, and the official permission or certificate of approval issued by the relevant public body shall be submitted.
(5) **(Amended by: O.G.-23/1/2016-29602) (Added by: O.G.-2/6/2015-29374)** For addition of the activity "production of base oil from waste lube oils" as a subtitle into a lube oil license, the Environmental Permit and License Certificate obtained from the Ministry of Environment and Urbanization and the TSI Service Place Competence Certificate indicating that the facility associated with the modification application is in conformity with the standard "TSI 13541 Work Places-Waste Oil Refining and Regeneration Facilities-General Rules", shall be required in addition to the documents referred to in the subparagraph (ç) of the second paragraph of this article.

PART THREE
Vendor Activity License Modification Procedures

Common provisions for vendor activity license modifications
ARTICLE 9- (1) In addition to the information and documents set out in article 4 of this Decision, the information and documents set out in this Part shall also be required for vendor activity license modifications.
(2) **(As amended by: O.G.-15/12/2018-30626)** In all written applications for modification of vendor activity license, the "Information Form Regarding Request for Modification of Vendor Activity License" (Annex-2) shall also be filled up in addition to the "License Modification Application Form" (Annex-1), and these forms shall be submitted to the Authority.
Modification of distribution undertaking
ARTICLE 10- (1) For modification of the information pertaining to a distribution company registered in a vendor activity license, the following information and documents shall be submitted:
a) The Vendor Contract which has been signed with the new distribution undertaking and each page of which has been countersigned by the distribution undertaking,
b) **(As amended by: O.G.-28/11/2014-29189)** A copy of the notice of termination or non-renewal indicating that the recent vendor contract has been terminated or has expired, or the mutual termination protocol, or the relevant information and the relevant document (if any) in other cases of cessation.
Modification of vendor activity license subtitle
ARTICLE 11- (1) For modification of a vendor activity license subtitle, the following information and documents shall be submitted:
a) The Business License issued in conformity with the new subtitle,
b) The Vendor Contract which has been prepared in conformity with the new subtitle and each page of which has been countersigned by the distribution undertaking.
Modification of category
ARTICLE 12- (Repealed by: O.G.-7/9/2019-30881)
Modification of agricultural sales tanker
ARTICLE 13- (1) For modification, namely for addition or change of information pertaining to an agricultural sales tanker registered in a vendor activity license, the following information and documents shall be submitted:
a) **(As amended by: O.G.-27/04/2012-28276)** The vehicle cards, the vehicle list and the transportation authorization certificate issued by the Ministry of Transport, Maritime Affairs and Communication appropriate for its condition, with the exception of the vehicles included in the scope of the subparagraph (ç) of the third paragraph of article 2 of the Road Transportation Regulation published in the Official Gazette dated 11/06/2009 and issue no. 27255,
b) The Tanker Counter Inspection Report,
c) **(Added by: O.G.-16/12/2011-28144)** The Station Automation System Declaration.
(2) For deletion of agricultural sales tanker information from the license, only the authorization certificate shall be submitted as enclosed with the modification application form; and in this case, license modification fee shall not be paid.
Modification of fixed village pump
ARTICLE 14- (1) **(As amended by: O.G.-16/12/2011-28144)** For modification, namely for addition or change of information pertaining to a fixed village pump registered in a vendor activity license, the following information and documents shall be submitted:
a) The Business License pertaining to the village pump,
b) The Station Automation System Declaration.
(2) For deletion of fixed village pump information from the license, only the authorization certificate shall be submitted as enclosed with the modification application form; and in this case, license modification fee shall not be paid.

PART FOUR
Final Provisions

Implementation of the related legislation

ARTICLE 15- (1) **(As amended by: O.G.-15/12/2018-30626)** In cases where there is no relevant provision in this Decision, the provisions of Petroleum Market Law, the Petroleum Market Licensing Regulation and the related legislation shall apply, respectively.

Provisions repealed

ARTICLE 16- (1) **(As amended by: O.G.-16/12/2011-28144)** The Board Decision dated 25/5/2007 and no. 1206/17 is hereby repealed.

Implementation of the Decision

ARTICLE 17- (1) This Decision shall apply to the license modification applications which will be filed after the effective date of this Decision.

Effectiveness

ARTICLE 18- (1) This Decision shall become effective on the date of its publication.

Execution

ARTICLE 19- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

ANNEX-1

LICENSE MODIFICATION APPLICATION FORM (As amended by: O.G.-7/9/2019-30881)

TO THE PRESIDENCY OF THE ENERGY MARKET REGULATORY AUTHORITY
(The Petroleum Market Department)

I declare that the following information is true and up-to-date. I kindly request for modification of my license in line with my following declaration and the documents submitted as enclosed herewith.

LICENSE INFORMATION			
LICENSEE'S TRADE NAME			
LICENSE NO.		LICENSE TYPE	
LICENSING DATE		FACILITY IDENTIFICATION NO. (1)	
RECENT INFORMATION ABOUT THE LICENSEE			
CORRESPONDENCE ADDRESS			
REGISTERED ELECTRONIC MAIL ADDRESS (2)		FACILITY COORDINATES (3)	
TRADE REGISTRY OFFICE		TRADE REGISTRATION NO.	
CAPITAL (TL)		T.R. ID NO. (4)	
TAX ID NO.		PHONE and FACSIMILE	

OF THE LICENSEE'S SHAREHOLDERS (5)			
NAME AND SURNAME, OR TRADE NAME IF THE SHAREHOLDER IS A LEGAL PERSON	T.R. ID NO. (6), OR TRADE REGISTRY OFFICE AND TRADE REGISTRATION NUMBER IF THE SHAREHOLDER IS A LEGAL PERSON	CAPITAL AMOUNT AND SHARE PERCENTAGES (%)	

CHAIRPERSON AND MEMBERS OF THE LICENSEE'S BOARD OF DIRECTORS		
NAME AND SURNAME	T.R. ID NO. (6)	DATE OF TAKING OFFICE

OF THE PERSONS AUTHORIZED TO REPRESENT AND BIND THE LICENSEE		
NAME AND SURNAME	T.R. ID NO. (6)	TERM AND COMMENCEMENT DATE OF THE AUTHORIZATION

SUBJECT OF THE REQUEST FOR MODIFICATION		
PLEASE EXPLAIN YOUR MODIFICATION REQUEST (7)		

OF THE PERSONS AUTHORIZED TO REPRESENT AND BIND THE LICENSEE		
NAME AND SURNAME	**T.R. ID NO. (6)**	**TERM AND COMMENCEMENT DATE OF THE AUTHORIZATION**
SUBJECT OF THE REQUEST FOR MODIFICATION		
PLEASE EXPLAIN YOUR MODIFICATION REQUEST (7)		

PERSON(S) AUTHORIZED TO REPRESENT
NAME AND SURNAME
SIGNATURE
STAMP
DATE

EXPLANATIONS:
(1) For each facility, a specific number which is unchanging and has been assigned by the Authority in the first licensing. It should be mandatorily indicated for sending communications to the Authority by Registered Electronic Mail. Optional for other applicants.
(2) Optional for all licensees. It should be indicated only for sending communications to the Authority by Registered Electronic Mail.
(3) In ED50-UTM 6o coordinate format.
(4) Only real person licensees should mandatorily indicate it.
(5) It shall be filled up by legal person licensees other than associations and foundations. In case the licensee is a publicly-held company, it is not necessary to provide information about the holders of the publicly-held shares; only the total publicly-held share percentage shall be indicated.
(6) For foreign nationals, an equivalent number shall be written.
(7) In vendor activity license modifications, the column “SUBJECT OF THE REQUEST FOR MODIFICATION” shall be left blank, and the requested modification type shall be indicated by using the “Vendor Activity License Modification Request Form” (Annex-2).

IMPORTANT NOTE:
In case the information does not fit into the blank spaces, it is necessary that additional form be filled up and that each page be stamped and undersigned.

(As amended by: O.G.-7/9/2019-30881) ANNEX-2

VENDOR ACTIVITY LICENSE MODIFICATION REQUEST FORM (Please put "X" into the box next to the modification type request in respect of Vendor Activity Licenses, and please fill in ONLY the required information)			
A.) Modification requests in respect of changes			
1) Trade Name Modification		1.1. New Trade Name	
2) Address Modification		2.1. New Address	
		2.2. Plot	
		2.3. Square	
		2.4. Parcel	
		2.5. District	
		2.6. Province	
3) Distribution Undertaking Modification		3.1. Title of the New Distribution Undertaking	
		3.2. Signature Date of the New Vendor Contract	
		3.3. Effective Date of the New Vendor Contract	
		3.4 Term of the New Vendor Contract	
4) Business License Information Modification		4.1. Issue Date of the Business License	
		4.2. Issue No. of the Business License	
		4.3. Authority that Grants the Business License	
5) Sub-Title Modification		5.1. Category Requested (Please fill in the columns nob 3.2.-3.3.-3.4.-4.1-4.2-4.3. as well)	
B) Modification requests in respect of making an addition into the license 6.1. Agricultural Sales Tanker License Plate Numbers:			7.1. Fixed Village
C) Modification requests in respect of removal from the license			Pumps' Addresses:
8.1. Agricultural Sales Tanker License Plate Numbers:			9.1. Fixed Village
			Pumps' Addresses:

Person(s) Authorized to Represent

Of the Official Gazette in which the Energy Market Regulatory Board Decision dated 31/5/2011 and no. 3242-2 was published:				
Date			**Issue**	
9/6/2011			27959	
The Board Decisions amending the Energy Market Regulatory Board Decision dated 31/5/2011 and no. 3242-2 and the Official Gazettes in which these Board Decisions were published:				
	The Decision		**The Official Gazette**	
	Date	**Issue**	**Date**	**Issue**
1-	1/12/2011	3521-18	16/12/2011	28144
2-	18/4/2012	3785-4	27/4/2012	28276
3-	28/8/2013	4567-3-c	8/10/2013	28789
4-	3/11/2014	5290	28/11/2014	29189
5-	12/2/2015	5468-4	21/2/2015	29274
6-	29/5/2015	5612-1-a	2/6/2015	29374
7-	13/12/2018	8241	15/12/2018	30626
8-	5/9/2019	8816	7/9/2019	30881

It was published in the Official Gazette dated 11 May 2011 and issue no. 27931.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3195-11 **Decision Date:** 28.04.2011

At the Energy Market Regulatory Board's meeting dated 28/04/2011, the following Decision about "The Principles and Procedures Regarding the Productions to be Made in accordance with the Paragraph 3 of Article 11 of the Communique on Packaging and Market Supply of Lube Oils" has been taken.

PRINCIPLES AND PROCEDURES REGARDING THE PRODUCTIONS TO BE MADE IN ACCORDANCE WITH THE PARAGRAPH 3 OF ARTICLE 11 OF THE COMMUNIQUE ON PACKAGING AND MARKET SUPPLY OF LUBE OILS

ARTICLE 1- Distribution undertaking licensees performing activities under the subtitle "lube oil" and lube oil licensees may perform productions for Original Equipment Manufacturers (OEM), industrialists or distribution undertaking licensees that do not have a lube oil production facility, in accordance with the paragraph 3 of article 11 of the Communique on Packaging and Market Supply of Lube Oils, provided that the following obligations are fulfilled:
a) To carry out lube oil production activities in accordance with the principles and procedures set forth in the petroleum market legislation and the other related legislation;
b) Not to perform lube oil productions and base oil consumptions exceeding the quantity registered in their licenses;
c) Not to produce lube oils for which no TSI Turkish Standards Conformity and/or TSEK Conformity Certificates are issued (This clause shall not apply to the productions to be performed for export purposes);
ç) In accordance with the paragraph 2 of article 8 of the Communique on Packaging and Market Supply of Lube Oils, to submit to the Implementation and Data Management Department of the Revenue Administration the production information pertaining to the Original Equipment Manufacturers, industrialists or distribution undertaking licensees for whom lube oils are produced;
d) In the case of expiration or termination of the deed of consent or the contract signed between the parties and allowing the use of trademarks and logos by the producer firm at the production phase, to notify in writing the circumstance to the Authority within fifteen days following the expiration or termination of that contract or deed of consent; and
e) To submit to the Authority the relevant information and documents requested, to sign the records, and to allow the persons (who are granted the authorization to perform inspections on behalf of the Authority) to perform examinations.
ARTICLE 2- (1) Distribution undertaking licensees performing activities under the subtitle "lube oil" and lube oil licensees, who will perform productions for Original Equipment Manufacturers, industrialists or distribution undertaking licensees, are obliged to submit the following information and documents to the Authority and may perform lube oil production activities for these persons following the Authority's approval. It is mandatory to submit the following documents to the Authority:
a) Original or notarized copy of the deed of consent or the contract signed with the person(s) for whom lube oil will be produced and allowing the use of trademarks or logos by the producer firm at the production phase (As a minimum; containing the information about the parties' titles, tax identification numbers and trade registration numbers if any, addresses, distribution undertaking license number (if distribution undertaking), name(s) of the trademark(s) associated with the contract/consent and the types of the lube oils to be produced);
b) Originals or notarized copies of any documents indicating that the persons, who undersigned the relevant contract or deed of consent, are authorized to represent and bind the parties or the consenter;
c) In case the person for whom the lube oil will be produced is a distribution undertaking licensee, original or notarized copy of the Trade Mark Registration Certificate containing, as a minimum, the content of the commodity code no. 04;
ç) In case the person for whom the lube oil will be produced is an industrialist, certified copy of the Capacity Report pertaining to the industrial facility and of the Industrial Registry Certificate endorsed pursuant to the related legislation;

and the certificate which shall be obtained from the relevant union or association by Original Equipment Manufacturers that do not perform production activities in Turkey or by their distributors in Turkey and indicates that they are Original Equipment Manufacturers.
(2) Lube oil licensees, who do not have a Grease production unit in their lube oil production facilities, may perform Grease production activities in other licensed facilities, provided that the production quantity and the place of production are declared to the Authority.

ARTICLE 3- (1) The paragraph 1(c) of this Decision shall become effective on 31/12/2011 and the other matters shall enter into force on the date of its publication.

ARTICLE 4- (1) This Decision shall be executed by the President of the Energy Market Regulatory Board.

Hasan KÖKTAŞ,
The President

DECISION COPY FOR LUBE OIL LICENSE DURATIONS

REPUBLIC OF TURKEY
ENERGY MARKET REGULATORY BOARD

DECISION COPY

MEETING DATE: 05/07/2011 **DECISION SEQUENCE NO.:** 3304-7

7. Within the framework of the official letter no. B.62.0.PPD.130.130.01.07/7250 of 24/06/2011 issued by the Petroleum Market Department to the Office of the President, it is decided that the license durations of lube oil licenses shall be regulated as per the document with the shortest duration amongst the documents submitted to the Authority such as Trial Permit (regarding Business License), Trademark Registration Certificate and Environmental Permit and License Certificate and that, at the end of the duration, license modification fee shall be collected for those whose license duration is shorter than 1 (one) year and duration extension fee shall be collected for those whose license duration is longer than 1 (one) year and that the license duration shall be determined as per the expiry date of the document with the shortest duration amongst those documents.

BOARD DECISION ON LUBE OIL LICENSE DURATION

It was published in the Official Gazette dated 29 April 2015 and issue no. 29341.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5560-9 **Decision Date:** 16/04/2015

At the Energy Market Regulatory Board's meeting dated 16/04/2015, it has been decided that the Board Decision on Lube Oil License Duration, enclosed herewith, is hereby adopted.

ENCL.:
ANNEX-1: Board Decision on Lube Oil License Duration

BOARD DECISION ON LUBE OIL LICENSE DURATION

ARTICLE 1- (1) Lube oil licenses will be granted for a duration of ten years.

ARTICLE 2- (1) Lube oil license durations will be extended for further ten years pursuant to article 16 of the Petroleum Market Licensing Regulation.

ARTICLE 3- (1) The Energy Market Regulatory Board's decision dated 05/07/2011 and no. 3304-7 is hereby repealed.

TEMPORARY ARTICLE 1- (1) The provisions of the Energy Market Regulatory Board's decision dated 05/07/2011 and no. 3304-7, which are contrary to this Decision, shall not apply. However, in the duration extension transactions to be performed within one year as from the effective date of this article, the transaction fee shall continue to be determined as per the Energy Market Regulatory Board's decision dated 05/07/2011 and no. 3304-7.

TEMPORARY ARTICLE 2- (1) Of the lube oil licenses which are effective on the publication date of this Decision; the duration extension applications, filed for those with a duration of less than two months to the expiration of the license duration, shall be put into process.

ARTICLE 4- (1) Of this Decision:
a) Article 3 shall become effective one year after its publication date; and
b) The other articles shall become effective on the date of publication.

ARTICLE 5- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

DECISION COPY FOR TRADEMARK REGISTRATION CERTIFICATE PERTAINING TO LUBE OIL LICENSE

REPUBLIC OF TURKEY
ENERGY MARKET REGULATORY BOARD

DECISION COPY

DATE OF THE MEETING: 01/04/2010 **DECISION SEQUENCE NO.:** 2499/15

15. Within the framework of the official letter no. PPD.13.200.00.00-2914 of 29/03/2010 issued by the Petroleum Market Department to the Office of the President, it is decided that, as regards the real or legal persons who obtained lube oil licenses from the Authority, however, whose licenses were cancelled since they have not submitted their Trademark Registration Certificates to the Authority within the term specified in the related legislation; those real and legal persons shall, in the context of the license applications they will file for the same activity, be required to submit a notarized copy of their Trademark Registration Certificates obtained from the relevant institution, within the term specified in the affirmative decision taken about the license application.

It was published in the Official Gazette dated 07 December 2011 and issue no. 28135.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3510-5 **Decision Date:** 23.11.2011

At the Energy Market Regulatory Board's meeting dated 23/11/2011, the following Decision about "Principles and Procedures Regarding the Characteristics to be Analyzed in the Preparation of Examination Reports" has been taken.

PRINCIPLES AND PROCEDURES REGARDING THE CHARACTERISTICS TO BE ANALYZED IN THE PREPARATION OF EXAMINATION REPORTS

Objective and scope
ARTICLE 1- (1) This Decision covers the principles and procedures regarding the sequence of analyzing the characteristics set forth in the related technical arrangements, for the efficient utilization of resources, in the preparation of the examination reports regarding gasoline and diesel oil types. The provisions of these Principles and Procedures shall not apply to the preparation of analysis and verification reports.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of the Regulation on Technical Criteria Applicable in the Petroleum Market.

Characteristics to be analyzed in the preparation of examination reports
ARTICLE 3- (1) With the exception of the samples taken within the scope of the Liquid Fuel Quality Monitoring System; in the preparation of examination reports regarding samples of Unleaded Gasoline 95 Octane, Unleaded Gasoline 95 Octane (With additive) and Unleaded Gasoline 98 Octane, the following shall be analyzed in the first stage:
a) Motor octane number,
b) Research octane number,
c) Sulphur,
ç) Density, and
d) Volatility characteristics (Vapor pressure, vaporization percentages, vapor lock index, distillation, end boiling point).

(2) With the exception of the samples taken within the scope of the Liquid Fuel Quality Monitoring System; in the preparation of examination reports regarding diesel oil samples, the following shall be analyzed in the first stage:
a) Flashpoint,
b) Distillation,
c) Density,
ç) Sulphur,
d) Viscosity,
e) Cold filter plugging point, and
f) Cetane number.

Analysis of the characteristics regarding the samples taken within the scope of the Liquid Fuel Quality Monitoring System
ARTICLE 4- (1) In the preparation of the examination reports regarding Unleaded Gasoline 95 Octane, Unleaded Gasoline 95 Octane (With additive) and Unleaded Gasoline 98 Octane samples taken within the scope of the Liquid Fuel Quality Monitoring System, the following shall be analyzed in the first stage:
a) Motor octane number,
b) Research octane number,
c) Volatility characteristics (Vapor pressure, vaporization percentages, vapor lock index, distillation, end boiling point),
ç) Hydrocarbon types content (Olefins, aromatics, benzene),

d) Oxygen content,
e) Oxygenated compounds content,
f) Sulphur content,
g) Lead content, and
ğ) Density.

(2) In the preparation of the examination reports regarding diesel oil samples taken within the scope of the Liquid Fuel Quality Monitoring System, the following shall be analyzed in the first stage:
a) Cetane number,
b) Density,
c) Distillation,
ç) Sulphur,
d) Polycyclic aromatic hydrocarbons,
e) Fatty Acid Methyl Esters (FAME) content,
f) Viscosity,
g) Cold filter plugging point, and
ğ) Flashpoint.

Preparation of reports
ARTICLE 5- (1) As regards the characteristics analyzed in the first stage, in case it is found that there is a contradiction with the technical arrangements, the examination shall be ended and then, the examination report shall be prepared. The examination report shall specify that the analyzed sample is in contradiction with the technical arrangement and whether or not adulteration has occurred. Additional experiments may be carried out in order to identify the characteristics of the foreign substance added, in case such a need arises on the part of judicial authorities.

(2) As regards the characteristics analyzed in the first stage, in case it is found that there is no contradiction with the technical arrangements, the other characteristics set forth in the technical arrangement shall also be analyzed and then, the examination report shall be prepared.

Effectiveness
ARTICLE 6- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 7- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

PROMOTIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8845 **Decision Date:** 26/09/2019

At the Energy Market Regulatory Board's meeting dated 26/09/2019, it has been decided that the enclosed "Board Decision about the Promotions Applied in the Petroleum and LPG Markets" is hereby adopted and shall be published.

ENCL.

BOARD DECISION
ABOUT THE PROMOTIONS APPLIED IN THE PETROLEUM AND LPG MARKETS

Objective and scope
Article 1- (1) The objective of this Decision is to determine the principles and procedures regarding the promotions carried out in the petroleum and liquefied petroleum gases (LPG) markets.

(2) This Decision covers the principles and procedures regarding the types of the promotions that may be carried out for consumers in the petroleum and liquefied petroleum gases (LPG) markets, the scope of the promotions and the licensees' obligations to each other and to the Authority.

Legal basis
Article 2- (1) This Decision has been prepared by taking as basis articles 3, 9 and 22 of the Petroleum Market Law No. 5015 and articles 3 and 19 of the Liquefied Petroleum Gases (LPG) Market Law No. 5307.

Definitions
Article 3- (1) The following terms, referred to in this Decision, shall have the following meanings:

a) Promotion in kind: Goods provided under the names of gift, giveaway, campaign and under other names;
b) Vendor: Vendor activity or autogas vendor activity licensees under the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307;
c) Distribution undertaking: Distribution undertaking licensees under the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307;
ç) Financial promotion: Financial interest provided to the consumer, which will be used immediately or subsequently after the sale of liquid fuel and/or autogas LPG;
d) Service promotion: Services, such as carwash, oil change, tire change, which may be provided in liquid fuel and/or autogas stations; and
e) Promotions: All the promotions in kind, service promotions and financial promotions defined in this article.

(2) The other terms, concepts and expressions, which are referred to or contained, however, not defined in this Decision, shall have the meanings given to them in the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307.

Promotions
Article 4- (1) Licensees shall not organize promotions in kind under any names, depending on liquid fuel and/or autogas LPG sales. It is free to present consumers with the products (as a gift), such as paper tissue, wet towel, glass wiping cloth, car air freshener, which may be needed to have present in vehicles and are distributed for advertising purposes, not conditional upon the purchase of a certain quantity of liquid fuel and/or autogas LPG.

(2) As regards the services provided in liquid fuel and/or autogas stations, it is free to provide these services on a discounted or free of charge basis within the scope of service promotion, regardless of whether depending on purchase of liquid fuel and/or autogas LPG. It is free to organize lotteries and draws -the considerations of which are not cash- not depending on purchase of liquid fuel and autogas, provided that the related other legislation is observed.

(3) Licensee may organize financial promotion, including participation of third parties. However, only free of charge and/or discounted liquid fuel and/or autogas LPG may be offered within the scope of financial promotion. Distribution undertaking licensees shall not reflect to their vendors any costs related to the financial promotions that will be organized by these distribution undertaking licensees.

Decisions repealed
Article 5- (1) The Board Decisions No. 2924/2 of 15/12/2010 and No. 3007 of 06/01/2011 are hereby repealed.

Contracts and campaigns
Temporary Article 1- (1) As of the effective date of this Decision, no contracts -the contents of which are contrary to this Decision- shall be concluded and no campaigns -the contents of which are contrary to this Decision- shall be organized. The contracts and campaigns relevant to this Decision shall maintain their validities by the end of their terms, provided that they do not exceed 30.06.2020.

Effectiveness
Article 6- (1) This Decision shall become effective on the date of its publication.

Execution
Article 7- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

TECHNICAL ARRANGEMENT ACTIVITIES

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8181-9 **Decision Date:** 15/11/2018

At the Energy Market Regulatory Board's meeting dated 15/11/2018, it has been decided that the characteristic "oxidation stability" shall not be sought within the scope of the technical arrangement until 31/12/2020, provided that this is limited to only those containing Fatty Acid Methyl Esters (FAME) more than 2% in diesel oil types.

ENCL.

CALCULATION METHOD FOR THE AMOUNT OF THE PETROLEUM STOCK NECESSARY TO BE KEPT IN RESPECT OF THE NATIONAL STOCK

The national petroleum stock shall comprise of minimum 90 days' portion of the net import within its daily average consumption pertaining to the preceding year. The sum of the supplementary petroleum stock and the stock that should be kept by licensees shall represent the national petroleum stock.

The petroleum stock should be available and accessible at any time, and it is necessary that there is no obstruction or restriction on the products to be stocked.

In calculating the national petroleum stock, the following matters shall be taken as basis.

The petroleum, in the following conditions or in the following places, shall be deemed to be a part of the stock	**The petroleum, in the following conditions or in the following places, shall not be deemed to be a part of the stock**
-Refinery tanks -Storages -Pipeline tanks -Barges -Petroleum tankers at harbors and on territorial waters - Bunker deployed on rivers and lakes - Bottom parts of tanks - Operating stocks	- Domestic crude oil whose production has not taken place yet - Pipelines - Products transported by railway and road - Consumption-purpose fuels of ships under sail - Those available in liquid fuel stations and service stations - Those in consumers' possession, not determined by the Law - Petroleum tankers on international waters -Military stocks

1- Calculation of national stock

The supplies to vendors and the consumption-purpose supplies to sea and air vehicles and to eligible consumers shall be considered as domestic consumption. Petroleum movements which take place between refining and distribution undertaking licensees (trade between distribution undertakings, product transfers between refining undertakings, etc.) and the sales which take place for military purposes and within the scope of transit procedure and export regime shall not be included into the calculation of domestic consumption.

In calculating the national petroleum stock, for the year (n); the quantity shall be converted into crude oil equivalent and be calculated by the using the following formulas. In the calculations, metric ton shall be used as the measurement unit.

Table for crude oil equivalent conversion of the products contained in the methodology pertaining to the petroleum stock to be calculated by using net import	
-Crude oil -Refinery by-products -Additives / Oxygenates -LNG	x 0,96* *(4% naphtha shall not be included into the calculation)
-Biofuels - Refinery fuel gas - Ethane -LPG -Benzine types -Aviation fuels - Gas oil -Diesel oil types -Fuel oil types -White Spirit and SBP	x 1,065** **(coefficient accepted for calculation of crude oil equivalent)

Table for crude oil equivalent conversion of the products contained in the methodology pertaining to the petroleum stock to be calculated by using net import	
-Lube and base oils - Bitumen - Petroleum coke -Other products, products produced within the refinery and not referred to above E.g. Aromatics (Benzene, Xylene Toluene etc.), Olefins (Propylene, etc.)	x 1,065** **(coefficient accepted for calculation of crude oil equivalent)

Pertaining to the 1 January-31 March period:

90 days' net import = {[Domestic consumption$_{(n-2)}$ - (stock at the end of the year$_{(n-2)}$ – stock at the beginning of the year $_{(n-2)}$)] – [Domestic crude oil production$_{(n-2)}$ – Domestic crude oil export$_{(n-2)}$] x 90/365

Pertaining to the 1 April-31 December period:

90 days' net import = {[Domestic consumption $_{(n-1)}$ - (stock at the end of the year $_{(n-1)}$ – stock at the beginning of the year $_{(n-1)}$)] – [Domestic crude oil production $_{(n-1)}$ – Domestic crude oil export $_{(n-1)}$] x 90/365

1. Calculation of the petroleum stock that should be kept by licensees

In calculating the petroleum stock that should be kept by licensees; the military sales quantity and transit and export sales quantity performed by refining undertaking, liquid fuel and LPG distribution undertaking licensees and the quantity other than the sales performed by the same type of licensees between each other shall be used.

Table for calculation of the petroleum stock that should be kept by licensees				
License type	**Petroleum supplied / consumed (A)**	**Coefficient (B)**	**Inaccessible stock coefficient (C)**	**Number of days of the obligation (D)**
Refining undertaking	-Crude oil -Refinery by-products -LNG	0,96	0,90	20
	-Product to be blended to liquid fuel* -Refinery fuel gas -Ethane -LPG -Benzine types -Aviation fuels -Gas oil -Diesel oil types -Fuel oil types -White Sprit and SBP -Lube oil and base oils -Bitumen -Petroleum coke	1,065		

Table for calculation of the petroleum stock that should be kept by licensees				
License type	**Petroleum supplied / consumed (A)**	**Coefficient (B)**	**Inaccessible stock coefficient (C)**	**Number of days of the obligation (D)**
Liquid fuel distribution undertaking	-Benzine types -Diesel oil types -Fuel oil types -Gas oil -Aviation fuels -Marine fuels -Product to be blended to liquid fuel*	1,065	0,90	20
LPG distribution undertaking	-LPG -Benzine types	1,065	0,90	20

*Product to be blended to liquid fuel shall be oxygenate, biodiesel and ethanol for refining undertaking licensees and shall be biodiesel and ethanol for distribution undertaking licensees, and they are the products stocked for the purpose of blending to liquid fuel.

Stock quantity that should be kept, to be calculated for the year (n) by the licensee and for each license type ($SM_{(n)}$):

Pertaining to the 1 January-31 March period:
$SM_{(n)} \geq [(A_{(n-2)} \times B) / C] \times (D / 365)$

Pertaining to the 1 April-31 December period:
$SM_{(n)} \geq [(A_{(n-1)} \times B) / C] \times (D / 365)$

Minimum 50% of the stock quantity that should be kept by refining undertaking and distribution undertaking licensees shall be kept as benzine and/or diesel oil types and/or aviation fuels.

Minimum 50% of the stock quantity that should be kept by LPG distribution undertaking licensees may be kept as LPG and the remaining portion from over benzine types.

PRINCIPLES AND PROCEDURES REGARDING PROCUREMENT OF SERVICES FROM PUBLIC INSTITUTIONS AND ORGANIZATIONS AND PRIVATE INSPECTION ENTITIES FOR THE INSPECTIONS TO BE CARRIED OUT IN THE PETROLEUM MARKET

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 473/8 **Dated:** 08.04.2005

It is decided that:

The Principles and Procedures Regarding Procurement of Services from Public Institutions and Organizations and Private Inspection Entities for the Inspections to be Carried Out in the Petroleum Market are hereby adopted and shall be published, within the framework of the official letter no. DDB.14.301.05/114 of 28/03/2005 issued by the Inspection Department to the Office of the President.

ABOUT THE LICENSE OBTAINING, LICENSE MODIFICATION, DURATION EXTENSION (ENDORSEMENT), LICENSE CERTIFICATE COPY EXTRACTION, TARIFF APPROVAL, LIQUID FUEL TRADE PERMISSION AND COUPON SERVICE PERMISSION FEES APPLICABLE IN 2020 IN THE PETROLEUM MARKET

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9047 **Decision Date:** 26/12/2019

At the Energy Market Regulatory Board's meeting dated 26/12/2019, the following Decision has been taken about the license obtaining, license modification, duration extension (endorsement), license certificate copy extraction, tariff approval, liquid fuel trade permission and coupon service permission fees applicable in 2020 in the petroleum market.

Article 1- The license obtaining, license modification, duration extension (endorsement), license certificate copy extraction, tariff approval, liquid fuel trade permission and coupon service permission fees applicable in 2020 in the petroleum market, are hereby determined as follows:

a) License obtaining fee:	
For refining undertaking license	TL 815,300 (eight hundred and fifteen thousand three hundred);
For distribution undertaking license	TL 590,000 (five hundred and ninety thousand);
For storage license	TL 35,200 (thirty-five thousand two hundred);
For transmission license	TL 35,200 (thirty-five thousand two hundred);
For bunker delivery license	TL 35,200 (thirty-five thousand two hundred);
Processing license	
- For petrochemistry	TL 35,200 (thirty-five thousand two hundred);
- For biodiesel	TL 12,000 (twelve thousand),
- For processing (waste) license	TL 92,300 (ninety-two thousand three hundred);
For lube oil license	TL 117,000 (one hundred seventeen thousand);
For eligible consumer license	TL 6,100 (six thousand one hundred);
Transportation license	
- For railway	TL 6,100 (six thousand one hundred);
- For seaway, per ship	TL 6,100 (six thousand one hundred);
For vendor activity license	TL 6,100 (six thousand one hundred);
b) License certificate copy extraction	TL 2,350 (two thousand three hundred and fifty);
c) License modification:	
For refining undertaking license	TL 16,500 (sixteen thousand five hundred);
For distribution undertaking license	TL 12,000 (twelve thousand);
For storage license	TL 6,100 (six thousand one hundred);
For transmission license	TL 6,100 (six thousand one hundred);
For processing license	TL 6,100 (six thousand one hundred);
For lube oil license	TL 6,100 (six thousand one hundred);
For eligible consumer license	TL 3,600 (three thousand six hundred);
For bunker delivery license	TL 6,100 (six thousand one hundred);
Transportation license	
- For railway	TL 3,600 (three thousand six hundred),
- For seaway, per ship	TL 3,600 (three thousand six hundred);
For vendor activity license	TL 3,600 (three thousand six hundred);
d) Duration extension (endorsement)	50% of the license obtaining fee;

e) Permission fee for trade of liquid fuel between distribution undertaking licensees (for the 01.04.2020-31.03.2021 period)	TL 35,200 (thirty-five thousand two hundred);
f) Tariff approval	TL 0 (zero);
g) Coupon service permission fee	TL 68,500 (sixty-eight thousand five hundred).

Article 2- This Decision shall become effective on 01/01/2020.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Board.

ANNEX-3

PETROLEUM CONVERSION METHOD

Refining undertakings shall perform the product conversion operation as per the following explanations and formula, by using the coefficient (B) values for the products included in the scope of the petroleum (A) as shown in the "Table for Calculation of the Petroleum Stock that Should be Kept by Licensees" (Annex-1):

A1: Crude oil, refinery by-products, LNG
A2: Product to be blended to liquid fuel; refinery fuel gas, ethane, LPG, benzine types, aviation fuels, gas oil, diesel oil types, fuel oil types, White Sprit and SBP, lube and base oils, bitumen and petroleum coke
B1: Coefficient 0,96 for A1 products
B2: Coefficient 1,065 for A2 products

Conversion of A1 products into A2 products: $A_2\ (ton) = A_1\ (ton) \times B_1 / B_2$

ABOUT PRINCIPLES AND PROCEDURES REGARDING PROVISION OF COLLECTION INTERMEDIARY SERVICES IN THE SUPPLY OF BUNKER IN THE PETROLEUM MARKET TO SEA AND AIR VEHICLES WITHIN THE SCOPE OF EXPORT REGIME OR TRANSIT PROCEDURE

It was published in the Official Gazette dated 23 June 2011 and issue no. 27973.

BOARD DECISION

Decision No.: 3274-3 **Decision Date:** 14/6/2011

At the Energy Market Regulatory Board's meeting dated 14/6/2011, the following Decision about "Principles and Procedures Regarding Provision of Collection Intermediary Services in the Supply of Bunker in the Petroleum Market to Sea and Air Vehicles within the scope of Export Regime or Transit Procedure" has been taken.

PRINCIPLES AND PROCEDURES REGARDING PROVISION OF COLLECTION INTERMEDIARY SERVICES IN THE SUPPLY OF BUNKER IN THE PETROLEUM MARKET TO SEA AND AIR VEHICLES WITHIN THE SCOPE OF EXPORT REGIME OR TRANSIT PROCEDURE

ARTICLE 1- (As amended by: The Board Decision No. 6508 of 29/09/2016, art.1; the Official Gazette dated 19/10/2016 and issue no. 29862) (1) In the supply of bunker to sea and air vehicles by bunker delivery licensees or distribution undertaking licensees -in whose licenses the activity "bunker delivery" is registered- within the scope of export regime or transit procedure, third parties may provide collection intermediary services provided that the obligations specified in article 2 are fulfilled.

ARTICLE 2- (1) The intermediary services may only be performed for the bunker deliveries:

a) made within the scope of export regime (for the bunker released into free circulation) and within the scope of transit procedure (for the bunker not released into free circulation),

b) **(As amended by: The Board Decision No. 6508 of 29/09/2016, art.1; the Official Gazette dated 19/10/2016 and issue no. 29862)** whose supplies are physically made to a sea or an air vehicle by bunker delivery licensees or distribution undertaking licensees in whose licenses the activity "bunker delivery" is registered,

c) which will be utilized only for the needs of sea and air vehicles to which the supply is made.

(2) In the deliveries, the persons concerned shall have the following obligations:

a) To ensure that the supply is made within the mission areas of competent customs administrations;

b) **(As amended by: The Board Decision No. 6508 of 29/09/2016, art.1; the Official Gazette dated 19/10/2016 and issue no. 29862)** To ensure that the bunker is delivered to the sea or air vehicle by the bunker delivery licensee or the distribution undertaking licensee -in whose license the activity "bunker delivery" is registered- on a de facto basis;

c) To ensure that the delivery is certified in a document which contains the fuel type and quantity, place and date of delivery, name of the vehicle and other relevant information and has been undersigned by the licensee's official who realized the supply and the authorized person(s) managing the vehicle at the time of receipt;

d) To ensure that a fee other than the bunker fee is not indicated in the invoice to be issued;

e) To ensure that the name and IMO number of the vehicle (for sea vehicles to which the bunker is supplied) is inserted into the invoice issued, and to ensure that the vehicle's tail number and/or flight number (for air vehicles to which the bunker is supplied) is inserted into the invoice to be issued; and

f) To submit to the Authority the relevant information and documents requested by the Authority, to sign the records, and to allow the officials to perform examinations.

ARTICLE 3- (1) This Decision shall become effective on the date of its publication.

ARTICLE 4- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

DECISION ON PRINCIPLES AND PROCEDURES REGARDING STOCK MONITORING SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) This Decision has been issued in order to determine the principles and procedures for tracking, more effectively, of the stock monitoring systems of the licensees performing activities in the petroleum market.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015 and the Decision no. 2017/01 taken by the National Petroleum Stock Commission.

Definitions
ARTICLE 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Malfunction: The case that the related system is not online or creates erroneous data;
b) Online: The case that the tank measurement system is able to create electronic data instantaneously and is able to transfer the data to the tank automation systems without interruption;
c) Licensees performing storage activities: Storage licensees, and refining undertaking licensees and distribution undertaking licensees in whose sub-titles, storage activity is contained;
ç) Electronic data: Data related to the petroleum quantity in the tank;
d) Erroneous data: Electronic data related to recording of the petroleum quantity in the tank, with a deviation of more than two percent in the related system;
e) Law: Petroleum Market Law No. 5015 of 04/12/2003;
f) Petroleum: Liquid fuel, crude oil and product, as defined in the Law;
g) Stock monitoring system: Tank automation and measurement system and data that the related licensees are obliged to notify to the Authority;
ğ) Stock monitoring system guide: Table and report formats and explanations contained in Annex-1;
h) Modification: Modifications made in/on one or more than one tank in the facility after the relevant permission is obtained within the scope of the related other legislation, and repair and maintenance of the tank;
i) Tank: Tank in which petroleum is stored and which is registered in the licenses and is located in the facilities of the licensees performing storage activities;
ı) Tank automation system: System which enables securely storage of electronic data and transmission of data to the Authority as per the principles and procedures determined; and
j) Tank measurement system: Electronic system which is able to monitor instantaneously the petroleum quantity in a tank.

PART TWO
Licensees' Obligations Regarding Stock Monitoring System

Obligation to establish and implement tank automation system
ARTICLE 4- (1) The licensees performing storage activities shall establish and implement a tank automation system, and a tank measurement system for each tank situated in their facilities. In this context, the licensees performing storage activities shall:
a) monitor instantaneously the petroleum quantity in the tanks, with the tank automation system; and
b) create electronic data as per the stock monitoring system guide and transmit these data to the Authority by means of the web service.

Storage, refining undertaking and distribution undertaking licensees' notification obligations
ARTICLE 5- (1) The licensees performing storage activities are obliged to make notification to the Authority in relation to the petroleum available in their facilities; and distribution undertaking and refining undertaking licensees are obliged to make notification to the Authority in relation to the other licensees' petroleum available in their facilities.

(2) The notifications, created in accordance with the stock monitoring system guide, shall be transmitted to the Authority by the related licensees through the web service.

Principles and procedures regarding tank automation system
ARTICLE 6- (1) The licensees performing storage activities:
a) shall not supply petroleum to the relevant tank until the tank measurement system becomes online, however, shall complete the supply in case malfunction occurs after the supply of petroleum starts;
b) shall ensure that the tank measurement system is online, in each tank falling outside a modification in their facilities;
c) are obliged to detect within 24 hours the malfunctions relevant to the erroneous data occurred in the tank measurement and automation systems and are obliged to detect instantaneously the malfunctions related to the cases of whether or not the system is online;
ç) in no later than 5 days as from the date when the first malfunction has occurred, shall repair the malfunctions occurred in the tank measurement and automation systems; and
d) in case they do not, for a period of 10 consecutive days, provide to the Authority on tank basis through the web service the "STR-1 Detailed Tank Automation System" data referred to in the stock monitoring system guide, shall cease supply of petroleum to the related tanks and discharge of petroleum from the tanks until such time as they restart transmission of the electronic data to the Authority.
(2) The Presidency the Petroleum Market Department is authorized to make formations, cancellations and modifications on the stock monitoring system guide and to announce them on the web site of the Authority.

Effectiveness
ARTICLE 7- (1) This Decision shall become effective on 01/01/2018.

Execution
ARTICLE 8- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

K - Coupon Service

Date	License No. of the Coupon Service Recipient	Trade Name of the Coupon Service Recipient	Petroleum Type (GTİP)	Stock Quantity per Day (ton)

Date	Date (E.g. 01.03.2017)
License No. of the Coupon Service Recipient	The coupon service recipient's recent license no. determined by the Authority
Trade Name of the Coupon Service Recipient	The coupon service recipient's trade name shall be declared in capital letters (without abbreviating the trade name (A.S., etc.) E.g. ENERGY MARKET REGULATORY AUTHORITY)
Petroleum Type (GTİP)	The GTİP No. of the petroleum type for which the service is provided under the coupon system (E.g. 2710.12.45.00.11)
Stock Quantity per Day (ton)	The "Petroleum Type" quantity (metric ton) reserved for the coupon service recipient licensee at 00:00:00 on the relevant day

This notification shall be made only by the licensees that provide coupon service.

PRINCIPLES AND PROCEDURES REGARDING DELIVERY SAMPLES

It was published in the Official Gazette dated 01.04.2010 and issue no. 27539.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 2483/8 **Decision Date:** 25.03.2010

Within the framework of the official letter no. PPD.13.200.2438 of 12/03/2010 issued by the Petroleum Market Department to the Office of the President, it is decided that, as enclosed herewith,

1) "The Regulation Amending the Regulation on the Technical Criteria Applicable in the Petroleum Market",
2) The Board Decision on "The Principles and Procedures Regarding Delivery Samples" are hereby adopted and shall be published.

PRINCIPLES AND PROCEDURES REGARDING DELIVERY SAMPLES

Objective and scope
Article 1- This Decision covers the principles and procedures regarding the liquid fuel samples which are taken in order to be used for the measurements to be taken basis in the analysis reports or in order to be delivered to the recipient and which are kept in order to be examined in the case of an objection.

Taking of samples
Article 2- The samples shall be taken in compliance with the TS 900-1 EN ISO 3170 "Petroleum Liquids-Manual Sampling" standards of December 2005 or the TS 900-2 EN ISO 3171 "Petroleum Liquids-Automatic Sampling from Pipelines" standards of March 1999 (including February 2005). In marine fuels, other sampling procedures may also apply provided that they are set forth in the international arrangements.
Delivery samples shall be placed into sample vessels which shall be in the following number and each of which shall have the capacity of one liter in compliance with the TS 13316 "Sample Vessels-For Crude Oils, Liquid Fuels and Lube Oils-Used for Keeping and Transportation of Samples" standards of December 2007:
a) In order to be forwarded to the laboratory, as a minimum:
i) For the analysis reports regarding the Level I, 8 for diesel oil types and 4 for other liquid fuel types;
ii) For the analysis reports regarding the Level II, 4 for diesel oil types and 2 for other liquid fuel types; and
b) In order to be delivered to the recipients in the sales to ships heavier than 400 gross tons, 1 for all liquid fuel types.
In marine fuels, additional delivery samples may be taken in the quantity requested, in various vessels, optionally.

Sealing of samples and dispatch of samples to laboratory
Article 3- Delivery samples, which have been taken in order to be dispatched to the laboratory, shall be sealed by and be delivered or dispatched to the laboratory within the same day by the person who has taken the samples.
In case different level samples are taken, the combined samples shall be prepared, placed into sample vessels and sealed by the laboratory.
Laboratories shall prepare analysis reports by using the sample vessels delivered. From among those sample vessels, laboratories shall use, as they shall select randomly:
i) For the analysis reports regarding the Level I, 4 sample vessels for diesel oil types and 2 sample vessels for other liquid fuel types; and
ii) For the analysis reports regarding the Level II, 2 sample vessels for diesel oil types and 1 sample vessel for other liquid fuel types. Laboratories shall keep the samples in the same quantity or deliver them to an international inspection company in order that they are kept.
Delivery samples regarding marine fuels shall be sealed by the seller in the presence of the recipient, at the time when they are delivered to the vehicle.

Keeping of samples
Article 4- Laboratories or international inspection companies shall keep the samples for a period of three months under the conditions conforming to the technical requirements. In case, during the period of keeping, the Authority does not request that or courts do not order that the samples be re-dispatched for analysis or measures be taken for the samples; the samples shall be destroyed. The analysis of the samples being kept shall, by virtue of the Authority's or the court's decision, be carried out by a laboratory different from the laboratory which issued the analysis report. In consequence of the reanalysis, in case it is found that the liquid fuel is not in conformity with the technical arrangements or the other legislation; the persons who are obliged to submit the analysis report shall notify this issue in writing to the Authority and to the persons to whom the sales are made from the lot represented by the analysis report, which written notifications shall be made within three business days following the receipt of the said report by them.

Delivery of samples
Article 5- In the sales to sea vehicles heavier than 400 gross tons, bunker sellers are obliged to deliver sealed samples to buyers.

Recording of samples
Article 6- Movements related to the samples being kept shall be monitored in the recording system.

Other matters
Article 7- At the request of vendors, distribution undertaking licensees are obliged to perform the national marker controls of the liquid fuel associated with the delivery or have those controls performed.

Provisions repealed
Article 8- The subparagraph (a) of the first paragraph contained in article 4 of the Board Decision dated 27/06/2007 and no. 1240 is hereby repealed.

Effectiveness
Article 9- This Decision shall become effective on 1/5/2010.

Execution
Article 10- The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

NATIONAL MARKER CONTROL

It was published in the Official Gazette dated 16/7/2011 and issue no. 27996

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 33312-5 **Decision Date:** 06.07.2011

At the Energy Market Regulatory Board's meeting dated 06/07/2011, it has been decided that:

a) The setting up of the automation system, mentioned in the subparagraph (b) of article 4 of the Board Decision No. 1240 of 27/06/2007, on the fixed village pumps or agricultural sales tankers registered in the vendor activity licenses is hereby postponed until 30/09/2011, to be effective as from 30/06/2011;

b) The license modification transactions, performed between 15/06/2011 and 06/07/2001 with regard to removal of fixed village pump and/or agricultural sales tanker from the vendor activity licenses, be cancelled ex-officio by the Petroleum Market Department;

c) The license modification applications, which have been submitted to the Authority between 15/06/2011 and 15/07/2001 for removal of fixed village pumps and/or agricultural sales tankers from the vendor activity licenses and whose transactions have not been completed, are hereby deemed not to have been submitted and thus, be cancelled by the Petroleum Market Department;

ç) As regards the license modification applications for removal of fixed village pumps and/or agricultural sales tankers from the licenses, the vendor activity licensees who request that the relevant transactions be not performed in respect of these applications under the paragraphs (b) and (c) of this Decision shall submit these requests in writing to the Authority until 01/08/2011.

PRINCIPLES AND PROCEDURES REGARDING NATIONAL MARKER IMPLEMENTATION ACTIVITIES AND NATIONAL MARKER DELIVERIES

It was published in the Official Gazette dated 12 June 2015 and issue no. 29384.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5605-2 **Decision Date:** 21/05/2015

At the Energy Market Regulatory Board's meeting dated 21/05/2015; it has been decided that the Board Decision dated 04/04/2007 and no. 1153 on the Principles and Procedures Regarding National Marker Implementation Activities and National Marker Deliveries, published in the Official Gazette dated 9/4/2007 and issue no. 26488, is hereby repealed and that the Board Decision on the Principles and Procedures Regarding National Marker Implementation Activities and National Marker Deliveries, enclosed herewith, is hereby adopted and shall be published in the Official Gazette.

ENCL.:
ANNEX-1: The Board Decision on the Principles and Procedures Regarding National Marker Implementation Activities and National Marker Deliveries

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- This Decision has been issued in order to regulate the principles and procedures regarding requesting for and delivery of national marker as well as addition of national marker into the products included in the scope of implementation and the relevant reporting activities.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 18 of the Petroleum Market Law No. 5015 and the Regulation on Implementation of National Marker in the Petroleum Market.

Definitions
ARTICLE 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Law: Petroleum Market Law No. 5015 of 4/12/2003;
b) Authority: Energy Market Regulatory Authority;
c) Board: Energy Market Regulatory Board;
ç) President: President of the Energy Market Regulatory Board;
d) Liquid fuel: Benzine types, naphtha (except for raw material and solvent naphtha), gas oil, jet fuel, diesel oil types, fuel oil types and biodiesel;
e) Independent Inspection Firm: Entities which are empowered by the Authority and are accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker and which will be assigned by the related licensees;
f) Notification system: System defined under the provisions of the "Regulation on Notifications in the Energy Market", published in the Official Gazette dated 27 May 2014 and issue no. 29012;
g) Invoice Summary Chart: Summary table which has been signed by the seller and contains, as a minimum, the buyer's license number, invoice number, product type and quantity and the date of sale, amongst the information contained in the invoices related to the products to which national marker is added;
ğ) Inspection Authorization Certificate: Certificate granted to independent inspection firms by the Authority;
h) Related Licensee: Refining undertaking, distribution undertaking and bunker delivery licensee legal persons that are obliged to add national marker into the products included in the scope of implementation;
ı) Related Legislation: Petroleum market-related Laws, regulations, licenses, communiques, circulars and Board decisions;

i) Illegal Liquid Fuel: Liquid fuel that is considered as being illegal in the sense of the provisions of the Anti-Smuggling Law No. 5607 of 21/3/2007;
j) Registered Electronic Mail: The qualified form of electronic mail which provides legal evidence in respect of use, including sending and delivery, of electronic messages under the Regulation on the Principles and Procedures Regarding Registered Electronic Mail (KEP) System published in the Official Gazette dated 25.08.2011 and issue no. 28036;
k) Technical Arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil;
l) Delivery Place: Place where national marker is delivered to the related licensee by the competent body and the entire obligation on the national marker transfers to the related licensee;
m) National Marker: Chemical product which has the quality not damaging the characteristics of the liquid fuel and which shall be added to the liquid fuel at the refinery exit point or at the customs entry point, or shall be added to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use;
n) Products included in the scope of implementation: Liquid fuel to which national marker should be added as required by the Regulation on Implementation of National Marker in the Petroleum Market, products blended with those liquid fuel types and those included in the scope of illegal liquid fuel disposed from them and those whose disposals are made by related public institutions and which become disposable as per the Customs Law No. 4458;
o) Competent Body: Public institutions and organizations which are empowered by the Authority to procure national marker, to stock national marker, to deliver national marker to the related licensees, to manufacture national marker control devices for control of national marker at the site, to deliver national marker devices to the Authority, to provide spare part, maintenance and repair services, technical services, examination, calibration, adjustment etc. services for the control devices, to provide necessary training services for the control devices, to perform relevant testing and similar operations and to conduct relevant marker implementation activities; and
ö) Regulation: Regulation on Implementation of National Marker in the Petroleum Market, published in the Official Gazette dated 12/04/2006 and issue no. 26137.

PART TWO
Request for, Delivery of, Addition of and Return of National Marker

Request for national marker
ARTICLE 4- (1) **(As amended by: O.G.-27/12/2016-29931)** Related licensees shall request for national marker in monthly periods by taking as basis the marketing projection notification they transmit to the Authority within the scope of yearly notifications, every year, as required by the provisions of the related legislation. In case a request exceeds the quantity of the products included in the scope of implementation specified in the marketing projection, such request shall be rejected. The rejected applications shall be notified to their applicants through their registered electronic mail addresses. In cases requiring for submission of a request exceeding the marketing projection, the marketing projection shall be updated before making the national marker request.

(2) National marker shall be requested by related licensees in compliance with the following principles and procedures:

a) The related licensees that are obliged to add national marker shall submit to the competent body their national marker applications necessary for the products included in the scope of implementation -necessary for the products they will market within the Country- which applications shall be submitted by using the “National Marker Request Form” (Annex-1) with wet signature, in advance of minimum 8 business days to the date that the delivery of national marker is requested. While preparing the “National Marker Request Form”, if there is national marker remaining from previous periods, this quantity shall be taken into consideration and be deducted from the total national marker quantity to be requested. In case more than one licensee requests for national marker for the same day, the competent body may fix a new delivery date, considering also the national marker quantities requested. After the national marker delivery date is approved by the competent body, the related licensee shall apply to the Authority by means of the National Marker Request Form through the “Notification System” in advance of minimum 3 business days to the delivery date. The Authority shall evaluate the application. In case the request is found acceptable by the Authority, the Authority shall notify, in electronic environment, to the competent body the matter that the national marker might be delivered. In case the related licensee wishes to increase the quantity of products included in the scope of implementation, specified in the approved request or wishes to replace the facility where the national marker will be added, the national marker application process shall restart. In the case the related licensee submits national marker application for the first time,

an appropriate national marker delivery date shall be fixed by the competent body, not being longer than 1 month as from the date when the request form and other documents required by the competent body are received by the competent body.
b) **(Amended by: O.G.-31/12/2016-29935) (Amended by: O.G.-27/12/2016-29931)** It is possible to submit national marker request for maximum two times, for the same period. The application and delivery process and principles applicable to the second requests are the same as those applicable to the first requests, however, the applications shall be submitted to the competent body in advance of minimum 5 business days and to the Authority in advance of minimum 3 business days.
c) **(Repealed by: O.G.- 27/12/2016-29931)**
d) Before the request for national marker for liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed; the related licensee shall have the competent body determine the rate of national marker in that liquid fuel. The "National Marker Request Form" shall be prepared as per the national marker quantity necessary to make addition so as to contain national marker in the condition and level determined by the Authority.

Delivery of national marker
ARTICLE 5- (1) The national marker which corresponds to the quantity of products included in the scope of implementation, as contained in the National Marker Request Form approved and notified to the competent body by the Authority, shall, after preparing the National Marker Tracking Chart (Annex-2), be delivered to the related licensee at the delivery place by the competent body on behalf of the Authority.

(2) Accompanied by the authorized staff of the related licensee and/or by the Inspection Firm staff to be assigned by the related licensee, the national marker shall be calculated on the basis of its volume and weight value and be delivered together with the relevant certificate; and the record, prepared in relation to the delivery, shall be undersigned by the competent body and the related licensee.

(3) **(As amended by: O.G.-27/12/2016-29931)** The "National Marker Tracking Chart" and the record shall be prepared in two copies (two copies for each) by the competent body. One copy of the Chart and of the record shall be delivered to the related licensee and shall be kept by the competent body. The tracking chart, being kept by the competent body, shall be kept on behalf of the Authority for a period of 8 years as from the issuance date.

(4) The related licensee that received the national marker, which has been delivered by the competent body, shall be responsible and liable for the security and safety of the national marker and use of the national marker in compliance with the relevant procedures. The related licensee that received the national marker shall never deliver the national marker to another licensee or to another person and shall never allow another licensee or another person to use the national marker, and national marker trade shall never take place between related licensees or third parties.

(5) It is a principle that the standard forms, enclosed herewith, shall be used at the time of the request for and delivery of national marker. However, in addition to these forms, other documents and records may also be prepared, if deemed necessary by the Authority.

Addition of national marker
ARTICLE 6- (1) The related licensees shall add national marker to the liquid fuel at the refinery exit points, at the customs entry points and apart from that, to the products included in the scope of implementation, which addition shall be made before associating them with a commercial activity and in the conditions and characteristics to be determined by the Authority.

(2) In the facilities where import of liquid fuel is carried out, national marker shall not be added to the liquid fuel without issuance of the analysis report indicating that all the characteristics of the liquid fuel are in conformity with the technical arrangements, as specified in the Regulation on Technical Criteria Applicable in the Petroleum Market. **(Repealed Sentence by: O.G.-14/11/2017-30240)**

(3) National marker addition operations shall be carried out by the related licensee to the accompaniment of an independent inspection firm. The independent inspection firm shall prepare a report on the national marker addition operations accompanied by the firm.

(4) In order that the related licensee can control whether or not the added national marker is in the adequate level, the competent body shall develop a simplified control device for this purpose only. Control devices shall, upon the Authority's approval, be delivered to processing (biodiesel) licensees in whose facilities a national marker injection device has been installed and in whose licenses this matter has been inserted, and to the refining undertaking licensees,

storage licensees, distribution undertaking licensees with storage activity in the license subtitle, provided that the relevant fee is paid to the competent body. The control devices shall be returned to the competent body in cases where the license has expired or is cancelled or terminated, the national marker injection equipment in the facility is removed, in cases where the related licensee requests for the return or in other cases deemed necessary by the Authority. The control devices delivered shall not be taken out of the facilities to which these devices are provided for use, with the exception of the requests for updating or calibration which shall be performed by the competent body.

(5) In the delivery of the liquid fuels included in the scope of national marker implementation, the related licensees shall prepare the form provided in Annex-3. A copy of the form prepared shall, together with the analysis report, be enclosed with the document issued firstly under the Tax Procedure Law No. 213. In the supplies of liquid fuels -to which national marker has been added in the conditions and characteristics determined by the Authority- by transportation vehicles; the filling and discharge units of the vehicles shall be sealed by the related licensees that made delivery at the filling location and then, the seal numbers shall be inserted into the space indicated in the form.

(6) The national marker that has been received shall not, without the Authority's permission, be used outside the facility specified in the National Marker Request Form. It is mandatory to use the delivered national marker within 4 months as from the delivery date. It is possible to file the relevant application with the Authority, for extension of the usage term of the national marker not used within this period. The national marker that has been received shall not, without obtaining permission from the Authority, be used prior to the period of use specified in the National Marker Request Form.

(7) **(As amended by: O.G.-27/12/2016-29931)** In case it is understood that it will not be possible to use the received the national marker in the facility -specified in the request form- within 4 months as from the delivery date, an application for transportation may be filed with the Authority for use of the national marker in another facility. The monthly average usage amount of national marker that took place on the part of the related licensee, the number of facilities where the related licensee has added national marker and the number of applications for transportation filed by the related licensee within one year shall be taken into consideration while evaluating the applications containing the request for transportation. Maximum 6 transportation operations may be performed within one calendar year.

(8) The national marker, received to be added to gas oil and naphtha, shall be used for gas oil and naphtha; and the national marker, received to be added to ethanol to be blended to benzine types, shall be used for ethanol. The national markers received shall not be intermixed.

(9) The national marker may be kept in the facility where the addition operation will be performed, in the case that the licensee to which the national marker has been delivered and the storage and processing licensees in whose facilities the national marker addition operation will be performed accept this matter and that the necessary safety and security measures have been taken. In case the national marker was stolen, became lost and/or ran to waste; the bunker delivery, distribution undertaking and refining undertaking licensees that are obliged to add national marker shall be held liable.

Return of national marker

ARTICLE 7- (1) In the case that the received national marker will not be used by the related licensee or in the case of rejection of the application for time extension mentioned in the sixth paragraph of article 6, the national marker shall be returned to the competent body.

(2) The relevant application shall be filed with the competent body and information shall be furnished to the Authority, with a letter specifying the quantity to be returned and the reason(s) for the return. A date of return shall be fixed by the competent body, not being longer than 1 month as from the receipt of the request. All kinds of costs, such as analysis and materials expenses to occur in the course of the return transactions and operations, shall be determined by the competent body and be covered by the related licensee.

(3) **(Repealed by: O.G.-27/12/2016-29931)**

(4) All information and documents related to the return transactions and operations shall be notified to the Authority by the competent body in writing and in electronic environment within 15 days as from the date of analysis.

(5) While fixing the dates for delivery and return transactions and operations by the competent body, the requests for return shall be given priority, provided that the determined schedule is not disrupted.

PART THREE
Notifications, Financial Provisions and Independent Inspection Firms

Notifications
ARTICLE 8- (As amended by: O.G.-27/12/2016-29931)
(1) Notifications related to national marker shall be made within the scope of the Regulation on Notifications in the Energy Market.

(2) In case licensees do not make their monthly national marker notifications, national marker requests of those licensees shall not be fulfilled.

Financial provisions
ARTICLE 9- (1) The costs, which occur in relation to the national marker implementation activities to be carried out by the competent body and constitute the requirements of the national marker implementation activities, shall be covered from the competent body's own budget. In this regard, appropriation may be transferred to the competent body's budget from the Authority's budget within the framework of the legislation provisions.

Principles and procedures regarding independent inspection firms
ARTICLE 10- (1) The transactions for grant of inspection authorization certificates, rejection of applications for inspection authorization certificates and cancellation of such certificates already granted shall be carried out in accordance with the relevant Board decisions.

(2) For the applicant to obtain inspection authorization certificate, it is necessary for the applicant to meet the following conditions:
a) In line with the provisions of the Turkish Commercial Code No. 6102 of 13/1/2011, the applicant should be a joint stock company or a limited liability company which is domiciled in Turkey and is registered with trade or industrial registry,
b) The company or the company's direct or indirect partners or shareholders should not have any shares in or partnerships with another independent inspection firm and/or should not have any shares in or partnerships with a licensee that is obliged to add national marker and/or the company partners or shareholders should not serve under the title of executive or employee in another independent inspection firm,
c) The company should be accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker,
ç) The company's authorization certificate shall not have been cancelled previously as per the subparagraph (d) of the seventh paragraph of this article,
d) The company's partners/shareholders shall not be a partner/shareholder in an independent inspection firm whose inspection authorization certificate has been cancelled previously as per the subparagraph (d) of the seventh paragraph of this article.

(3) The following information and documents shall be required in the applications to be filed with the Authority in order to obtain "Inspection Authorization Certificate":
a) The application letter (Annex-4) indicating that the applicant wishes to perform independent inspection activities,
b) The company partners'/shareholders' declaration that they do not have directly or indirectly any shares in or partnerships with another independent inspection firm and/or directly or indirectly any shares in or partnerships with a licensee that is obliged to add national marker and that they do not serve under the title of executive or employee in another independent inspection firm,
c) The accreditation certificate and its annexes, indicating that the company is accredited by the accreditation agencies that concluded a mutual recognition agreement with the Turkish Accreditation Agency or accredited by the Turkish Accreditation Agency in the fields of checking the quantities of and taking samples from petroleum and petroleum products and supervising these processes and the processes for addition of national marker,
ç) Certified copies of the statements of work and of the procedures which are accredited in the field of supervising national marker addition processes,
d) The company's chamber registry record issued within the last six months,
e) The company's authorization certificate issued within the last six months,

f) Shareholders' share distribution declaration in which the following information is declared or in which the following information is affirmed by the competent chamber: Names and surnames of the real persons who directly became a partner with the company, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, their share rates and capital amounts, titles of the legal persons that directly became a partner with the company, their competent chamber, their chamber registration numbers, their share rates and capital amounts,
g) The company partners'/shareholders' declaration that they are not a partner/shareholder in an independent inspection firm whose inspection authorization certificate has been cancelled previously as per the subparagraphs (ç) and (d) of the seventh paragraph of this article,
ğ) The document indicating that the inspection authorization certificate obtaining fee, namely TL 10,000 has been transferred to the Authority's account.

(4) **(Amended Sentence by: O.G.-14/11/2017-30240)** Under the relevant Board decisions, inspection authorization certificates shall be granted to the companies who fulfill the necessary conditions and have submitted their application documents to the Authority without any deficiencies, provided that the durations of the certificates do not exceed 10 years. The independent inspection firms that became entitled to obtain inspection authorization certificates shall be announced on the Authority's web site, and the certificates indicating these authorizations shall be delivered to those companies.

(5) It is a principle that a service contract is concluded in assigning independent inspection firms by licensees that are obliged to add national marker, for the purpose that these firms supervise national marker addition processes.

(6) Independent inspection firms shall have the following obligations:
a) To supervise the processes for taking of national marker from national marker vessel, measurement of national marker in terms of quantity, transfer of national marker to injection equipment, pouring of national marker into injection equipment, marking of liquid fuel and/or bioethanol with national marker by means of injection equipment, determination of national marker concentration in the products marked and determination of the national marker quantity remained unused on the part of the related licensee,
b) To prepare reports in relation to the processes supervised, and to keep these reports for a minimum period of ten years,
c) At the request of the Authority, to provide all kinds of information and documents to the Authority,
ç) In case they have lost any of the qualifications necessary to obtain inspection authorization certificate, to inform immediately the Authority of the matter,
d) In relation to the processes they supervised, in the case of occurrence of a circumstance contrary to the related legislation, to inform immediately the Authority of the circumstance.

(7) Under the relevant Board decisions, inspection authorization certificates shall be cancelled in the following cases:
a) At the request of the independent inspection firm;
b) In case the independent inspection firm is declared bankrupt;
c) In case the legal personality of the independent inspection firm is dissolved;
ç) In case it reveals that the independent inspection firm does not meet any of the conditions stipulated in the second paragraph of this article;
d) In case it is found that untrue declarations have been submitted or in case it is found that there is fraud against the legislation, in the documents and/or reports prepared, and in the processes supervised by the independent inspection firm. **(Supplementary sentence added by: O.G.-14/11/2017-30240)** At the expiration of their durations, inspection authorization certificates shall terminate without the requirement of a further decision or notification.

(8) The provisions of article 19 in the Law shall apply in case independent inspection firms do not fulfill their obligations.

PART FOUR
Temporary and Final Provisions

Decisions repealed
ARTICLE 11- (1) The Board Decision dated 04/04/2007 and no. 1153, the Board Decision dated 04/04/2007 and no. 1154 and the Board Decision dated 25/10/2007 and no. 1355 are hereby repealed.

Temporary Article 1- (Supplementary article added by: O.G.-14/11/2017-30240) (1) The inspection authorization certificates, which are effective on the publication date of this Decision, shall be terminated by the Board if they are not renewed until 31/12/2020 after submission of the relevant applications.

Effectiveness
ARTICLE 12- (1) The notification obligation, referred to in the second paragraph of article 6 of this Decision, shall become effective on 01/06/2015, and the other articles of this Decision shall become effective on the date of its publication.

Execution
ARTICLE 13- (1) This Decision shall be executed by the President of the Energy Market Regulatory Board.

ANNEX-1 (Repealed by: O.G.-03/10/2018-30554)

ANNEX-1

NATIONAL MARKER TRACKING CHART	
1. National marker recipient's	
Name of the licensee	
License number	
Name and surname of the person in charge	
Quantity of the national marker received (Kg/L)	
2. Of the product included in the scope of implementation	
Kind/Type	
Quantity (M ton) / (m^3)	
Facility name and address	
3. National marker deliverer	
Competent body	
Name and surname of the person in charge	
Quantity of the national marker delivered (kg)/(lt.):	**The period in which the national marker will be used:**
SIGNATURE **APPROVED** **…./…/…..** **Name and Surname** **On behalf of the national marker deliverer,** **……..**	**Name and Surname** **On behalf of the national marker recipient,** **……..**
Note: It shall be prepared in two copies.	

ANNEX-2

LIQUID FUEL DELIVERY FORM
OF THE DELIVERER LICENSEE
Title
License number
OF THE RECIPIENT LICENSEE
Title
License number
THE VEHICLE'S
License plate number
Seal numbers
THE LIQUID FUEL'S
Type
Quantity (Ton/Mton)
Delivery address
Witness sample number
Filling Facility Name/License Number
I declare and make the commitment that: I accept that: THE NATIONAL MARKER, whose characteristics are determined by the Energy Market Regulatory Authority, is found in adequate and sufficient conditions and levels in the liquid fuel associated with the information provided above. The Deliverer The Recipient …… Company ……...Company Signature Signature Date Date
This form shall be filled up in liquid fuel deliveries included in the scope of the national marker implementation, and shall be prepared in two copies.

ANNEX-3

APPLICATION FORM FOR INSPECTION AUTHORIZATION CERTIFICATE

TO THE PRESIDENCY OF THE ENERGY MARKET REGULATORY AUTHORITY OF THE REPUBLIC OF TURKEY

I declare and make the commitment that I bear the qualifications set forth in article 11 of the Board Decision No. ……. on Principles and Procedures Regarding National Marker Implementation Activities and National Marker Deliveries which entered into force and was published in the Official Gazette dated …/…/… and issue no. … and that I shall act in compliance with the entire related legislation, and I kindly request for grant and issuance of the Inspection Authorization Certificate in my name.

THE APPLICANT'S	
TITLE	:
ADDRESS	:
PHONE NUMBER	:
FACSIMILE NUMBER	:
WEB ADDRESS	:
E-MAIL ADDRESS	:
REGISTERED TAX OFFICE AND TAXPAYER IDENTIFICATION NUMBER	:

AUTHORIZED REPRESENTATIVE(S)'
NAME AND SURNAME
DATE, SIGNATURE, STAMP

ABOUT NATIONAL MARKER CONCENTRATION RANGE

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 2759 **Decision Date:** 06/09/2010

It is decided that:

Within the scope of national marker implementation as from 1 October 2010, in the release of liquid fuel marked with national marker, the national marker concentration range to be measured by means of Marker K measuring device is determined as 97% - 108%, however, in case the measurements indicate a rate more than 108%, the liquid fuel shall be released to the market after approval is obtained from the Scientific and Technological Research Council of Turkey (TUBITAK).

(It was published in the Official Gazette dated 10/10/2017 and issue no. 30207.)

OBLIGATORY PETROLEUM STOCK COUPON SYSTEM

DECISION ON PRINCIPLES AND PROCEDURES REGARDING OBLIGATORY PETROLEUM STOCK COUPON SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) This Decision has been prepared in order to regulate the principles and procedures regarding the obligatory petroleum stock coupon system.

Scope
ARTICLE 2- (1) This Decision covers the principles and procedures regarding the functioning of the coupon system and the obligations of the parties that provide services and receive services in the obligatory petroleum stock coupon system and the matters to be contained, as a minimum, in the contracts to be prepared for these purposes.

Legal basis
ARTICLE 3- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015 and the Decision no. 2017/1 taken by the National Petroleum Stock Commission.

Definitions
ARTICLE 4- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) *Liquid fuel:* Combustible naphtha, benzine types, gas oil, diesel oil types, fuel oil types, biodiesel, marine fuels and aviation fuels;
b) *Service recipient:* Refining undertaking, distribution undertaking or LPG distribution undertaking licensees that receive services from another refining undertaking and/or distribution undertaking licensee in order to meet their obligatory petroleum stock obligation, within the scope of the coupon system;
c) *Service provider:* Refining undertaking or distribution undertaking licensee that has obtained permission from the Authority in order to meet the obligatory petroleum stock obligation of another refining undertaking, distribution undertaking or LPG distribution undertaking licensee within the scope of the coupon system;
ç) *Permission:* Permission granted by the Authority for provision of services within the scope of the coupon system;
d) *Law:* Petroleum Market Law No. 5015;
e) *Commission:* National Petroleum Stock Commission;
f) *Coupon system:* System related to keeping of obligatory petroleum stock by a refining undertaking or distribution undertaking licensee on behalf of another licensee;
g) *Board:* Energy Market Regulatory Board;
ğ) *Authority:* Energy Market Regulatory Authority;
h) *Petroleum:* Liquid fuel, crude oil and their products;
ı) *Stock monitoring system:* System determined under the Decision on Principles and Procedures Regarding Stock Monitoring System;
i) *Contract:* Contract concluded between a service recipient and a service provider within the scope of the coupon system;
j) *Supplementary petroleum stock:* Portion of the national petroleum stock, falling outside the obligatory petroleum stock;
k) *National petroleum stock:* Minimum ninety days' amount of the net import within the daily average petroleum consumption pertaining to the preceding year, for the purposes of fulfillment of the obligations related to emergency petroleum stocks as required by international agreements and prevention of risks in crises or extraordinary circumstances and ensuring continuity in the market, and which comprises of the total supplementary and obligatory petroleum stocks;
l) *Product:* Any by-product hydrocarbon or a product obtained from crude oil and/or its products through a physical or chemical process, refining or other methods;

m) *Obligatory petroleum stock:* Amount corresponding to fifteen days' portion of the consumptions by eligible consumers consuming liquid fuel in the quantity of 20.000 tons and more than 20.000 tons on a yearly basis from each product type in a consumption facility and minimum twenty folds of the daily average product quantity supplied by refining undertaking, liquid fuel and LPG distribution undertaking licensees; and
n) *Obligatory petroleum stock incumbent:* Refining undertaking, distribution undertaking, eligible consumer and LPG distribution undertaking licensees that are obliged to keep obligatory petroleum stock.

PART TWO
Obligations and Restrictions

Obligations
ARTICLE 5- (1) The right to utilize the available liquid fuel associated with the coupon system shall belong to the service provider throughout the contract term or until delivery of the product, should the case occur.
(2) The service provider is obliged to fulfill the commitments undertaken by the service provider within the scope of the coupon system.
(3) Tracking of the coupon system shall be performed within the scope of the Board Decision no. 7204-9 on Principles and Procedures Regarding Stock Monitoring System.
(4) In case the obligatory petroleum stock, included in the scope of the coupon system, is kept incompletely; the service recipient and the service provider shall jointly be held liable for the lacking quantity.

Restrictions
ARTICLE 6- (1) The licensees, who obtained permission under article 8, shall provide service in licensed storage facilities and/or in storages contained in the subtitle of their licenses.
(2) Refining undertaking and distribution undertaking licensees may receive service for all or a part of the obligatory petroleum stock obligation and LPG distribution undertaking licensees may receive service for maximum fifty percent of the obligatory petroleum stock obligation, within the scope of the coupon system.
(3) The licensee that provides service within the scope of the coupon system is not entitled to include, petroleum exceeding the petroleum quantity available in its stock, into the coupon system.

Petroleum that may be associated with the coupon system
ARTICLE 7- (1) Only the products and liquid fuels, contained in the subtitle of the licenses of both the service provider and service recipient parties, shall be associated with the coupon system.
(2) Within the scope of the coupon system, LPG distribution undertaking licensees shall be provided service for the type "benzine" only.

PART THREE
Permission, Physical Delivery and Contracts

Permission
ARTICLE 8- (1) Refining undertaking or distribution undertaking licensees that wish to provide service within the scope of the coupon system shall file the relevant application with the Petroleum Market Department, for permission. The permission-related procedures shall be concluded by the Petroleum Market Department.
(2) It is mandatory that the licensees that applied to the Authority in order to provide service, namely, it is mandatory that:
a) Those refining undertaking and distribution undertaking licensees have fulfilled their obligatory petroleum stock obligation in the entire calendar year back to two calendar years prior to the application date -the one before previous one- in case they file the application in January, February or March, or in the entire preceding calendar year prior to the application date, in other cases;
b) In case those distribution undertaking licensees file the application in January, February or March, they have delivered, with the exception of the trade between distribution undertakings, minimum 60.000 tons of benzine and/or diesel oil types in the calendar year back to two calendar years prior to the application date -the one before previous one- or in the preceding calendar year prior to the application date, in other cases.
(3) The validity term of the permission shall be limited to the duration of the license granted to the service provider.
(4) The licensees that have fulfilled the requirements set forth in the second paragraph of this article shall file the application for permission, by attaching to the "Permission Application Form" (Annex-3) the bank receipt indicating that the permission fee, namely TL 50,000.00 has been deposited into the Authority's account. The permission fee shall be re-determined every year by the relevant Board decisions.
(5) The evaluation on whether or not the applicant has fulfilled the requirements shall be concluded within ten business days following the date that the application has been filed with the Authority. The application shall be returned in case it is found that the licensee that filed the application for permission has not fulfilled the requirements.

(6) The licensee may provide service within the scope of the coupon system, after it is announced on the Authority's web site that it has obtained the permission.
(7) In case the service provider's trade name or legal entity type has changed, the permission-related correction shall be made ex-officio.

Termination of the permission
ARTICLE 9- (1) The permission shall terminate automatically in the following cases:
a) In case the license of the licensee that obtained the permission has expired or has been cancelled or terminated for any reason or in case the licensee's activities are suspended temporarily;
b) In case the licensee that obtained the permission has not fulfilled its obligation to deliver minimum 60.000 tons of benzine and/or diesel oil types in each calendar year, with the exception of the trade between distribution undertakings;
c) In case the licensee that obtained the permission has not fulfilled its obligatory petroleum stock obligation for a period longer than 10 days in one calendar year;
ç) In case the licensee that obtained the permission has not fulfilled its obligation under the coupon system.
(2) In case the permission terminates, the Authority shall make a written notification to the service recipient parties, which written notification shall be made for fulfillment -within 10 days- of the stock kept within the scope of the coupon system. Within this period of time, the stock amount included in the scope of the terminated permission shall not be sought.
(3) In case the permission holder makes the request for termination of the permission, the permission shall be terminated following submission, to the Authority, of the documents indicating that the obligations, related to the commitments undertaken with third parties, have been fulfilled.

Contract
ARTICLE 10- (1) The contract term shall not be shorter than 30 days. The maximum contract term may be equal to the duration of the permission granted to the service provider party.
(2) It is mandatory that the contract contains, as a minimum, the matters set forth in Annex-1. The parties may insert additional matters into the contract, provided that these matters are not contrary to this Decision and the related other legislation.
(3) The service provider shall submit the form (Annex-2) to the Authority prior to the starting date of service.
(4) Any obligations arising from the contract shall not be transferred to third parties.

PART FOUR
Temporary and Final Provisions

TEMPORARY ARTICLE 1- (1) The contract related to the coupon system shall be prepared in such a content that it shall become effective as of 1/1/2018 at the earliest.

Effectiveness
ARTICLE 11- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 12- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

THE MATTERS TO BE CONTAINED, AS A MINIMUM, IN THE COUPON SYSTEM CONTRACTS

ANNEX-1

IT IS MANDATORY THAT THE FOLLOWING MATTERS ARE, AS A MINIMUM, CONTAINED IN THE CONTRACTS TO BE PREPARED WITHIN THE SCOPE OF THE BOARD DECISION ON PRINCIPLES AND PROCEDURES REGARDING NATIONAL PETROLEUM STOCK COUPON SYSTEM.

1. Titles and license numbers of and contact information pertaining to the service recipient and provider parties.

2. Legal basis of the Contract:
This Contract has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015, the Decisions taken by the National Petroleum Stock Commission and the "Decision on Principles and Procedures Regarding National Petroleum Stock Coupon System" taken by the Energy Market Regulatory Board.

3. Scope of the Contract:
Under this Contract, …… (the service provider) makes the commitment that it shall keep the stock equal to …… tons of liquid fuel between .../.../... (day/month/year) and .../.../... (day/month/year) (including these dates) within the scope of the coupon system on behalf of …… (the service recipient) in the licensed storages for which it concluded contract.

4. Provisions specifying expressly how and at what price the product shall be delivered in cases where supply of stock is required.

5. Provisions specifying expressly that the losses which might arise from administrative transactions shall be compensated by the service provider, in case the obligations are not fulfilled by the service provider.

NATIONAL PETROLEUM STOCK COUPON SYSTEM SERVICE STATEMENT

ANNEX-2

NATIONAL PETROLEUM STOCK COUPON SYSTEM SERVICE STATEMENT

(It shall be filled up by the licensee that will provide service in relation to the coupon system.)
(It shall be submitted to the Authority before the stock is kept in relation to the coupon system.)

Date: …/…/…

Service provider licensee's	
Title	
License number	**...../...../.....**

Service recipient licensee's	
Title	
License number	**...../...../.....**

Signature date of the contract	...../...../20.....
Of the stock to be kept within the scope of the coupon system	
Starting date (1)	...../...../20.....
Ending date (1)	...../...../20.....
Quantity (ton)	
Contract price (VAT excluded)	

(1) The period between starting and ending dates shall not be less than 30 days. Starting and ending dates shall be included into the calculation of this period of time.

SIGNATURE/DATE
(Person(s) authorized to represent and bind the Company)

COUPON SYSTEM PERMISSION APPLICATION FORM

ANNEX-3

"COUPON SYSTEM PERMISSION APPLICATION FORM"

TO THE PRESIDENCY OF THE ENERGY MARKET REGULATORY AUTHORITY
(The Petroleum Department)

I declare that the following information is true and up-to-date. I kindly request for grant of permission to provide service within the scope of the coupon system.

LICENSING INFORMATION	
LICENSE NO.	
LICENSEE'S TITLE	

AUTHORIZED REPRESENTATIVE(S)
NAME AND SURNAME
SIGNATURE
STAMP
DATE

ENCL.: Receipt related to the permission fee

STATEMENTS:

The applicant accepts and declares that:

(1) It has fulfilled its obligatory petroleum stock obligation in the entire preceding calendar year prior to the application date, and
(2) It has delivered minimum 60.000 tons of benzine and/or diesel oil types to its vendors and/or eligible consumers in the calendar year prior to the application date (distribution undertaking licensees only).

DECISIONS ABOUT THE OBLIGATORY PETROLEUM STOCK COUPON SYSTEM AND THE REVENUE SHARE

(It was published in the Official Gazette dated 30/12/2017 and issue no. 30286.)

BOARD DECISION

Decision No.: 7567 **Decision Date:** 21/12/2017

At the Energy Market Regulatory Board's meeting dated 21/12/2017, the following Decision has been taken in relation to the amounts of revenue shares to be utilized for the financial expenses and resource needs which may occur due to acquisition of the supplementary portion of the petroleum stock and for the storage and maintenance costs of that portion of the stocks, to be applicable in 2018 as per Temporary Article 22 of the Petroleum Market Licensing Regulation and article 16 of the Petroleum Market Law No. 5015:

Article 1- (1) The revenue share amounts, applicable in relation to the petroleum market activities in 2018, are determined as follows pursuant to Temporary Article 22 of the Petroleum Market Licensing Regulation and article 16 of the Petroleum Market Law No. 5015.

1) For benzine types (including those utilized for bunker purposes) and the ethanol procured to be blended with benzine types: 3,18 TL/m^3
2) For diesel oil (including those utilized for bunker purposes) and biodiesel types: 3,18 TL/m^3
3) For gas oil: 3,18 TL/m^3
4) For aviation fuels: 3,18 TL/m^3
5) For combustible naphtha: 3,18 TL/m^3
6) For distillate marine fuels: 3,18 TL/m^3
7) For residual marine fuels: 3,38TL/ton
8) For fuel oil (including those utilized for bunker purposes) types: 3,38TL/ton

Article 2- (1) This Decision shall become effective on 01/01/2018.

Article 3- (1) This Decision shall be executed by the President of the Energy Market Regulatory Board.

(It was published in the Official Gazette dated 10/10/2017 and issue no. 30207.)

DECISION ON PRINCIPLES AND PROCEDURES REGARDING OBLIGATORY PETROLEUM STOCK COUPON SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) This Decision has been prepared in order to regulate the matters related to the obligatory petroleum stock coupon system.
Scope
ARTICLE 2- (1) This Decision covers the principles and procedures regarding the functioning of the coupon system and the obligations of the parties that provide services and receive services in the obligatory petroleum stock coupon system and the matters to be contained, as a minimum, in the contracts to be prepared for these purposes.
Legal basis
ARTICLE 3- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015 and the Decision no. 2017/1 taken by the National Petroleum Stock Commission.

Definitions
ARTICLE 4- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Liquid fuel: Combustible naphtha, benzine types, gas oil, diesel oil types, fuel oil types, biodiesel, marine fuels and aviation fuels;
b) Service recipient: Refining undertaking, distribution undertaking or LPG distribution undertaking licensees that receive services from another refining undertaking and/or distribution undertaking licensee in order to meet their obligatory petroleum stock obligation, within the scope of the coupon system;
c) Service provider: Refining undertaking or distribution undertaking licensee that has obtained permission from the Authority in order to meet the obligatory petroleum stock obligation of another refining undertaking, distribution undertaking or LPG distribution undertaking licensee within the scope of the coupon system;
ç) Permission: Permission granted by the Authority for provision of services within the scope of the coupon system;
d) Law: Petroleum Market Law No. 5015;
e) Commission: National Petroleum Stock Commission;
f) Coupon system: System related to keeping of obligatory petroleum stock by a refining undertaking or distribution undertaking licensee on behalf of another licensee;
g) Board: Energy Market Regulatory Board;
ğ) Authority: Energy Market Regulatory Authority;
h) Petroleum: Liquid fuel, crude oil and their products;
ı) Stock monitoring system: System determined under the Decision on Principles and Procedures Regarding Stock Monitoring System;
i) Contract: Contract concluded between a service recipient and a service provider within the scope of the coupon system;
j) *Supplementary petroleum stock:* Portion of the national petroleum stock, falling outside the obligatory petroleum stock;
k) National petroleum stock: Minimum ninety days' amount of the net import within the daily average petroleum consumption pertaining to the preceding year, for the purposes of fulfillment of the obligations related to emergency petroleum stocks as required by international agreements and prevention of risks in crises or extraordinary circumstances and ensuring continuity in the market, and which comprises of the total supplementary and obligatory petroleum stocks;
l) Product: Any by-product hydrocarbon or a product obtained from crude oil and/or its products through a physical or chemical process, refining or other methods;
m) **(As amended by: O.G.-15/10/2019-30919)** Obligatory petroleum stock: Amount corresponding to minimum twenty folds of the daily average product quantity supplied by refining undertaking, liquid fuel and LPG distribution undertaking licensees; and

n) **(As amended by: O.G.-15/10/2019-30919)** Obligatory petroleum stock incumbent: Refining undertaking, distribution undertaking and LPG distribution undertaking licensees that are obliged to keep obligatory petroleum stock.

PART TWO
Obligations and Restrictions

Obligations

ARTICLE 5- (1) The right to utilize the available liquid fuel associated with the coupon system shall belong to the service provider throughout the contract term or until delivery of the product, should the case occur.
(2) The service provider is obliged to fulfill the commitments undertaken by the service provider within the scope of the coupon system.
(3) Tracking of the coupon system shall be performed within the scope of the Board Decision no. 7204-9 on Principles and Procedures Regarding Stock Monitoring System.
(4) In case the obligatory petroleum stock, included in the scope of the coupon system, is kept incompletely; the service recipient and the service provider shall jointly be held liable for the lacking quantity.

Restrictions

ARTICLE 6- (1) The licensees, who obtained permission under article 8, shall provide service in licensed storage facilities and/or in storages contained in the subtitle of their licenses.
(2) Refining undertaking and distribution undertaking licensees may receive service for all or a part of the obligatory petroleum stock obligation and LPG distribution undertaking licensees may receive service for maximum fifty percent of the obligatory petroleum stock obligation, within the scope of the coupon system.
(3) The licensee that provides service within the scope of the coupon system is not entitled to include, petroleum exceeding the petroleum quantity available in its stock, into the coupon system.

Petroleum that may be associated with the coupon system

ARTICLE 7- (1) Only the products and liquid fuels, contained in the subtitle of the licenses of both the service provider and service recipient parties, shall be associated with the coupon system.
(2) Within the scope of the coupon system, LPG distribution undertaking licensees shall be provided service for the type “benzine” only.

PART THREE
Permission, Physical Delivery and Contracts

Permission

ARTICLE 8- (1) Refining undertaking or distribution undertaking licensees that wish to provide service within the scope of the coupon system shall file the relevant application with the Petroleum Market Department, for permission. The permission-related procedures shall be concluded by the Petroleum Market Department.
(2) It is mandatory that the licensees that applied to the Authority in order to provide service, namely, it is mandatory that:
a) Those refining undertaking and distribution undertaking licensees have fulfilled their obligatory petroleum stock obligation in the entire calendar year back to two calendar years prior to the application date -the one before previous one- in case they file the application in January, February or March, or in the entire preceding calendar year prior to the application date, in other cases;
b) In case those distribution undertaking licensees file the application in January, February or March, they have delivered, with the exception of the trade between distribution undertakings, minimum 60.000 tons of benzine and/or diesel oil types in the calendar year back to two calendar years prior to the application date -the one before previous one- or in the preceding calendar year prior to the application date, in other cases.
(3) The validity term of the permission shall be limited to the duration of the license granted to the service provider.
(4) The licensees that have fulfilled the requirements set forth in the second paragraph of this article shall file the application for permission, by attaching to the “Permission Application Form” (Annex-3) the bank receipt indicating that the permission fee, namely TL 50,000.00 has been deposited into the Authority’s account. The permission fee shall be re-determined every year by the relevant Board decisions.
(5) The evaluation on whether or not the applicant has fulfilled the requirements shall be concluded within ten business days following the date that the application has been filed with the Authority. The application shall be returned in case it is found that the licensee that filed the application for permission has not fulfilled the requirements.

(6) The licensee may provide service within the scope of the coupon system, after it is announced on the Authority's web site that it has obtained the permission.
(7) In case the service provider's trade name or legal entity type has changed, the permission-related correction shall be made ex-officio.

Termination of the permission
ARTICLE 9- (1) The permission shall terminate automatically in the following cases:
a) In case the license of the licensee that obtained the permission has expired or has been cancelled or terminated for any reason or in case the licensee's activities are suspended temporarily;
b) In case the licensee that obtained the permission has not fulfilled its obligation to deliver minimum 60.000 tons of benzine and/or diesel oil types in each calendar year, with the exception of the trade between distribution undertakings;
c) In case the licensee that obtained the permission has not fulfilled its obligatory petroleum stock obligation for a period longer than 10 days in one calendar year;
ç) In case the licensee that obtained the permission has not fulfilled its obligation under the coupon system.
(2) In case the permission terminates, the Authority shall make a written notification to the service recipient parties, which written notification shall be made for fulfillment -within 10 days- of the stock kept within the scope of the coupon system. Within this period of time, the stock amount included in the scope of the terminated permission shall not be sought.
(3) In case the permission holder makes the request for termination of the permission, the permission shall be terminated following submission, to the Authority, of the documents indicating that the obligations, related to the commitments undertaken with third parties, have been fulfilled.

Contract
ARTICLE 10- (1) The contract term shall not be shorter than 30 days. The maximum contract term may be equal to the duration of the permission granted to the service provider party.
(2) It is mandatory that the contract contains, as a minimum, the matters set forth in Annex-1. The parties may insert additional matters into the contract, provided that these matters are not contrary to this Decision and the related other legislation.
(3) The service provider shall submit the form (Annex-2) to the Authority prior to the starting date of service.
(4) Any obligations arising from the contract shall not be transferred to third parties.

PART FOUR
Temporary and Final Provisions

TEMPORARY ARTICLE 1- (1) The contract related to the coupon system shall be prepared in such a content that it shall become effective as of 1/1/2018 at the earliest.

Effectiveness
ARTICLE 11- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 12- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

DECISION ON PRINCIPLES AND PROCEDURES REGARDING OBLIGATORY PETROLEUM STOCK AND REVENUE SHARE OBLIGATIONS

(It was published in the Official Gazette dated 10/10/2017 and issue no. 30207)

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) This Decision has been prepared for tracking of licensees' obligatory petroleum stock obligations and revenue share payments.
Scope
ARTICLE 2- (1) **(As amended by: O.G.-15/10/2019-30919)** This Decision covers the principles and procedures regarding distribution undertaking, refining undertaking and processing and bunker delivery licensees' obligatory petroleum stock obligations and their revenue share payment obligations.
Legal basis
ARTICLE 3- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015, article 50 of the Petroleum Market Licensing Regulation and the Decision no. 2017/1 taken by the National Petroleum Stock Commission.
Definitions
ARTICLE 4- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) *Liquid fuel:* Combustible naphtha, benzine types, gas oil, diesel oil types, fuel oil types, biodiesel, marine fuels and aviation fuels;
b) *Revenue share:* Revenue collected from refining undertaking, processing, distribution undertaking and bunker delivery licensees in order to meet the resource need that might occur due to acquisition of the supplementary portion of the national petroleum stock;
c) *Revenue share obligor:* Refining undertaking, processing, distribution undertaking and bunker delivery licensees performing activities within the scope of the Law;
ç) *Law:* Petroleum Market Law No. 5015;
d) *Commission:* National Petroleum Stock Commission;
e) *Coupon system:* System related to keeping of obligatory petroleum stock by a refining undertaking or distribution undertaking licensee on behalf of another licensee;
f) *Board:* Energy Market Regulatory Board;
g) *Authority:* Energy Market Regulatory Authority;
ğ) *Stock calculation method:* "Calculation Method for Quantity of Petroleum Stock Necessary to be Kept Regarding National Stock", as adopted by the Commission Decision no. 2017/1;
h) *Supplementary petroleum stock:* Portion of the national petroleum stock, falling outside the obligatory petroleum stock;
ı) *National petroleum stock:* Minimum ninety days' amount of the net import within the daily average petroleum consumption pertaining to the preceding year, for the purposes of fulfillment of the obligations related to emergency petroleum stocks as required by international agreements and prevention of risks in crises or extraordinary circumstances and ensuring continuity in the market, and which comprises of the total supplementary and obligatory petroleum stocks;
i) *Product:* Any by-product hydrocarbon or a product obtained from crude oil and/or its products through a physical or chemical process, refining or other methods;
j) **(As amended by: O.G.-15/10/2019-30919)** *Obligatory petroleum stock:* Amount corresponding to minimum twenty folds of the daily average product quantity supplied by refining undertaking, liquid fuel and LPG distribution undertaking licensees; and
k) **(As amended by: O.G.-15/10/2019-30919)** *Obligatory petroleum stock incumbent:* Refining undertaking, distribution undertaking and LPG distribution undertaking licensees that are obliged to keep obligatory petroleum stock.

PART TWO
Licensees' Obligatory Petroleum Stock and Revenue Share Obligations

Calculation of licensees' obligatory petroleum stock obligation

ARTICLE 5- (1) **(As amended by: O.G.-15/10/2019-30919)** The obligatory petroleum stock quantity, which should be kept by refining undertaking and distribution undertaking licensees, shall be calculated by those licensees every year as per the stock calculation method set forth in Annex-1, and they shall keep the obligatory petroleum stock in compliance with these principles and procedures.

(2) The Annex-2 form, prepared as per the calculation method set forth in Annex-1, shall be submitted to the Authority by refining undertaking and distribution undertaking licensees until the fifteenth day of February every year.

(3) Distribution undertaking licensees shall fulfill the obligatory petroleum stock obligation, with the liquid fuel types contained in the subtitle of their licenses. Biodiesel and ethanol, available in their facilities in order to be blended with liquid fuel, shall be deemed to be a part of the obligatory petroleum stock.

Tracking of licensees' obligatory petroleum stock obligation, and conversion of products

ARTICLE 6- (1) Tracking of the obligatory petroleum stock obligation shall be performed within the scope of the Board Decision no. 7204-9 on Principles and Procedures Regarding Stock Monitoring System.

(2) **(As amended by: O.G.-15/10/2019-30919)** The obligatory petroleum stock, which should be kept by refining undertaking and distribution undertaking licensees, shall be kept by those licensees in their storages indicated under the subtitle of their licenses, in licensed storages and by means of the service they will receive within the scope of the coupon system.

(3) The petroleum, in loaded tankers within territorial waters to be transferred to refineries and storages, shall also be deemed to be a part of the obligatory petroleum stock.

(4) The obligatory petroleum stock, related to refining undertaking license, may also be kept in storages registered in another refining undertaking license issued in the name of the same legal person.

(5) Refining undertaking licensees shall carry out product conversion operation as per the conversion method (Annex-3) by using the petroleum (A) and coefficient (B) value indicated for refining undertakings in the "Table for Calculation of Petroleum Stock that Should be Kept by Licensees" (Annex-1). The quantity, converted into product, shall be deemed to be a part of the benzine and/or diesel oil types and/or aviation fuels which should constitute minimum 50% of the obligatory petroleum stock pertaining to refining undertaking licensees.

(6) Maximum 50% of the stock quantity which should be kept by LPG distribution undertaking licensees may be kept by those licensees through benzine types.

(7) Tracking of LPG distribution undertaking licensees' obligatory petroleum stock obligation is not included in the scope of this Decision.

Revenue share

ARTICLE 7- (1) Distribution undertaking and bunker delivery licensees shall pay revenue share in case they import liquid fuel, and processing and refining undertaking licensees shall pay revenue share in case they release liquid fuel into free circulation. Distribution undertaking licensees shall pay revenue share additionally for the ethanol procured, in case they procure ethanol for blending purposes.

(2) Revenue share shall be calculated through multiplication of the amount -associated with the operations referred to in the first paragraph of this article- by the price determined for each cubic meter or ton within the scope of article 50 of the Petroleum Market Licensing Regulation.

(3) Until the last day of the month following the date that the operations referred to in the first paragraph of this article have taken place, revenue share shall, in full, be deposited into the revenue share account opened in the name of the refining undertaking.

(4) The refining undertaking licensee shall declare to the Authority its revenue share accounting pertaining to the relevant month on a monthly and cumulative basis, by the end of the following month.

PART THREE
Temporary and Final Provisions

TEMPORARY ARTICLE 1- (1) The stock quantity, which should be kept by refining undertaking and distribution undertaking licensees in the first three months of 2018, shall be calculated by those licensees using the Annex-2 form and the data pertaining to 2016 and then, they shall declare the calculated quantity to the Authority until 15/11/2017.

TEMPORARY ARTICLE 2- (1) The unpaid revenue shares arising from the licensees' activities prior to 01/01/2018 within the scope of article 50 of the Petroleum Market Licensing Regulation shall, in full, be deposited into the revenue share account until 30/06/2018.

Effectiveness
ARTICLE 8- (1) Temporary Article 1 of this Decision shall become effective on the publication date, and the other provisions of this Decision shall become effective on 01/01/2018.

Execution
ARTICLE 9- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Board.

PART-2
LPG MARKET LEGISLATION

LAW

LIQUEFIED PETROLEUM GASES (LPG) MARKET LAW

LIQUEFIED PETROLEUM GASES (LPG) MARKET LAW AND AMENDING LAW TO ELECTRICITY MARKET LAW

Law Number	**: 5307**	
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PART ONE
General Provisions
SECTION ONE
Objective, Scope and Definitions

Objective and scope

Article 1- The objective of this Law is to ensure the conduct of regulatory, guidance, surveillance and supervision activities necessary for the transparent, non-discriminatory and stable performance of market activities pertaining to the delivery of liquefied petroleum gas supplied from domestic and foreign resources to consumers in a reliable and cost-effective manner within a competitive environment.

This Law covers the supply of LPG from domestic sources and abroad, its distribution, transportation, storage and trade, and real and legal persons' rights and obligations related to these activities.

Definitions

Article 2- In the implementation of this Law, the following terms shall have the following meanings:

a) Ministry: Ministry of Energy and Natural Resources;

b) Authority: Energy Market Regulatory Authority;

c) Board: Energy Market Regulatory Board;

ç) Liquefied petroleum gases (LPG): Hydrocarbons such as propane, butane and their isomers or mixtures of these, which are produced prom petroleum or natural gas and liquefied under pressure;

d) Specialized customs: A customs unit which is specialized in respect of LPG and has laboratories and equipment to inspect the conformity of imported LPG with the technical arrangements and perform quantity measurements;

e) Transportation: All LPG transportation activities performed via transportation vehicles and pipelines in conformity with the technical arrangements;

f) Transportation undertaking: Real and legal persons performing transportation activities;

g) Utilization: LPG consumption only for personal or operational needs;

ğ) Consumer: Real and legal persons that utilize LPG;

h) License: Certificate granted to real or legal persons (except for bottled LPG vendors) by the Board, indicating the permission to perform activities in the market as per this Law;

ı) Storage: Facilities which are owned by or whose rights of use are held by LPG distribution undertakings or consumers -in order to meet their stocking needs- as per the contracts concluded and which ensure storage of LPG in conformity with the technical arrangements; and the activities and processes carried out in these facilities;

i) Distribution undertaking: A capital company authorized to distribute LPG and may perform storage, filling and transportation activities provided that they are registered in its license;

j) Filling facility: Facility which belongs to a distribution undertaking and is established and operated in conformity with the technical arrangements; where the bottles, in conformity with the technical arrangements, bearing the distribution undertaking's registered trademark and logo are filled; or via a contractual agreement, bottles carrying another distribution undertaking's registered trademark and emblem, in conformity with the technical arrangements, are filled; and where transportation vehicles are filled, emptied and stored with autogas and bulk LPG;

k) Bottled LPG activity: The activity of supplying liquefied petroleum gas to the market within domestic, industrial and commercial bottles, after filling at filling facilities;

l) Bottled LPG vendor: Real or legal person that keeps and markets bottled LPG of its contracted distribution undertaking only, bearing the distribution undertaking's registered trademark and logo, which are in conformity with the technical arrangements;

m) Distribution: The whole of sales and supply activities of LPG in bottles and as autogas to consumers and vendors, and as the bulk LPG to consumers;

n) Vendor activity: Process of authorizing real and legal persons to supply LPG to consumers by LPG distribution undertakings under a contract of the mutual obligations, including a feasibility study;

o) Feasibility: Report containing the analysis of the investments to be made and is enclosed with the vendor contract (except for bottled LPG vendor activity), however, not necessary to be submitted to the Authority;
ö) Autogas station: Facilities which are established in conformity to the related legislation (technical, quality, safety) by distribution undertakings or vendors who have signed exclusive purchase contracts with those distribution undertakings, and are operated under the registered trademark or logo of the distribution undertaking, and are principally serving to meet the autogas LPG and lube oil needs of motor vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for bottled LPG, which provide services in a liquid fuel station or detachedly;
p) Autogas LPG activity: Process of supplying LPG to be consumed as fuel, to vehicles in liquid fuel and autogas stations;
r) Autogas vendor: Real or legal person operating an autogas station;
s) Bulk LPG: LPG, excluding bottled LPG and autogas, supplied by LPG distribution undertakings to the consumers tanks, situated at the consumers' location, via special transportation vehicles that are in conformity with the technical arrangements;
ş) Bulk LPG consumer: Real or legal person utilizing bulk LPG;
t) Unsafe Act: An act or negligence in the conduct of any market activity that causes or is likely to cause the death, disability or sickness of a person that is lawfully at the place or within the vicinity where market activity is performed or that causes or is likely to cause environmental pollution; **(1)**
u) Malicious Intent: Any act or negligence causing loss, contamination, deterioration or misuse of LPG while performing market activities;
ü) Kilometer limitation: The minimum distance between two liquid fuel and autogas stations in the same direction on urban roads or high-ways, which minimum distance shall be determined by a regulation to be issued by the Board;
v) Market activity: The import, export, storage, transportation, distribution and vendor activity of LPG; and
y) Technical arrangement: TSI standards, and arrangements imposed by other legislation in defining the characteristics of LPG and actions, location and equipment used in LPG activities.

SECTION TWO
Principles and Procedures that Licenses are Subject to, Basic Rights and Obligations of the Licensees

Principles and procedures that licenses are subject to
Article 3- It is mandatory to obtain a license in order to carry out LPG distribution, transportation and autogas vendor activities (except bottled LPG vendor activities), storage, and for manufacturing of LPG bottles, filling, inspection, repair and maintenance of LPG bottles, and establishing and operating facilities for these purposes.
Real or legal persons that will perform market activities shall apply to the Authority for license, after completing certificates, permissions and documents necessary for establishment and operation of their facilities, which show that LPG facilities have no impediments in respect of the matters such as development, public, environment, occupational health, safety and technical arrangements and similar matters required by relevant public institutions as per the related legislation. In licensing; no transactions shall be carried out on the basis of commitments, with regard to procurement of tangible assets in the performance of the activities.
The evaluations on license applications shall be completed and served upon the persons concerned, within the framework of the provisions of this article in no later than sixty days. The grounds for the rejection of applications shall also be notified.
Under this Law, the processes related to granting, updating and temporarily suspension or cancellation of the licenses shall be carried out by the Authority. In granting licenses; the technology, quality, safety and sustainability of the enterprise and service shall be taken into account in respect of market entry.
Private law legal persons that will perform the activities included in the scope of a license shall be subject to the provisions of the Turkish Commercial Code No. 6762.
The licenses shall be issued in accordance with the aforesaid activity titles. Subtitles, determined by the Authority, shall also be specified in the licenses.
The license shall be granted in the name of the real or legal persons that are granted the right to perform the activity written on it. Beside the activity type, the license shall also include information about the type and geographical position of facility, technology and quantities required to perform the activity.
The Authority, in line with the powers vested in it by this Law, shall be authorized to enact regulations on the following matters:
a) The scope of the activities and/or operations requiring licenses;
b) The rights acquired and the obligations undertaken as per the license;

(1) The word "injury" contained in this subparagraph was amended as "disability" by article 1 of the Law No. 6462 of 25/4/2013.

c) Limitations on activities included in the scope of the license; and
ç) Determination of special terms and conditions regarding the conduct of the activity.
The activities that require a modification in the matters specified in the license shall not be performed unless they are approved and registered (as modified) in the license by the Authority.
In relation to the licenses; the conditions for being a distribution undertaking and the principles and procedures regarding the following matters shall be regulated by the regulations to be issued by the Authority:
a) Procedures for application, evaluation, and grant of licenses and their duration, modification, fees, termination and duration extension;
b) Principles for classification of licenses which are deemed appropriate for classification and their minimum sizes by the classes;
c) Processes for class changes in licenses which are subject to modification and classification;
ç) Minimum qualifications to be required and minimum assets necessary to be in possession of the persons concerned;
d) Necessary records to be kept, registration methods and notification obligations;
e) Subtitles of activities and their definitions;
f) Matters regarding protection of life and property of public and consumers' rights;
g) Subjects to be included in the license; and
ğ) Guidance, surveillance and inspection of the market-related activities whether they are included in the scope of the license or not.
Rights and obligations of licensees
Article 4- The license shall grant its holder the rights to perform activities included in the license and to enter into commitments in these matters.
The rights granted by the license shall be exercised provided that the requirements of the matters mentioned in this Law, the related legislation and the license are fulfilled.
Those who perform market activities should avoid meticulously any kind of activity that would result in malicious intent or unsafe activities, take necessary measures to prevent their occurrence and eliminate any undesirable situations as soon as possible.
Those who perform activities under this Law, shall have the following obligations:
a) To act in compliance with the commercial and technical legislation,
b) To take necessary measures to prevent environmental risks,
c) In the case of an occurrence that seriously threatens or adversely affects the security of life, property and environment of the public and their own facilities and activities, to notify the public authorities and those related parties who might be adversely affected of such threat and also to notify the Authority of the nature of the threat and the measures being taken to prevent such threat,
ç) To arrange compulsory insurance and financial liability insurance for facilities and/or activities that are included in the scope of compulsory insurance liability,
d) To compensate any loss or damage suffered by third parties or the environment in the course of their activities,
e) To make the notifications in compliance with the principles and procedures determined by the Authority as per the first paragraph of article 12,
f) To fulfill the requirements of the provisions in article 5 and submit the required information, documents and samples, to sign the records and to allow officials to conduct on-site investigations in the facilities, when requested by the Authority, as per the third paragraph 3 of article 12,
g) To submit the copies of standard contracts pertaining to their main fields of activities and to notify the Authority of the modifications to be made on them, before implementing such modifications,
ğ) In market activities, to provide LPG in conformity with the technical arrangements,
h) To employ a manager-in-charge at filling facilities and autogas stations,
ı) To employ personnel who have received training and obtained certificate in their main fields of activities, and
i) To grant equal rights and liabilities to equal receivers (categories) and not to apply different terms and conditions.
Those, who shall procure LPG from foreign countries, should have a refining undertaking or distribution undertaking license. **(Supplementary sentence added by: 26/2/2014-6527/art.13)** The processing licensees, included in the scope of the Petroleum Market Law No. 5015 of 4/12/2003, may also import LPG provided that it is not associated with market activities and that it is utilized exclusively for petrochemistry production. Distribution undertakings shall procure LPG from refineries or from foreign countries by way of import. The LPG import shall take place through the channel of specialized customs after the laboratories in the specialized customs find that it is in conformity with the technical arrangements determined by the Authority. Those who do not hold license are not entitled to perform LPG trading activities.

SECTION THREE
License Types and Regulation of Activities

Production and distribution

Article 5- Refineries shall produce LPG within the framework of the refining undertaking licenses they shall obtain under the Petroleum Market Law No. 5015 of 4.12.2003. However, the distribution undertaking licensees shall have the right to distribute LPG.

Distribution undertaking licensees may distribute autogas LPG to their own stations or to their vendors' stations which they will create under contracts, and may sell and supply bulk LPG to consumers, distribute and market bottled LPG, or transport, fill and store LPG. **(Sentence repealed by: 18/1/2019-7162/art. 9)** (…) Distribution undertakings are not entitled to distribute LPG to vendors of other LPG distribution undertakings.

Liquid fuel distribution undertaking licensees may perform LPG market activities within the scope of the license they will obtain as per this Law. Along the same line, LPG distribution undertaking licensees may perform petroleum market activities within the scope of the license they will obtain as per the Petroleum Market Law No. 5015.

(Sentence as amended by: 18/1/2019-7162/art.9) It is mandatory for distribution undertakings to have storage facilities and/or filling stations that are in conformity with the technical arrangements. **(Second sentence as amended by: 21/3/2018-7103/art.65)** Distribution undertakings have to fulfill the stocking obligation within the scope of the national petroleum stocking liability as required by the Law No. 5015. **(Supplementary sentence added by: 21/3/2018-7103/art.65)** However, this obligation shall not apply to the Liquefied Petroleum Gases distribution undertaking licensees whose domestic market shares are less than two percent in the period taken as basis for the stock calculation. The delivery of bottled LPG to consumers shall be performed by means of distribution undertakings and their bottled LPG vendors.

Distribution undertakings are obliged to make annual marketing projections and submit them to the Authority with details in February of each year. They shall also evaluate the realization of their projections quarterly every year and submit such evaluation to the Authority in January, April, July and October and provide explanations for an increase or decrease of more than ten percent occurred in their projections.

Distribution undertakings shall establish vendors under contracts, as specified in the subparagraphs (n) and (o) of the first paragraph in article 2. In case the contract is not renewed for the continuation of the vendor activity, three months prior to the expiration of the contract term; the distribution undertaking shall meet the supply need of the vendor until expiration of the term. At the expiration of the term, the vendor shall continue performing its activities in such a way to be understood that it markets the products of the new distribution undertaking with which it has signed the contract and shall remove all indications pertaining to the former distribution company in no later than one month. Bottled LPG vendors shall remove the distribution undertaking signs and logos at the expiration or termination of the contract.

Distribution undertakings' domestic market share shall not exceed forty-five percent of the total domestic market. If a distribution undertaking performs autogas LPG activities, such distribution undertaking shall not grant subsidies to stations under their operation and treat them differently from vendor stations. **(Sentence repealed by: 18/1/2019-7162/art.9)** (…)

Distribution undertakings are obliged to carry out an efficient monitoring regarding the quality control of the activities performed under their registered trademarks, and notify the Authority of their vendors and the cancellations of the vendor contracts with their justifications. Technical specifications pertaining to the equipment and facilities to be established for the LPG distribution and the technical specifications pertaining to the transportation vehicles, and the market activity-related services, safety and security, LPG sales locations, environmental and similar criteria shall be determined by the regulations to be issued by the Authority.

a) While performing autogas LPG activities, distribution undertakings shall have the following obligations:

1) To supply LPG to autogas stations, bearing their own registered trademark and logo, with whom they have signed vendor contracts;

2) Not to supply LPG to stations which have not obtained the required license, permission and certificates from the relevant public institutions and organizations;

3) Not to supply bottled and bulk LPG to autogas stations;

4) To supply LPG to autogas stations via vehicles, under the same registered trademark and ownership, carrying the logo and title and which are in conformity with the technical arrangements; and

5) To observe autogas stations and to inform the Authority on yearly basis with final reports which contain information about autogas stations in respect of the technical arrangements and their maintenance.

b) While performing bulk LPG activities, distribution undertakings shall have the following obligations:

1) To deliver bulk LPG only to consumers with whom they have signed contracts;

2) To determine the conformity of the contracted customers -to whom they supply LPG- with the related technical arrangements in respect of the bulk LPG facilities and systems established by the distribution undertaking or the customer, to perform periodic controls of these facilities and systems and not to supply LPG to the facilities which are not in conformity with the technical arrangements;

3) To supply LPG via vehicles, under the same registered trademark and ownership or in their possession, carrying the logo and title and which are in conformity with the technical arrangements;
4) To notify the Authority and cease supplying bulk LPG to consumers, in case the bulk LPG delivered to consumers by them is used for different purposes;
5) To establish the consumer's bulk LPG facilities in conformity with the applicable technical arrangements, and to employ expert personnel during this process and to compensate losses and damages occurred meanwhile;
6) To inform consumers about the usage of bulk LPG and about the operation of the facility; and
7) To take necessary measures in order to meet timely the consumers' requests regarding malfunction, check inspection and maintenance.
c) While performing bottled LPG activities, distribution undertakings shall have the following obligations:
1) To establish facilities which have the required licenses and are in conformity with the related technical arrangements and to perform operating activities; to carry out a risk assessment about the facilities and the activities performed and to determine the conditions that might adversely affect the entire workplace and the environment in case they occur and to prepare an emergency action plan that determines the necessary measures to be taken, the actions to be carried out and the rules to be complied with, and to notify the highest civil authority about this plan;
2) At the filling stations, to fill up the LPG bottles which only bear the distribution undertaking's registered trademark and logo and to fill up the bottles of the companies, which have a filling contract, in accordance with the terms and conditions of the contract;
3) To take all kinds of measures necessary to meet all bottled LPG needs of the vendors, in a timely manner and without delay;
4) To establish the units which will be capable of carrying out the periodic inspections, specified in the technical arrangements, for the LPG bottles bearing the distribution undertaking's registered trade mark and logo and to establish the units which will be capable of carrying out other main procedures falling outside the periodic inspections, such as repair, heat treatment, sanding, cleaning and metal plating, or to contract with entities that have the adequate qualifications to carry out these procedures;
5) To perform inspection activities of the LPG bottles before, during and after filling operations;
6) Not to fill rusty, crushed, split, unpainted, cracked, fire damaged and similar bottles which are not in conformity with the technical arrangements and whose periodic inspections are not carried out, to control the bottles -which are brought to be filled- as per the technical arrangements before filling, to carry out these bottles' repair and maintenance procedures or to have these procedures performed, or to destroy these bottles if it is not possible to repair them; and
7) To train the vendors and to inform the consumers.
Distribution undertakings may perform wholesale LPG trading activities between each other.
Transportation, storage, filling, bottle manufacturing, bottle inspection, repair and maintenance
Article 6- The Authority shall determine the assessment criteria applicable to licenses which will be granted for the performance of bulk LPG and autogas LPG transportation, storage and filling activities and the Authority shall also determine the technical and financial provisions that necessitate the grant of the license.
Those, who will perform the manufacturing of the bottles to be used for the supply of LPG to the market, are obliged to apply to the Authority and submit the technical characteristics of their facilities indicating that they are capable of carrying out production in compliance with the necessary technical arrangements in order to obtain license, and to manufacture products in conformity with the technical arrangements mentioned in the other legislation.
Those, who will carry out the inspection, repair and maintenance operations, have to obtain license from the Authority in order to carry out these operations.
Autogas vendors
Article 7 - Autogas vendors shall conduct their vendor activities as per the exclusive sales contracts they will conclude with distribution undertakings.
Autogas vendors shall have the following obligations:
1) To conclude the contract with only one distribution undertaking, and to sell in its station the LPG supplied only by the distribution undertaking with which it has concluded the contract;
2) To obtain the necessary licenses, permissions and certificates for the autogas stations from the relevant public institutions and organizations;
3) To supply autogas LPG to the vehicles operating with LPG at autogas stations;
4) Not to fill or sell LPG bottles at autogas stations; not to keep within the station any instrument, machine and equipment that are used for filling LPG bottles;
5) To put the registered trademark and the logo of their contracted distribution undertaking in a visible place within the station; and
6) To employ manager-in-charge at their station.
It is mandatory that the autogas stations, storage tanks, dispensers, pumps and their parts and administrative structures are located in a safe distance away from subway lines, schools, mosques, hospitals, children's playgrounds, heavily populated public facilities, flammable and combustible warehouses or facilities, such as natural gas rigging, storage tanks and base stations, in compliance with the technical arrangements and that they are provided within the area which is under its ownership or for which it has the right of use.

Storage tanks of the autogas stations, which are located within or outside the borders of municipal and adjacent areas, shall be placed in conformity with the technical arrangements.
Establishing restaurants, commercial and social facilities other than administrative units, car washing and lubricating units, small sized markets for meeting the urgent needs of the customers etc., all of which shall be established within autogas stations and areas of filling stations where an autogas facility shall be situated in conformity with the technical arrangements, shall not infringe the criteria introduced for the security of life and property of the public.
Distribution undertakings and vendors shall start operating their autogas stations after obtaining the license.

SECTION FOUR
Procedures and Principles to be Followed by Bottled LPG Vendors, Bulk LPG Consumers and Bottled LPG Consumers

Bottled LPG vendors
Article 8 - Bottled LPG vendors are not subject to a license. Any person or entity, apart from manufacturing factories, distribution undertakings and bottled LPG vendors, shall not keep LPG bottles, including the empty ones, except for personal needs; and these bottles shall not be associated with a barter or sale.
Bottled LPG consumers are obliged to act in compliance with the standards related to the consumption rules published by Turkish Standards Institute and with the principles and procedures notified to them by the distribution undertaking and its vendor.
Vendors have to keep the LPG bottles bearing the registered trademark or logo of their distributor within their warehouses, workplaces and transportation vehicles. Furthermore, vendors may also keep and sell the LPG bottles of the other distribution undertakings in which their distributor is the majority shareholder, provided that they conclude the relevant contract.
Bottled LPG vendors shall have the following obligations:
1) To procure the bottles only from their own distributor, not to carry out LPG filling operations under any circumstances, and not to keep any instruments used for LPG filling within the workplaces, warehouses and transportation vehicles;
2) To obtain the necessary licenses, permissions and certificates from the relevant public institutions and organizations;
3) To ensure that the LPG bottle warehouses, transportation vehicles and retail sale units are in conformity with the technical arrangements;
4) Not to perform bottled LPG sales to the vendors of their own distributor (except for the other vendors that are dependent on the same distributor, by the distribution undertaking's written authorization) and the vendors of other distribution undertakings;
5) In residential areas, to establish the bottle sales shops at such points easily reachable by the transport vehicles and emergency vehicles such as fire brigade and ambulances; and
6) To deliver and connect, at the address, the bottles weighing more than two kilograms.
Bottle sales units shall not be operated at the places which do not have an exit large enough to enable easy evacuation in case of an accident or fire in cellars suitable for the accumulation of LPG or in suspended floors above the ground floor.
Bulk LPG consumers
Article 9- Bulk LPG consumers have to procure bulk LPG from the distribution undertaking with whom they have concluded the relevant contract, and to obtain the permissions necessary as per the related legislation.
Bulk LPG consumers shall not, beyond the distribution undertaking's knowledge, allow others to interfere in the bulk LPG system. In the operations of these facilities, the Authority may make arrangements in line with the principles and criteria to be developed by the Authority.
The consumers shall not use the LPG that they have bought for their facilities or residential units, other than its intended purposes.

PART TWO
Miscellaneous Provisions
SECTION ONE
Pricing, Coordination, Information Gathering, Records, Inspection, Notification, Insurance, Manager-In-Charge and Training

Pricing
Article 10- The pricing for purchase and sales of LPG shall be formed according to the nearest accessible global free market conditions.
The prices regarding the market activities performed within the scope of their licenses shall be notified to the Authority by those refineries and distribution undertakings as ceiling prices, taking into account the global free market prices at the closest accessible point.

However, in the case that agreements or actions, which are aimed at hindering, disrupting or restricting the competitive environment or the activities in the LPG market or which result in or may result in this effect, create impacts disrupting the market organization; the Authority shall be authorized to determine base and/or ceiling price(s) and take necessary measures to apply on regional or national basis in all phases of activities, not exceeding two months in each time, upon the initiation of the necessary procedures. The principles and procedures and the amounts for the supporting of consumers without interfering with prices with respect to specific regions and specific purposes shall be determined by a Presidential Decree. **(1)**

Coordination

Article 11- It is a principle that the Authority is informed prior to and the participation of the Authority is provided in any of the preparatory studies (except for regulations regarding taxes, duties and levies) to be carried out by other authorities authorized for the matters related directly or indirectly with the market.

The representative of the Authority shall take part in laboratory preparatory studies to be carried out by the Turkish Standards Institution regarding LPG market activities. The Turkish standards regarding market activities may be rendered compulsory by the Board's approval.

The Authority shall be authorized to deliver opinions or make requests from the relevant authorities in the following cases:

a) in cases of occurrence of unsafe acts or malicious intents against licensed facilities,

b) in case misleading advertisements and announcements and other similar activities which may cause unfair competition in the market are made,

c) in regulations and implementations regarding importers, producers and providers of goods and equipment and their authorized service stations performing activities in the market.

The Authority may be a third-party intervener in criminal cases filed or to be filed in relation to market activities. In addition to filing criminal complaints for these matters, the Authority may also request the judicial and civil authorities to order or impose sanctions for the proper implementation of the legislation.

In order to ensure that this Law is implemented effectively, the Authority shall conduct works and studies in coordination with the relevant institutions and organizations and may employ specialized personnel from the relevant institutions and organizations in the implementation of the decisions to be taken.

Information gathering, records, inspection and notification

Article 12- The notification obligations shall be determined by the Authority for the purpose of gathering information regarding market operations. The Authority may determine specific principles and procedures regarding the preparation of documents by and the record keeping system of the licensees, provided that the provisions of the Tax Procedure Law are reserved.

The Authority may request from public institutions and organizations as well as real and legal persons any information it deems necessary while fulfilling the duties assigned by this Law.

Regarding the market parties and/or facilities, the appointed Authority officials shall be authorized to review and examine any commodities and documents, including accounting books, take copies or samples, request for written or verbal explanations on the subject, prepare necessary records, inspect the facilities and operations. The letter of authorization shall include the framework of the objective, scope, duration and authority.

The Authority shall inspect the market activities via its own personnel or by the way of service procurement from public institutions and organizations and private inspection organizations. The Authority shall establish an inspection system under administrative and technological methods. In the event of an application by an authorized official, the governorates shall be obliged to ensure the collection of samples from refineries, distribution undertakings, consumers and vendors for inspection purposes, and to ensure their security. When it is determined, by laboratory analyses, in the tests to be implemented on the samples that the samples are not in conformity with the standards, the provisions of article 16 shall apply. The principles and procedures to be followed in inspections, preliminary investigations and inquiries shall be regulated by a regulation.

The fundamentals, principles and procedures regarding the disclosure of information to related parties and the public shall be set forth in a regulation to be issued by the Authority. Commercially confidential information with respect to the market shall not be disclosed. The abstract information on the content of the license certificates of the licensees shall be announced by the Authority. The provisions of the Notification Law No. 7201 shall apply to any notifications to be made by the Authority in accordance with this Law. However, notifications by publication shall be published in the Official Gazette.

Insurance

Article 13- It is mandatory to arrange insurance for the activities carried out within the scope of a license. The activities to be exempt from insurance coverage may be determined by a Presidential Decree. The determination of the types of assets to be included to the insurance coverage, insurance types to apply to these assets and exemption issues shall be regulated in the relevant regulations. **(1)**

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(1) By article 163 of the Decree Law No. 700 of 2/7/2018, the wording "by a Decree of the Council of Ministers upon the proposal of the Ministry", contained in this paragraph, was amended as "by a Presidential Decree".

Manager-in-charge
Article 14- It is mandatory that a manager-in-charge is present at LPG filling facilities and autogas stations. The authorizations, responsibilities and qualifications of the managers-in-charge who shall be present at LPG filling facilities and autogas stations shall be determined in a regulation to be issued by the Authority.
Training
Article 15- Those who will serve in the LPG market, namely the managers-in-charge, tank drivers, filling personnel, bottle filling personnel, drivers of the bottle distribution vehicles, bottle distribution personnel, tank filling personnel, personnel for test and examination, autogas LPG filling personnel, pump personnel and plumbing personnel, and other personnel employed in the project and production shall be trained by the related professional chamber affiliated with TMMOB (Union of Chambers of Turkish Engineers and Architects). The regulation, in which the training-related principles and procedures will be set forth, shall be prepared jointly by TMMOB (Union of Chambers of Turkish Engineers and Architects) and the related institution.

SECTION TWO
Administrative Fines, Sanctions, Preliminary Investigation, Inquiry, Right to Legal Action and Regulation

Administrative fines [(1)] (After 1/1/2020)
Article 16- (As amended by: 14/2/2019-7164/art.35)
In case the activities are performed in breach of this Law or the related legislation, the following administrative fines shall be imposed on the liable persons by the Board:
a) In the following cases, with the exception of those performing autogas vendor activities, an administrative fine at the rate of fourteen per thousand of the net sales revenue regarding the LPG market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than five hundred thousand Turkish Liras and not more than ten million Turkish Liras:
1) To perform the activities subject to the license, without obtaining the license.
2) Violation of the last paragraph of article 4.
b) In the following cases, an administrative fine at the rate of twelve per thousand of the net sales revenue regarding the LPG market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than two hundred fifty thousand Turkish Liras and not more than two million seven hundred and fifty thousand Turkish Liras:
1) Violation of the provisions of article 4, with the exception of the subparagraphs (ç), (h) and (ı) of the fourth paragraph thereof and with the exception of the last paragraph thereof.
2) With the exception of those performing autogas vendor activities, to perform activities falling outside the rights granted by the license being held by the licensee.
3) Violation of articles 6 and 5 with the exception of the subclauses (4), (5) and (6) of the subparagraph (c) of the ninth paragraph thereof.
4) To hinder directly or indirectly or to attempt to hinder the implementations made by the Authority in accordance with article 10.
c) In the following cases, an administrative fine at the rate of eleven per thousand of the net sales revenue regarding the LPG market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the liable persons in such amount not less than one hundred thousand Turkish Liras and not more than five hundred thousand Turkish Liras:
1) To perform vendor activity without obtaining license.
2) In case autogas vendor activity licensees perform activities falling outside the rights granted by the license.
3) Violation of article 7, with the exception of the subparagraph (4) of the second paragraph thereof.
4) Violation of article 10 by autogas vendor activity licensees.
5) Violation of the provisions of articles 13, 14 and 15.
6) Violation of the provisions of article 4 by autogas vendor activity licensees, with the exception of with the exception of the subparagraphs (ç), (h) and (ı) of the fourth paragraph thereof and with the exception of the last paragraph thereof.
ç) In case of violation of the subparagraph (4) of the second paragraph of article 7, an administrative fine at the rate of ten per thousand of the net sales revenue regarding the LPG market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed on the autogas vendor activity licensees in such amount not less than one hundred thousand Turkish Liras and not more than five hundred thousand Turkish Liras.

(1) By article 163 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers", contained in this paragraph, was amended as "Presidential Decree"; please refer to the table at the end of the text.

d) As regards the licensees who are under the obligation to keep national petroleum stock pursuant to article 16 of the Petroleum Market Law No. 5015, in case it is found that they keep the national petroleum stock incompletely, an administrative fine shall be imposed on those licensees in the amount of two hundred and fifty Turkish Liras for each ton of product kept incompletely. Ton fractions shall not be taken into consideration in calculating the quantity of stock kept incompletely. The administrative fine imposed within the scope of this subparagraph shall be spent for the financing of the supplementary portion of the national petroleum stock.

An administrative fine at the rate of eight per thousand of the net sales revenue regarding the LPG market activity subject to the relevant license in the preceding year -from the date that the action has been committed- shall be imposed in such amount not less than ten thousand Turkish Liras and not more than fifty thousand Turkish Liras by the Authority on those who are not included in the above provisions, however, who do not comply with the obligations introduced by this Law, who do not comply with the provisions of the secondary legislation or the license, who do not comply with the Board decisions.

However, in case of violation of the subclauses of (4), (5) and (6) of the subparagraph (c) of the ninth paragraph of article 5 or in case it is found that the LPG facilities and bottles do not conform to the technical arrangements, the provisions of this Law shall not apply. In case of violation of the subclauses of (4), (5) and (6) of the subparagraph (c) of the ninth paragraph of article 5 or in case it is found that the LPG facilities and bottles do not conform to the technical arrangements, the provisions of the other laws related to the matter shall be enforced by the competent administrations.

The provisions of this article shall not apply to those who carry out activities not subject to license and who do not comply with the obligations introduced by this Law, who do not comply with the secondary legislation, who do not comply with the Board decisions. The necessary sanctions shall be imposed on those persons by the competent administrations within the scope of the other legislation provisions.

In the event that the same act for which an administrative fine has been imposed is repeated by the same person before expiration of two years, the administrative fines shall be two-folds.

The administrative transactions carried out as per the provisions of this article and article 17 of this Law shall be notified to the electronic notification address declared by the licensee to the Authority. In case, for a compulsory reason, the notification could not be transmitted to the electronic notification address declared to the Authority; the notification made to the address declared to the Authority shall nevertheless be deemed to have been served on the relevant person.

The administrative fines imposed within the scope of this Law shall be paid within one month as from the date that they are served on the relevant persons. The administrative fines not paid in due time shall be referred to the relevant tax offices for collection as per the provisions of the Law No. 6183 of 21/7/1953 on the Collection Procedure of Public Receivables.

In case a legal action is taken against an administrative fine imposed within the scope of this Law, such legal action shall not suspend the collection procedures, with the exception of the case where a bank letter of guarantee is submitted to the relevant tax office for the administrative fine. The amount of the letter of guarantee, the conditions under which the letter of guarantee shall be converted into cash, and the other relevant matters shall be determined under the legal arrangements to be made by the Authority.

In case there is no net sales revenue or it could not be found that there is a sales revenue earned from the LPG market activity relevant to the license in the preceding year at the facility where the actions referred to in this article have been executed, the Board shall fix a penalty within the minimum and maximum limits and the rates set in the relevant paragraphs of this article in relation to the action by considering the LPG procurement or sales and similar evidence it will determine; however, in case such determination is not possible, the Board shall fix a penalty within the minimum and maximum limits and the rates set in the relevant sentences of this article in relation to the action, by taking as basis the sales revenue earned from a LPG market activity which can constitute a precedent for the LPG market activity of the person that has committed the action in breach of the legislation.

Administrative sanctions

Article 17- (Along with its heading, as amended by: 14/2/2019-7164/art.36)

Administrative sanctions comprise of measures, license cancellations and administrative fines. Enforcement of the administrative fines, measures and license cancellations as per this Law shall not constitute an impediment against the implementation of other provisions of this Law. The administrative fines imposed, the measures taken and the license cancellations enforced as per this Law shall not prevent the transactions and operations to be carried out by virtue of other laws.

As per this Law, administrative sanctions shall be conducted in accordance with the following procedures:

a) In the sense of the licensee persons, in case acts are committed in breach of this Law, the secondary legislation or license provisions, the Board decisions, the Authority or the entities empowered by the Authority shall warn the concerned person -for the acts correctable by their nature as determined by the Board- that the breach should be eliminated within thirty days and that, otherwise, temporary suspension may apply. In case the circumstance in breach of the legislation is still ongoing at the end of the period granted in the warning, the relevant market activity of those -who have caused the breach to continue- shall be suspended temporarily for a period of sixty days. In case an act, which is possible to be corrected by its nature, is repeated within two years of the date it has been found, the relevant market activity shall be suspended temporarily for a period of sixty days without warning. During the period of temporarily

suspension, no market activity shall be carried out except the ones to prevent unsafe act or malicious intent or harm on the products and to eliminate the noncompliance causing the suspension. In case the noncompliance is not eliminated by the end of the period of temporary suspension, the suspension of the activity shall continue, an inquiry shall be initiated and the necessary administrative sanctions shall be imposed. Cancellations of licenses shall be decided pursuant to an inquiry to be carried out by the Authority. In case the circumstance in breach of the legislation ceases to exist after enforcing the temporary suspension, the temporary suspension shall be terminated.

b) In the sense of the licensee persons, in case acts are committed in breach of this Law, the secondary legislation or license provisions, the Board decisions, an administrative inquiry shall directly be initiated by the Authority and thus, the necessary sanctions shall be imposed on the concerned persons for the acts not possible to be corrected by their nature and the liquid fuel smuggling-related acts set forth in the Anti-Smuggling Law No. 5607 of 21/3/2007. The licensee's relevant market activity may be suspended temporarily by the Authority due to the licensee's acts which are not possible to be corrected by their nature, which result in malicious intent or unsafe act.

c) In case it is found that an activity subject to license is carried out without obtaining license, the facilities shall be sealed until such time that the license is obtained or that the facilities are made fit for performing activities not requiring license under this Law, and an inquiry shall be initiated about the persons concerned. The principles and procedures regarding the sealing operation shall be set forth in a regulation to be issued by the Authority.

ç) In case it is found that fraud against law is committed or a false statement is made in the requests, transactions or operations made under this Law, the license shall be cancelled.

d) The licenses of the licensees who perform market activities by illegal LPG shall be cancelled. In case a licensee commits, for five times under the same license during the license duration, the act "associating LPG -that is not in conformity with the technical arrangements- with market activity", the license of that licensee shall be cancelled. The matter "compensation of the losses and damages to the consumers arising from the LPG supply which is noncompliant with technical arrangements" shall be stated in the licenses and contracts of the real and legal persons as the addressees of the consumers. The principles and procedures regarding the implementation shall be determined in a regulation.

The provisions of article 203 in the Turkish Criminal Code No. 5237 of 26/9/2004 shall apply to the officials of real or legal persons, who act as an accomplice in the commission of the crime and continue carrying out activities despite the sealing.

Preliminary investigation, inquiry and the right to take legal action

Article 18- On its own initiative or upon a notification or complaint received by the Board, the Board shall decide directly to carry out an investigation or to initiate a preliminary inquiry in order to determine whether or not initiation of an investigation is necessary.

The principles and procedures to be followed in preliminary inquiries and investigations shall be determined by a regulation to be issued by the Authority.

(Third paragraph as amended by: 2/7/2012-6352/art.68) A legal action may be taken before the competent administrative court against the administrative sanction decisions. Any kind of legal action taken against the Board decisions shall constitute a priority.

Regulation

Article 19- The matters regarding LPG market activities shall be regulated by the regulations to be put into effect by the Board within the framework and authorization referred to in the relevant articles of this Law. These regulations shall be published in the Official Gazette.

Furthermore, the Authority is entitled to exercise its powers, by the decisions of the Board, to take specific decisions. Specific decisions concerning the public and the communiqués to be published for further clarification of the regulations to be issued shall be announced by press and broadcasting or special bulletins.

PART THREE
Amendments to the Electricity Market Law

Article 20-22 (They are related to the Electricity Market Law No. 4628 of 20.2.2001 and were inserted into the relevant text.)

PART FOUR
Temporary and Final Provisions

Temporary Article 1- Before the enactment of this Law, the provisions concerning the rights, interests and obligations -provided by the related legislation- of LPG distribution and marketing companies shall be reserved until they are granted licenses regarding their activities within the period and in line with the conditions determined by this Law.

The restaurants, commercial and social facilities other than administrative units, car washing and lubricating units, small sized markets for meeting the urgent needs of the customers etc., all of which are established within autogas stations and areas of liquid fuel stations where an autogas facility is situated in conformity with the technical arrangements, shall be brought into compliance with the conditions referred to in the fifth paragraph of article 7, within two years.

Temporary Article 2- On the enactment date of this Law, those who are actively carrying out activities that require a license as per this Law should bring their situations in compliance with the provisions of this Law within one year following the enactment of this Law and apply to the Authority along with the information and documents as required by the Authority. The Authority shall be authorized to grant time extensions not exceeding 3 months, for the continuation of the activities of those who have filed their applications, however, whose procedures have not been completed. **(Last sentence as amended by: 20/6/2006-5522-art.1)** However; the autogas stations, which actively operate and have already received unsanitary enterprise certificate or business license certificate based on the then-current legislation before the enforcement of this Law and have satisfied the safety and license conditions required by this Law, may continue performing their activities provided that they obtain license. If the procedures for certification of business license could not be completed by the reason of incomplete building schemes, although it is determined on the part of TSI that the safety and license requirements are complied with as required by this Law; temporary operation license, valid until 31/12/2017, shall be granted to the stations which will be able to obtain business license upon completion of building schemes. The activities of others shall be prohibited.

The activities of those who have not filed their applications in time or who have not brought their situations in compliance with this Law although they have filed their applications in time, shall be suspended as of the expiration date of the term.

Temporary Article 3- The provisions, contained in the LPG-related decrees, regulations and communiques in force on the effective date of this Law, shall be reserved until the Authority issues the relevant regulations. Until the regulations and other legislation to be prepared by the Authority become effective, the duties regarding the activities and operations carried out by the Ministry of Industry and Trade, the Ministry of Energy and Natural Resources and/or the General Directorate of Petroleum Affairs shall be continued. However, no new status regarding the incorporation of new LPG distribution and marketing companies shall be granted on the basis of the said legislation within this period.

Temporary Article 4- License applications regarding the market activities shall not be made until the Licensing Regulation comes into effect. The entry into force of the Licensing Regulation shall not exceed 180 days following the publication date of the Law.

Temporary Article 5- The Authority shall ensure that the required infrastructure and equipment for the establishment of the specialized customs, stated in the last paragraph of article 4, are established before 1.7.2005, at the customs to be determined by the Undersecretariat of Customs, and they shall be transferred to the Undersecretariat of Customs. The personnel needs of the specialized customs shall be met by the Undersecretariat of Customs, and the training of the personnel shall be provided by the Authority.

Temporary Article 6- Until the privatization of the Electricity Generation Corporation is completed;

a) The electricity generation companies, which have inward processing certificates and export electricity, may obtain, from foreign countries, by land and/or by sea, within the scope of the Inward Processing Regime, the liquid fuels indicated as raw material in their inward processing certificates, which will be utilized by those electricity generation companies in electricity generation, provided that they inform the Energy Market Regulatory Authority.

b) **(Repealed by: 14/3/2013-6446/art.30)**

Temporary Article 7- (As amended by: 21/4/2005-5335/art.28)

As for the tile ceramic, vitrified medical equipment and porcelain tableware manufacturers that perform their manufacturing activities by utilizing liquefied petroleum gas or liquefied natural gas and were not connected to natural gas by 1.1.2005; the portion which corresponds to the difference between the cost of the liquefied petroleum gas or liquefied natural gas they utilized for their manufacturing activities between 1/6/2003 and 31/12/2006 and its cost to occur in case the same manufacturing activities are performed by utilizing natural gas, namely the portion up to each manufacturer's entire cost difference (as a maximum) shall be covered from the appropriation to be transferred to the budget of the Ministry of Energy and Natural Resources and be paid until 31/3/2007, provided that the total amount of the difference payable for all those manufacturers does not exceed thirty million New Turkish Liras. **(1)**

(Second paragraph as amended by: 24/6/2005-53741/art.1) In case these undertakings start receiving natural gas within 2005, the calculations and payments related to the cost difference shall be limited to the period prior to the provision of the natural gas.

In the event that the total amount of cost differences, calculated for all those manufacturers as per this article, exceeds thirty million New Turkish Liras; the payments shall be made proportionately depending on the cost occurred, by making efficiency calculations. The principles and procedures regarding the payments shall be determined jointly by the Ministry of Energy and Natural Resources, the Ministry of Finance and the Ministry of State with which the Undersecretariat of Treasury is affiliated.

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(1) The wording "between 1.1.2005 and 31.12.2005", contained in this paragraph, was amended as "between 1/6/2003 and 31/12/2006" and the date "31/3/2006" was amended as "31/3/2007" by article 2 of the Law No. 5522 of 20/6/2006, and they have been inserted into the text.

Temporary Article 8- (Added by: 14/2/2019-7164/art.37)
For the acts which are possible to be corrected by their nature as determined by the Board and in respect of which an administrative fine has not been imposed by the Board prior to the effective date of this article; after the warning is made as referred to in the subparagraph (a) of the second paragraph of article 17, an administrative inquiry shall -if necessary- be initiated and the sanctions shall be imposed, depending the result of the warning. About those whose licenses have been terminated or cancelled prior to the effective date of this article, no administrative transaction shall be established for the acts possible to be corrected. The administrative fines, which have been ordered in a Board decision, however, whose collections have not been completed as of the effective date of this article, shall be collected by the relevant tax offices on the basis of the minimum fixed limit determined in the relevant clauses of article 16, in case it is prescribed, with this Law, that a lower administrative fine be imposed for the act committed. The administrative fines, collected in whole or in part, shall not be refunded.
Effectiveness
Article 23 – This Law shall become effective on the date of its publication.
Execution
Article 24 – The provisions of this Law shall be executed by the Council of Ministers.

TABLE REGARDING THE AMOUNTS OF THE FINES REFERRED TO IN ARTICLE 16 OF THE LAW NO. 5307

(The amounts of the fines referred to in the Energy Market Regulatory Authority's Communique published in the Official Gazette dated 31/12/2019 and issue no. 30995 (4th Reiterated) and referred to in article 16 of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 shall apply as calculated in the following table, as from 1/1/2020.)

RELEVANT PROVISION IN ARTICLE 16 OF THE LAW NO. 5307	ADMINISTRATIVE FINES (TL) APPLICABLE IN 2020
Subparagraph (a) of the second paragraph of article 16	612,900 - 12,258,000
Subparagraph (b) of the second paragraph of article 16	306,450 - 3,370,950
Subparagraph (c) of the second paragraph of article 16	122,580 - 612,900
Subparagraph (ç) of the second paragraph of article 16	122,580 - 612,900
Subparagraph (d) of the second paragraph of article 16	306
Fourth paragraph of article 16	12,258 – 61,290

TABLE REGARDING THE COMMUNIQUES ABOUT THE AMOUNTS ON THE BASIS OF WHICH THE FINES REFERRED TO IN ARTICLE 16 OF THE LAW NO. 5307 SHALL APPLY

Of the Official Gazette in which it was published		Starting Date of Implementation
Date	**Issue**	
7/1/2006	26046	2006
29/12/2006	26391	1/1/2007
7/12/2007	26723	1/1/2008
5/12/2008	27075	1/1/2009
5/12/2009	27423	1/1/2010
17/12/2010	27788	1/1/2011
23/12/2011	28151	1/1/2012
19/12/2012	28502	1/1/2013
30/12/2013	28867 (Reiterated)	1/1/2014
12/12/2014	29203	1/1/2015
22/12/2015	29570	1/1/2016
8/12/2016	29912	1/1/2017
21/12/2017	30277	1/1/2018
31/12/2019	30995 (4th Reiterated)	1/1/2020

LIST INDICATING THE EFFECTIVE DATES OF THE CONSTITUTIONAL COURT JUDGMENTS OR OF THE LEGISLATION SUPPLEMENTING AND AMENDING THE LAW NO. 5307

Amending Law/Decree Law or Constitutional Court's Judgment of Annulment	Amended or annulled articles of the Law No. 5307	Effective date
5335	Temporary Article 7	13/3/2005
5374	Temporary Article 7	6/7/2005
5522	Temporary Article 2 and 7	24/6/2006
5728	16, 17, 18	8/2/2008
6352	18	5/7/2012
6446	Temporary Article 6	30/3/2013
6462	2	3/5/2013
6527	4	1/3/2014
6719	17	17/6/2016
The Constitutional Court's Judgement dated 18/1/2018 and no. E.: 2017/129, K.: 2018/6	16	After nine months starting from 13/2/2018 (13/11/2018)
7103	5	27/3/2018
Decree Law/700	10, 13	In result of the elections held both for the President of the Republic and the members of the Grand National Assembly of Turkey on 24/6/2018, on the date that the President of the Republic was administered an oath and came into office (9/7/2018)
7162	5	30/1/2019
7163	16, 17, Temporary Article 8	28/2/2019

REGULATIONS

LPG LICENSING REGULATION

Official Gazette Date: 16.09.2005, Official Gazette Issue No. 25938

LIQUEFIED PETROLEUM GASES (LPG) MARKET LICENSING REGULATION

PART ONE
General Provisions

SECTION ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (As amended by: O.G.-7/9/2016-29824)
The objective of this Regulation is to determine the principles and procedures concerning the licenses to be granted to real and legal persons in order to ensure the transparent, non-discriminatory and stable performance of market activities pertaining to the delivery of liquefied petroleum gases (LPG) supplied from domestic and foreign resources to consumers, in a reliable, cost-effective manner within a competitive environment as well as the principles and procedures concerning the record keeping systems.
Scope
ARTICLE 2- (As amended by: O.G.-7/9/2016-29824)
This Regulation covers the principles and procedures concerning the duties, powers and responsibilities of the Authority for the licensing transactions in the liquefied petroleum gases (LPG) market, concerning the scope of the activities and/or operations requiring license, the provisions necessary to be contained in licenses, the rights and obligations of licensees, and concerning the record keeping system.
Legal basis
ARTICLE 3- This Regulation has been prepared on the basis of the Law No. 4628 on the Organization and Duties of the Energy Market Regulatory Authority **(Wording as amended by: O.G.-14/10/2016-29857)**, the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307.
Definitions
ARTICLE 4- The following terms, referred to in this Regulation, shall have the following meanings:
Law: The Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005;
Authority: Energy Market Regulatory Authority;
Board: Energy Market Regulatory Board;
President: President of the Energy Market Regulatory Board;
Vendor activity: Process of authorizing real and legal persons to supply LPG to consumers by LPG distribution undertakings under a contract of the mutual obligations, including a feasibility study;
Distribution undertaking: A capital company authorized to distribute LPG and may perform storage, filling and transportation activities provided that they are registered in its license;
Distribution: The whole of sales and supply activities of LPG in bottles and as autogas to consumers and vendors, and as the bulk LPG to consumers;
Storage: Facilities which are owned by or whose rights of use are held by LPG distribution undertakings or consumers -in order to meet their stocking needs- as per the contracts concluded and which ensure storage of LPG in conformity with the technical arrangements; and the activities and processes carried out in these facilities;
Filling facility: Facility which belongs to a distribution undertaking and is established and operated in conformity with the technical arrangements; where the bottles, in conformity with the technical arrangements, bearing the distribution undertaking's registered trademark and logo are filled; or via a contractual agreement, bottles carrying another distribution undertaking's registered trademark and emblem, in conformity with the technical arrangements, are filled; and where transportation vehicles are filled, emptied and stored with autogas and bulk LPG;
Bulk LPG: LPG, excluding bottled LPG and autogas, supplied by LPG distribution undertakings to the consumers tanks, situated at the consumers' location, via special transportation vehicles that are in conformity with the technical arrangements;
Bulk LPG consumer: Real or legal person utilizing bulk LPG;
Feasibility: Report containing the analysis of the investments to be made and is enclosed with the vendor contract (except for bottled LPG vendor activity), however, not necessary to be submitted to the Authority;

Specialized customs: A customs unit which is specialized in respect of LPG and has laboratories and equipment to inspect the conformity of imported LPG with the technical arrangements and perform quantity measurements;
Related legislation: LPG market-related Laws, regulations, communiques, circulars and Board decisions;
Kilometer limitation: The minimum distance between two liquid fuel and autogas stations in the same direction on urban roads or high-ways, which minimum distance is determined by this Regulation;
Malicious Intent: Any act or negligence causing loss, contamination, deterioration or misuse of LPG while performing market activities;
Utilization: The consumption of LPG only for personal or operational needs;
Consumer: Real and legal persons that utilize LPG;
License: Certificate granted to real or legal persons (except for bottled LPG vendors) by the Board, indicating the permission to perform activities in the market as per the Law;
LPG bottle manufacturing activity: Activity of manufacturing LPG bottles in conformity with the technical arrangements;
LPG bottle inspection, repair and maintenance activities: LPG bottle inspection, repair and maintenance activities in compliance with the technical arrangements;
Autogas vendor: Real or legal person operating an autogas station;
Autogas station: Facilities which are established in conformity to the related legislation (technical, quality, safety) by distribution undertakings or vendors who have signed exclusive purchase contracts with those distribution undertakings, and are operated under the registered trademark or logo of the distribution undertaking, and are principally serving to meet the autogas LPG and lube oil needs of motor vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for bottled LPG, which provide services in a liquid fuel station or detachedly;
Autogas LPG activity: Process of supplying LPG to be consumed as fuel, to vehicles in liquid fuel and autogas stations;
Market activity: The import, export, storage, transportation, distribution and vendor activity of LPG;
Refining undertaking: A capital company which has obtained refining undertaking licensee as per the Petroleum Market Law No. 5015;
Liquefied petroleum gases (LPG): Hydrocarbons such as propane, butane and their isomers or mixtures of these, which are produced prom petroleum or natural gas and liquefied under pressure;
Transportation: All LPG transportation activities performed via transportation vehicles and pipelines in conformity with the technical arrangements;
Transportation undertaking: Real and legal persons performing transportation activities;
Unsafe Act: **(As amended by: O.G.-17/1/2019-30658)** An act or negligence in the conduct of any market activity that causes or is likely to cause the death, disability or sickness of a person that is at the place or within the vicinity where market activity is performed or that causes or is likely to cause environmental pollution;
Technical arrangement: TSI standards, and arrangements imposed by other legislation in defining the characteristics of LPG and actions, location and equipment used in LPG activities;
Facility: **(As amended by: O.G.-19/10/2017-30215)** [(5)] Maritime, railway or land vehicles or a structure comprising of the whole administrative sections and primary and secondary units where license-related activity takes place;
Bottled LPG activity: The activity of supplying liquefied petroleum gas to the market within domestic, industrial and commercial bottles, after filling at filling facilities; and
Bottled LPG vendor: Real or legal person that keeps and markets bottled LPG of its contracted distribution undertaking only, bearing the distribution undertaking's registered trademark and logo, which are in conformity with the technical arrangements.

SECTION TWO
License and Activities Requiring License

License

ARTICLE 5- (As amended by: O.G.-17/1/2019-30658) License is a permission certificate which should be obtained from the Authority by a real or legal person in order to carry out activities in the market. The method on how the license procedures will be carried out shall be determined by the relevant Board decision.
A license shall be obtained separately for each market activity and each facility where a market activity is carried out.
Facility-specific information provisions shall be contained in licenses.
A license is not transferable. However, in case a limited or an irrevocable project financing is provided with a licensee legal person by banks and/or financial institutions and in case, as required by the loan contract provisions, the banks and/or financial institutions make notification to the Authority along with the grounds thereof, they may request for grant of license to a another legal person they will propose within the framework of the terms and conditions provided for in this Regulation, provided that such legal person undertakes all the obligations included in the scope of the licensee legal person's license. A license shall be granted to the proposed legal person, provided that it fulfills the obligations included in the scope of this Regulation.

The sanctions referred to in the Law shall be imposed on the relevant real or legal person in case it is found that such real or legal person carries out activities in the market without obtaining the relevant license. The persons that obtained license from the Authority should comply with the provisions of the related legislation, in addition the provisions of the other legislation.

Activities requiring license

ARTICLE 6- Licenses shall be granted under the following sub-headings:

a) LPG Distribution Undertaking License
b) LPG Transportation License
c) LPG Storage License
d) LPG Autogas Vendor Activity License
e) LPG Bottle Manufacturing License
f) LPG Bottle Inspection, Repair and Maintenance License

Bottled LPG vendors are not subject to a license.

(Paragraph as amended by: O.G.-19/10/2017-30215) [(5)] It is necessary that those, who will procure LPG from abroad, have LPG Distribution Undertaking License or have obtained refining undertaking license from the Authority as per the Petroleum Market Law. The processing licensees included in the scope of the Petroleum Market Law No. 5015 of 4/12/2003 may also import LPG provided that they do not associate it with the market activity and that they use it exclusively for petrochemistry production. Distribution undertakings shall procure LPG from refineries or from abroad by way of import. At the laboratories in the specialized customs announced by the Undersecretariat of Customs, after it is found that it is in conformity with the technical arrangements determined by the Authority, the LPG import shall be carried out through the channel of those specialized customs. Those who do not hold license are not entitled to perform LPG trading activities.

SECTION THREE
License Application,
Examination, Evaluation and Conclusion of License Applications

License application

ARTICLE 7- (Amended by: O.G.-14/10/2016-29857) (As amended by: O.G.-19/10/2017-30215)[5] The persons that wish to obtain a license shall, along with the License Application Letter contained in Annex-1, apply to the Authority by submitting the information and documents determined by the Board decision in relation to the license application. Their documents and information, which should be submitted as per the Board decision in relation to the license application, shall be evaluated within the framework of article 8 of "The Regulation on the Principles and Procedures to be Followed in the Provision of Public Services" which entered into force upon it was published in the Official Gazette dated 31/7/2009 and Issue No. 27305, and information and documents shall be requested in compliance with article 8 of that Regulation. In case the applicant wishes to perform more than one activity within the scope of the license the applicant requested, the annexes pertaining to the relevant activity shall also be contained in the application file.

Real or legal persons that are:

a) Domiciled in Turkey,
b) Registered with trade or industry registry,
c) Taxpayers of income or corporate tax

may file application in order to obtain license.

In addition to those mentioned above, the following conditions and qualifications shall be required in license applications, depending on the license types:

a) **(As amended by: O.G.-19/10/2017-30215)** [(5)] For LPG Distribution Undertaking License; it is necessary that the applicant legal person has completed the certificates of approval, permissions and documents which are for the establishment and operation of the facility and indicate that there is no impediment in respect of the zoning, public and environmental, occupational health, safety matters, technical arrangements and similar matters required by the relevant institutions and organizations in the establishment and operation of LPG facilities.

(Sentence as amended by: O.G.-27/4/2019-30757) In addition, it is mandatory for distribution undertaking license applicants to have storage and/or filling facilities that are in conformity with the technical arrangements. The distribution undertaking license applicant's storage facility included in the scope of its LPG storage license, if any, shall also be taken into consideration. No transactions shall be carried out on the basis of commitments, with regard to procurement of tangible assets in the performance of the activities.

Furthermore, the distribution undertaking license applicants shall submit to the Authority a declaration containing their contact details to be taken as basis for electronic and written notifications, and they shall keep these details up-to-date during the license duration.

b) **(As amended by: O.G.-24/4/2010-27561)** For LPG Autogas Vendor Activity License; it is mandatory to have vendor contract concluded with distribution undertaking and the relevant business license.

c) **(As amended by: O.G.-19/10/2017-30215)** [(5)] For LPG Transportation License; it is necessary for the applicant to have ownership or the right to use over minimum one transportation vehicle or pipeline as per the contracts concluded.
d) **(As amended by: O.G.-19/10/2017-30215)** [(5)] For LPG Storage License; the applicant shall submit to the Authority the documents indicating that the applicant owns storage facilities which are in conformity with the technical arrangements or that the applicant holds the rights of use over those storage facilities as per the contracts concluded. It is also mandatory for LPG warehouse operators to obtain storage license.
(Paragraph repealed by: O.G.-7/9/2016-29824)
(As amended by: O.G.-17/1/2019-30658) The evaluation on whether or not the documents requested from real or legal persons in the course of the application are in compliance with the related legislation shall be completed within ten business days following the date when the submitted documents are entered in the document system of the Authority.
(As amended by: O.G.-17/1/2019-30658) In case it is found that the license applications have not been filed in compliance with the related legislation, the applicants shall be notified in writing that those deficiencies should be completed within ten business days and that, otherwise, the application shall be deemed not to have been filed. In case those deficiencies are not completed within the said term, the application shall be deemed not to have been filed.
(Supplementary paragraph added by: O.G.-7/9/2016-29824) Amongst the documents to be submitted to the Authority; the electronic documents, whose verification codes can be confirmed in electronic environment, shall be considered as original documents unless there is a provision to the contrary.
Taking license applications under examination and evaluation
ARTICLE 8- (Paragraph repealed by: O.G.-17/1/2019-30658)
(Paragraph repealed by: O.G.-7/9/2016-29824)
(As amended by: O.G.-17/1/2019-30658) License applications, found to have been filed duly, shall be taken under examination and evaluation.
In case a license application is taken under examination and evaluation, this shall not mean that the applicant becomes entitled to obtain the license.
Examination and evaluation
ARTICLE 9- In the examination and evaluation carried out by the Authority, the fitness for the purposes envisaged by the related legislation shall be taken into consideration for all licenses.
In order to conclude the examination and evaluation process, the applicant may also be requested to submit all kinds of additional information and documents related to the activities included in the scope of the license, and the persons authorized to represent the applicant real or legal person may directly be invited to have an interview.
Conclusion of examination and evaluation
ARTICLE 10- (As amended by: O.G.-19/10/2017-30215) [(5)] The requests regarding a license application shall be resolved in no later than sixty days as from the date of the written application filed with the Authority and the result shall be served upon the person concerned.
(Paragraph as amended by: O.G.-7/9/2016-29824) In LPG distribution undertaking and storage license applications, the report on the examination and evaluation shall be submitted to the Board, and the license applications shall be concluded by a Board decision. In case the license application is rejected by a Board decision, the applicant shall be informed in writing about the grounds of the rejection.
(Paragraph repealed by: O.G.-17/1/2019-30658)
(Fourth paragraph as amended by: O.G.-20/10/2006-26325) The procedures for the grant of LPG Autogas Vendor Activity, LPG Bottle Inspection, Repair and Maintenance, **(Wording added by: O.G.- 24/4/2010-27561)** LPG Bottle Manufacturing and LPG Transportation Licenses and for the rejection of the applications shall be concluded by the Liquefied Petroleum Gases (LPG) Market Department.
(Paragraph repealed by: O.G.-17/1/2019-30658)
(As amended by: O.G.-17/1/2019-30658) The LPG Distribution Undertaking licensees' and the LPG Storage licensees' names/trade names, the types of licenses obtained by the licensees and their durations shall be published in the Official Gazette.
The matters to be contained in licenses as a minimum
ARTICLE 11- As a minimum:
a) Name or trade name of the licensee,
b) Sub-title or category, if any, within the scope of the license,
c) Characteristics of the activity included in the scope of the license,
d) Effective date and duration of the license,
e) Information on the type and geographical position of the facility and on the technology and the production/filling quantities,
f) Provisions specific to the license and/or to the facility or the facilities included in the scope of the license,
g) The matter of compensating the losses and damages to the consumer due to LPG supply not in conformity with the technical arrangements,
h) Provisions regarding grant of equal rights and liabilities to equal receivers (categories) and not applying different terms and conditions,

i) Provisions regarding cancellation, termination, expiration, duration extension and modification of the license,
j) **(Repealed by: O.G.- 24/4/2010-27561)**
shall be contained in licenses.

Entry into force of licenses

ARTICLE 12- A license shall enter into force on the effective date specified therein, and the licensee's rights and obligations included in the scope of the license shall become effective as from that date.

Merger, demerger and acquisition

ARTICLE 12/A- (Added by: O.G.-7/9/2016-29824)

In the following cases, it is mandatory for licensee legal persons to furnish prior information to the Authority, for those transactions:

a) In case the licensee legal person wishes to merge with another licensee, along with all the assets and liabilities;

b) In case the licensee legal person wishes to merge with another legal person that does not hold license, within the body of its own legal entity or within the body of such other legal person that does not hold license, along with all the assets and liabilities;

c) In case the licensee legal person wishes to demerge in whole or in part; or

ç) In case another company wishes to acquire the licensee legal person.

All documents, which have been submitted to the Authority in license applications after they have been obtained from other public institutions and organizations, shall be updated and be submitted to the Authority within 1 year as from the date when registration of the merger, demerger or acquisition has taken place at the trade registry.

SECTION FOUR
License Fees, License Durations, License Modification, Duration Extension, Termination and Cancellation of Licenses

License fees

ARTICLE 13- (Amended by: O.G.- 7/9/2016-29824)

(As amended by: O.G.-17/1/2019-30658) License fees are the amounts mandatory to be transferred to the Authority's account for the procedures regarding license obtaining, license modification, license duration extension and making copies of licenses. License fees applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year. As for the changes in license fees; the license fee effective on the application date shall be taken as basis.

(As amended by: O.G.-17/1/2019-30658) The fees for all kinds of license modifications, license duration extensions, making copies of licenses and the license obtaining fees shall be paid in advance, along with the application.

(Paragraph repealed by: O.G.-17/1/2019-30658)

In case more than one modification request is submitted for the same license in one application letter, one single license modification fee shall be paid.

(As amended by: O.G.-17/1/2019-30658) The license fees, paid for the applications rejected or deemed not to have been filed, shall be reimbursed to the applicants at their request.

License durations

ARTICLE 14- Licenses shall be granted by the Board for a period of up to 49 years, depending on the characteristics of the activities. The rights acquired and the obligations undertaken upon the grant of a license shall be effective during the license duration.

License modification

ARTICLE 15- (As amended by: O.G.- 14/10/2016-29857)

Licenses may be modified upon licensees' request or ex-officio by the Authority. License modification fee shall not be collected for modifications arising from errors of fact and for modifications made ex-officio by the Authority.

(As amended by: O.G.-17/1/2019-30658) In case it is found that the license modification application has not been filed in compliance with the related legislation, the applicant shall be notified in writing that those deficiencies should be completed within ten business days and that, otherwise, the modification application shall be deemed not to have been filed. In case those deficiencies are not completed within the said term, the modification application shall be deemed not to have been filed.

A license modification, made at the request of the licensee, shall not contain any provisions disrupting competitive conditions and in violation of the provisions of the Law and this Regulation.

(As amended by: O.G.-17/1/2019-30658) License modifications shall be resolved in no later than sixty days as from the date of the application, and the result shall be served upon the person concerned. All license modification applications shall be concluded by the Liquefied Petroleum Gases (LPG) Market Department.

(As amended by: O.G.-17/1/2019-30658) In case the licensee needs a certain period of time in order to fulfill new and/or additional obligations to arise from license modification, such period of time shall be determined by the Liquefied Petroleum Gases (LPG) Market Department and be indicated on the license modified.

(Supplementary paragraph added by: O.G.-7/9/2016-29824) In case the title of an LPG Autogas Vendor's distributor is modified, the distribution company information registered in the license of the LPG Autogas Vendor shall be modified ex-officio accordingly.

Duration extension

ARTICLE 16- (**As amended by: O.G.-7/9/2016-29824)**

License durations may be extended upon request of the licensee, starting from the expiration of the license duration and by observing the maximum durations stipulated.

(As amended by: O.G.-19/10/2017-30215) [(5)] The request for duration extension may be made by a written application to be filed by the licensee at the latest two months, at the earliest six months prior to the expiration of the license duration in force. In case the request for duration extension is not submitted within these terms, the license shall terminate automatically upon expiration of the license duration.

The matters to be taken into consideration in the examination and evaluation of requests for duration extension shall be determined by a Board decision.

(As amended by: O.G.-17/1/2019-30658) The evaluation on whether or not the application for duration extension is in compliance with the related legislation shall be completed within ten business days following the date when the submitted documents are entered in the document system of the Authority. In case it is found that the application for duration extension has not been filed in compliance with the related legislation, the applicant shall be notified in writing that those deficiencies should be completed within ten business days. In case those deficiencies are not completed within the said term, the application for duration extension shall be deemed not to have been filed.

(As amended by: O.G.-17/1/2019-30658) The examination and evaluation on the application for duration extension shall be concluded within sixty days as from the date when the application filed is entered in the document system of the Authority. Duration extensions of LPG autogas vendor activity, LPG transportation, LPG bottle manufacturing, LPG bottle inspection, repair and maintenance licenses shall be concluded by the Liquefied Petroleum Gases (LPG) Market Department, and duration extensions of the other licenses shall be concluded by the relevant Board decisions.

The Board decision on duration extension shall be published in the Official Gazette upon it enters into force.

Termination and cancellation of licenses

ARTICLE 17- (As amended by: O.G.-24/4/2010-27561)

(First paragraph as amended by: O.G.- 7/9/2016-29824) Termination of a license shall take place:

a) Automatically in case the licensee is declared bankrupt under a final judicial decision;

b) Automatically in case the license duration has expired;

c) Automatically in the case that the licensee is deceased or that the licensee's legal personality dissolves or terminates;

ç) **(As amended by: O.G.-17/1/2019-30658)** At the request of LPG Distribution Undertaking and LPG Storage licensees, by the relevant Board decision; at the request of LPG Autogas Vendor Activity, LPG Bottle Inspection, Repair and Maintenance, LPG Bottle Manufacturing and LPG Transportation licensees, by the Liquefied Petroleum Gases (LPG) Market Department's relevant decision;

d) **(As amended by: O.G.-17/1/2019-30658)** By the Liquefied Petroleum Gases (LPG) Market Department's relevant decision in the case that LPG Autogas Vendor Activity licensees have not filed -within two months following expiration or termination of their contracts with LPG Distribution Undertaking licensees for any reason- modification application after they have signed the relevant contract with another distribution undertaking or that LPG Autogas Vendor Activity licensees have not renewed their contracts with their current distribution undertakings or that LPG Autogas Vendor Activity licensees do not file distribution undertaking modification application within two months as from the termination or cancellation of the distribution undertaking license pertaining to the distributor company registered in the license;

e) **(As amended by: O.G.-17/1/2019-30658)** For LPG Autogas Vendor Activity, LPG Bottle Inspection, Repair and Maintenance, LPG Bottle Manufacturing and LPG Transportation Licenses, by the Liquefied Petroleum Gases (LPG) Market Department's relevant decision, and for LPG Distribution Undertaking Licenses and LPG Storage Licenses, by the relevant Board decision, in the case a qualification or a condition, required for obtaining the license, is lost subsequently.

In advance of minimum three months to the termination date of their activities, LPG Distribution Undertaking licensees are obliged to notify their vendors of the circumstance and furnish information to the Authority.

(Paragraph repealed by: O.G.-19/10/2017-30215) [(5)]

(Repealed by: O.G.-17/1/2019-30658)

(As amended by: O.G.-17/1/2019-30658) Licenses may be cancelled by the relevant Board decisions within the framework of the provisions contained in article 17 of the Law. Cancelled or terminated LPG Distribution Undertaking Licenses or LPG Storage Licenses shall be published in the Official Gazette, by indicating the license types and the names/trade names of the persons whose LPG Distribution Undertaking Licenses or LPG Storage Licenses have been cancelled or terminated.

PART TWO
Provisions Regarding Licenses

SECTION ONE
Basic Rights and Obligations of Licensees

Basic rights and obligations of licensees
ARTICLE 18- A license shall grant its holder the rights to perform the activities contained in the license.
The rights granted by a license may be exercised provided that the matters set forth in the related and other legislation are fulfilled.
Licensees are obliged to construct, design and operate the facilities where the market activity will be carried out, which construction, design and operation should be realized as per the principles and procedures determined in the related and other legislation.
(As amended by: O.G.-17/1/2019-30658) The matters, which require modification in their licenses, shall be notified to the Authority by those licensees in no later than 60 (sixty) days as from the date when those matters have occurred, and those licensees shall request for modification in their licenses. With the exception of distribution undertaking and storage licenses, and provided that this is limited to other licensees' title modification procedures; licensees, who request for license modification in no later than one year as from the occurrence date of the matter requiring license modification, shall be deemed to have fulfilled this modification obligation on the condition that they submit to the Authority all the requested information and documents without any deficiencies.
Those who perform market activities should avoid meticulously any kind of activity that would result in malicious intent or unsafe activities, take all kinds of measures to prevent their occurrence and eliminate any undesirable situations as soon as possible.
(Supplementary paragraph added by: O.G.-19/10/2017-30215) **(5)** Licensees are obliged to ensure that their contact details for notification are up-to-date and active, including their Registered Electronic Mail (KEP) addresses.
(Supplementary paragraph added by: O.G.-01/05/2007-26509) (Paragraph repealed by: O.G.-7/9/2016-29824)
(Supplementary paragraph added by: O.G.-01/05/2007-26509) (Paragraph repealed by: O.G.-7/9/2016-29824)

SECTION TWO
LPG Distribution Undertaking License

Activities that may be carried out within the scope of LPG Distribution Undertaking license
ARTICLE 19- In the market, LPG Distribution Undertaking licensees may engage in:
a) LPG import and export;
b) Distribution of autogas LPG to their own stations or to their vendors' stations which they will create under contracts;
c) Supply and sales of bulk LPG to their contracted consumers; and
d) Distribution and marketing of bottled LPG.
In addition to the above activities, LPG Distribution Undertaking licensees may carry out transportation, filling and storage activities without the requirement to obtain a further license, but provided that these are registered in their licenses. **(Supplementary sentence as added by: O.G.-24/4/2010-27561)** However, in case they wish to provide transportation or storage services to third parties, it is mandatory that they obtain the licenses concerning these activities in compliance with the related legislation.
(Third paragraph repealed by: O.G.-27/4/2019-30757)
(4) Delivery of bottled LPG to consumers shall take place by means of distribution undertakings and their bottled LPG vendors.
(4) Liquid fuel distribution undertaking licensees may perform LPG market activities within the scope of the license they will obtain as per the Law. Along the same line, LPG Distribution Undertaking licensees may perform petroleum market activities within the scope of the licenses they will obtain as per the Petroleum Market Law No. 5015.
(4) LPG Distribution Undertaking licensees may perform wholesale LPG trading activities between each other.
Obligations of LPG Distribution Undertaking licensees
ARTICLE 20- LPG Distribution Undertaking licensees shall have the following obligations:
a) **(As amended by: O.G.-27/4/2019-30757)** To have storage and/or filling facility that is in conformity with the technical arrangements;
b) **(As amended by: O.G.-19/10/2017-30215)** **(5)** To perform LPG transportation activities in compliance with the technical arrangements and the related and other legislation; to notify to the Authority, under the Regulation on Notifications in the Energy Market, the road transportation vehicles they will use in LPG transportation (except bottle transportation vehicles), without registration in their licenses;
c) **(As amended by: O.G.-19/10/2017-30215)** **(5)** To fulfil the stock obligation within the scope of the National Petroleum Stock Obligation as required by the Petroleum Market Law No. 5015;

d) To release to the market the products that are in conformity with the technical arrangements;
e) To notify the Authority and cease supplying LPG to consumers, in case the LPG delivered to consumers by them is used for different purposes;
f) **(As amended by: O.G.-19/10/2017-30215)** [(5)] Not to make sales and supplies to vendors of other distribution undertakings; not to keep in their supply vehicles, in their facilities filled LPG bottles bearing trademarks and logos of other distribution undertakings, with the exception of the LPG bottles belonging to the distribution undertakings with whom they have concluded filling contracts; and not to make supplies to their vendors by using these bottles;
g) To perform effectively the quality control monitoring related to the activities carried out under their registered trademark;
h) To prepare the prices regarding the market activities as ceiling prices, taking into account the pricing in the accessible global free markets, and to notify these prices to the Authority;
i) If the vendor contracts cannot be renewed within the term stipulated by the Law, to meet those vendors' supply needs until expiration of the contract term;
j) Not to conclude vendor contracts with real or legal persons whose situations are not in compliance with the related and/or other legislation;
k) **(As amended by: O.G.-19/10/2017-30215)** [(5)] To notify to the Authority the autogas vendors that are closed down, along with the grounds of the close down and within one month; and
l) **(Added by: O.G.-17/1/2019-30658)** To perform license transactions in electronic environment on behalf of the autogas vendors with whom they have concluded contract.

While performing autogas LPG activities, LPG Distribution Undertaking licensees shall have the following obligations:
a) To supply LPG to autogas stations, bearing their own registered trademark and logo, with whom they have signed vendor contracts; not to supply LPG to the autogas vendors of other LPG distribution undertakings;
b) Not to supply LPG to stations which have not obtained the required license, permission and certificates from the relevant public institutions and organizations;
c) Not to supply bottled and bulk LPG to autogas stations;
d) Not to grant subsidies to stations under their operation and treat them differently from vendor stations;
e) To supply LPG to autogas stations via vehicles, under the same registered trademark and ownership or possession, bearing the logo and title and which are in conformity with the technical arrangements;
f) To observe autogas stations and to inform the Authority on a yearly basis with final reports which contain information about autogas stations in respect of the technical arrangements and their maintenance;
g) **(Repealed by: O.G.-27/4/2019-30757)**

While performing bulk LPG activities, LPG Distribution Undertaking licensees shall have the following obligations:
a) To supply bulk LPG only to consumers with whom they have signed contracts;
b) To determine the conformity of the contracted consumers -to whom they supply LPG- with the related technical arrangements in respect of the bulk LPG facilities and systems established by the distribution undertaking or the consumer, to perform periodic controls of these facilities and systems and not to supply LPG to the facilities which are not in conformity with the technical arrangements;
c) To supply LPG via vehicles, under the same registered trademark and ownership or in their possession, bearing the logo and title and which are in conformity with the technical arrangements;
d) To establish the consumer's bulk LPG facilities in conformity with the applicable technical arrangements, and to employ expert personnel during this process and to compensate losses and damages occurred meanwhile;
e) To inform consumers about the usage of bulk LPG and about the operation of the facility; and
f) To take necessary measures in order to meet timely the consumers' requests regarding malfunction, check inspection and maintenance.

While performing bottled LPG activities, LPG Distribution Undertaking licensees shall have the following obligations:
a) To establish facilities which have the required licenses and are in conformity with the related technical arrangements and to perform operating activities; to carry out a risk assessment about the facilities and the activities performed and to determine the conditions that might adversely affect the entire workplace and the environment in case they occur and to prepare an emergency action plan that determines the necessary measures to be taken, the actions to be carried out and the rules to be complied with, and to notify the highest civil authority about this plan;
b) At the filling stations, to fill up the LPG bottles which only bear their own registered trademark and logo and to fill up the bottles of the companies, which have a filling contract, in accordance with the terms and conditions of the contract, and not to make distributions to bottled vendors of other distribution undertakings;
c) To take all kinds of measures necessary to meet bottled LPG needs of their vendors, in a timely manner and without delay;
d) To establish the units which will be capable of carrying out the periodic inspections, specified in the technical arrangements, for the LPG bottles bearing their registered trademark and logo and to establish the units which will be

capable of carrying out other main procedures falling outside the periodic inspections, such as repair, heat treatment, sanding, cleaning and metal plating, or to contract with entities that have the adequate qualifications to carry out these procedures;
e) To perform inspection activities of the LPG bottles before, during and after filling operations;
f) Not to fill rusty, crushed, split, unpainted, cracked, fire damaged and similar bottles which are not in conformity with the technical arrangements and whose periodic inspections are not carried out, to control the bottles -which are brought to be filled- as per the technical arrangements before filling, to carry out these bottles' repair and maintenance procedures or to have these procedures performed, or to destroy these bottles if it is not possible to repair them; and
g) To train the vendors and to inform the consumers.
Delivery of bottled LPG to consumers shall take place by means of distribution undertakings and/or their bottled LPG vendors.
LPG Distribution Undertaking licensees are obliged to make annual marketing projections and submit them to the Authority with details in February of each year. They shall also evaluate the realization of their projections quarterly every year and submit such evaluation to the Authority in January, April, July and October and provide explanations for an increase or decrease of more than ten percent occurred in their projections.
Distribution undertakings shall create vendors under contracts, in compliance with the definitions of "Vendor Activity" and "Feasibility" as set out in article 4 of this Regulation.
LPG Distribution Undertaking licensees are obliged to arrange the compulsory insurances necessary to be arranged as required by the Law and are obliged to ensure that in-service trainings are provided depending on the field of activity.

SECTION THREE
LPG Transportation License

Activities that may be carried out within the scope of LPG Transportation license
ARTICLE 21- In the market, LPG Transportation licensees may engage in provision of transportation services through LPG transportation vehicles, within the borders of the Republic of Turkey or in the Turkish territorial waters, including pipelines, which vehicles and pipelines shall be in conformity with the technical arrangements, standards and the related and other legislation.
(Added by: O.G.-24/4/2010-27561) It is not necessary to obtain LPG Transportation license, for an LPG transportation activity to be carried out within the scope of transit procedure.
(Added by: O.G.-19/10/2017-30215) (Third paragraph as amended by: O.G.-27/4/2019-30757) As regards the persons who hold the authorization certificate suitable for their situation and carry out LPG land transportation activities within the scope of the Road Transportation Regulation published in the Official Gazette dated 8/1/2018 and issue no. 30295, the transportation activities that will be carried out by these persons are not subject to license.
Obligations of LPG Transportation licensees
ARTICLE 22- LPG Transportation licensees are obliged to carry out their activities in compliance the technical arrangements, standards and the related and other legislation.

SECTION FOUR
LPG Storage License

Activities that may be carried out within the scope of LPG Storage license
ARTICLE 23- In the market, LPG Storage licensees are entitled to engage in operating storages which are in conformity with the technical arrangements, standards and the related and other legislation and over which they hold the right of use as per the contracts concluded or which are owned by them in order to meet the stock needs of LPG distribution undertakings or their consumers.

Obligations of LPG Storage licensees
ARTICLE 24- LPG Storage licensees are obliged to ensure the storage of LPG in conformity with the technical arrangements, standards and the related and other legislation and to operate the storages accordingly.

SECTION FIVE
LPG Autogas Vendor Activity License

Activities that may be carried out within the scope of LPG Autogas Vendor Activity license
ARTICLE 25- In the market, LPG Autogas Vendor Activity licensees shall carry out their activities in accordance with the exclusive sales contracts they will sign with distribution undertakings and shall perform the activity "sales -to consumers- of LPG they procured from distribution undertaking". Vendors shall, after they have obtained the license, start operating their autogas stations they have established as per the technical arrangements, standards and the related and other legislation.

(Second paragraph as amended by: O.G.-7/9/2016-29824) In the case of cancellation of the license granted to the distribution undertaking of which they are the vendor; such LPG autogas vendors shall, without waiting for termination of the contract they signed with the distribution undertaking, conclude the contract with another distribution undertaking and file the relevant license modification application. In the case of temporary suspension of the activities of the distribution undertaking of which they are the vendor; such LPG autogas vendors may, without waiting for the distribution undertaking to resume performing its activities, procure LPG from another distribution undertaking licensee, provided that they sign the contract with such other distribution undertaking licensee, being limited to the period of time when the activities are temporarily suspended and provided that they inform the Authority.
(Paragraph repealed by: O.G.-7/9/2016-29824)

Obligations of LPG Autogas Vendor Activity licensees
ARTICLE 26- LPG Autogas Vendor Activity licensees shall have the following obligations:
a) Not to change the quality and intended use of autogas LPG;
b) To supply autogas LPG to the vehicles operating with LPG at autogas stations;
c) To conclude the contract with only one distribution undertaking, and to sell in its station the LPG supplied only by the distribution undertaking with which it has concluded the contract, and not make LPG supplies and procurements from other distribution undertakings;
d) To put the registered trademark and the logo of their contracted distribution undertaking in a visible place within the station;
e) Not to fill and sell LPG bottles at autogas stations; not to keep within the station any instrument, machine and equipment that are used for filling LPG bottles;
f) In no later than one month as from the expiration of the contract term, to remove all indications pertaining to the former distribution undertaking and to put the registered trademark and the logo of the new distribution undertaking in a visible place within the station;
g) Not to perform LPG sales for resales purposes; and
h) In compliance with the technical arrangements required for their stations, to obtain certificates of approval, permissions and other certificates, to arrange compulsory insurances, to train personnel, to employ manager in-charge-at their station.
It is mandatory that the autogas stations, storage tanks, dispensers, pumps and their parts and administrative structures are located in a safe distance away from subway lines, schools, mosques, hospitals, children's playgrounds, heavily populated public facilities, flammable and combustible warehouses or facilities, such as natural gas rigging, storage tanks and base stations, in compliance with the technical arrangements, standards and the related and other legislation and that they are provided within the area which is under its ownership or for which it has the right of use.
Storage tanks of the autogas stations, which are located within or outside the borders of municipal and adjacent areas, shall be placed in conformity with the technical arrangements.
Establishing restaurants, commercial and social facilities other than administrative units, car washing and lubricating units, small sized markets for meeting the urgent needs of the customers, etc., all of which shall be established within autogas stations and areas of filling stations where an autogas facility shall be situated in conformity with the technical arrangements, shall not infringe the criteria introduced for the security of life and property of the public.

SECTION SIX
LPG Bottle Manufacturing License

Activities that may be carried out within the scope of LPG Bottle Manufacturing license
ARTICLE 27- In the market, LPG Bottle Manufacturing licensees are entitled to engage in the activity of manufacturing bottles, which are in conformity with the technical arrangements.
The licensees may also carry out LPG bottle inspection, repair and maintenance operations without obtaining a further license provided, however, that these are registered in their licensees.

Obligations of LPG Bottle Manufacturing licensees
ARTICLE 28- LPG Bottle Manufacturing licensees shall have the following obligations:
a) To manufacture, in conformity with the technical arrangements, the bottles to be used for supply of LPG to the market;
b) To comply with the relevant technical arrangements, if they will perform inspection, repair and maintenance activities; and
c) To ensure that their staffs, taking charge in the manufacturing, receive the trainings and obtain the certificates required in the related legislation and in the technical arrangements.

SECTION SEVEN
LPG Bottle Inspection, Repair and Maintenance License

Activities that may be carried out within the scope of LPG Bottle Inspection, Repair and Maintenance license
ARTICLE 29- In the market, LPG Bottle Inspection, Repair and Maintenance licensees are entitled to engage in the activity of inspection, repair and maintenance of bottles, which are in conformity with the technical arrangements, standards and the related and other legislation.

Obligations of LPG Bottle Inspection, Repair and Maintenance licensees
ARTICLE 30- LPG Bottle Inspection, Repair and Maintenance licensees shall have the following obligations:
a) To inspect, repair and maintain, in conformity with the technical arrangements, the bottles to be used for supply of LPG to the market; and
b) To ensure that their staffs, taking charge in the inspection, repair and maintenance activities, receive the trainings and obtain the certificates required in the related technical arrangements.

PART THREE
Other Provisions

SECTION ONE
Notifications

General principles for notifications
ARTICLE 31- (Repealed by: O.G.-24/12/2014-29215)
Notification types
ARTICLE 32- (Repealed by: O.G.-24/12/2014-29215)
Periodic notifications
ARTICLE 33- (Repealed by: O.G.-24/12/2014-29215)
Notifications depending on occurrences
ARTICLE 34- (Repealed by: O.G.-24/12/2014-29215)
Record keeping
ARTICLE 35- (Repealed by: O.G.-24/12/2014-29215)

SECTION TWO
Restrictions

Restrictions on procurement and sales, and restrictions on quantity
ARTICLE 36- (First paragraph as re-regulated by: O.G.-01/11/2006-263333) [(1)] Export of LPG shall be carried out by Refining Undertaking licensees and LPG Distribution Undertaking licensees.
Import of LPG shall be performed through the channel of competent LPG specialized customs administrations that have the equipment allowing them to perform quantity and specific technical measurements.
Distribution undertakings' domestic market share shall not exceed forty-five percent of the total domestic market.
(As amended by: O.G.-19/10/2017-30215) [(5)] In calculating the domestic market share; the bottled LPG, autogas, bulk LPG sales performed by distribution undertakings in the preceding twelve months' period and the wholesales between each other, including refining undertaking but excluding LPG autogas vendor activity licenses, shall be taken into account, but separately from each other.

Restrictions on distance
ARTICLE 37- The distance between two liquid fuel and/or autogas stations shall not, on the same direction, be less than ten kilometers on high-ways and less than one kilometer on public roads in the city.

SECTION THREE
Insurance [(6)]

Standards
ARTICLE 38- (Repealed by: O.G.-19/10/2017-30215) [(5)]

Insurance
ARTICLE 39- (As amended by O.G.-15/9/2010-27700)
All licensees are obliged to arrange the compulsory insurances covering the financial liabilities, which are necessary for indemnification of bodily injuries and pecuniary damages and losses that may be caused by their activities against third parties.

LPG Distribution Undertaking and LPG Storage licensees are obliged to arrange the insurances covering their facilities and LPG against all risks.
The insurance amount pertaining to the facilities operating in the LPG market, taken as basis for the all risks insurance, shall not be less than the facility's registered net asset value, with the exception of land acquisition expenses; and the exemption which may be granted in danger monies or hazard pays shall not exceed two percent of the insurance amount. Exemption is inapplicable, in third persons financial liability insurances.
The minimum coverage limits of third persons financial liability insurances to be arranged by the licensees performing activities in the liquefied petroleum gases market shall not be less than the amounts specified by the tariff contained in the Tariff and Instructions for Compulsory Liability Insurances to be Arranged for Dangerous Materials, as determined and announced pursuant to the Decision on Liability Insurances to be Arranged for Dangerous Materials, enclosed with the Decree No. 2010/190 of 21/1/2010, entered into force by virtue of article 13 of the Insurance Law No. 5684.

SECTION FOUR
Financial Provisions

Revenue share
ARTICLE 40- (As amended by: O.G.-17/1/2019-30658) Revenue share amounts applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year. The revenue share shall be deposited into the revenue share account opened in the name of the refining undertaking. Refining undertaking licensees are obliged to collect revenue share from domestic sales of liquefied petroleum gases (LPG) they have produced and/or imported.
(Paragraph as amended by: O.G.-19/10/2017-30215) [(5)] By the end of the month following the month when the import took place, distribution undertaking licensees shall, in accordance with the principles and procedures determined by the National Petroleum Stock Commission, pay to the refining undertakings the revenue share that they calculated for the LPG they imported.
The revenue shares, which will be collected by distribution undertakings as the consideration of the payment they made to refining undertakings and which are reflected into the sales amount by refining undertakings, shall be indicated under a separate heading on the invoices issued.

Participation share
ARTICLE 41- Refining Undertaking, LPG Distribution Undertaking and LPG Autogas Vendor Activity licensees are obliged to pay participation share every year. The first installment of the participation share for the preceding year shall be paid by the end of June and the second installment shall be paid by the end of November.
(First sentence as amended by: O.G.-7/9/2016-29824) The participation share shall be calculated by multiplying the net sales amount -related to the market activities carried out by the obligors within the scope of their license, as contained in their yearly income statements- by the participation share rate to be determined by the Board every year. The participation share rate shall not exceed one per thousand and the participation share amount shall not exceed 2,000,000 US Dollars.
By the license types, the Board shall be authorized to reduce the participation share up to zero and shall be authorized to determine different rates.
Yearly participation share rate or rates applicable for the next year shall be determined by a Board decision and be published in the Official Gazette, by the end of December every year.
The sum of the Special Consumption Tax and the customs taxes, duties and levies paid for LPG within the year shall, if included in the net sales revenue, be deducted from the total net sales. Licensees, carrying out one or more than one market activity within the scope of their licenses, shall pay their participation share on the basis of their total net sales.
In order to calculate the amount of participation share for the year that the license has been obtained for the first time; the participation share rate shall be multiplied by the amount which is found after the deduction, if any, made -in accordance with the fifth paragraph- from the net sales amount contained in their income statements regarding the period between the licensing date and 31 December of the same year, and thereby the participation share shall be found.
Persons holding more than one license shall make a participation share declaration separately for each license. In case different rates are determined for the license types, those of the net sales amount related to these activities shall be put into process separately.
The penal and administrative procedures, regarding the participation shares which have not been declared in time or which have been declared erroneously, shall be completed by the Authority and then, the judicial and administrative processes shall be initiated by the Authority before the relevant bodies and institutions.
(As amended by: O.G.- 17/1/2019-30658) The applications for license, modification and duration extension, which have been filed by the real and legal persons that did not fulfill their participation share obligations regarding previous periods, shall be deemed not to have been filed in case the obligation is not fulfilled within 10 business days following the notification to be made by the Authority.

Financial obligations not paid in time, and late fees
ARTICLE 42- The provisions of the Law No. 6183 on the Collection Procedure of Public Receivables shall apply to the financial obligations not paid in time and to the late fees, and it shall be ensured that these amounts are collected through the relevant tax offices.
Revaluation
ARTICLE 43- (Repealed by: O.G.-20/12/2017-30276) [(5)]

SECTION FIVE
Confidentiality, Market Intervention and Force Majeure

Confidentiality
ARTICLE 44- (Supplementary paragraph as added by: O.G.-01/05/2007-26509) [(2)] The disclosure of the market-related information, compiled by the Authority, to the public and to the persons concerned shall be concluded by the Authority.
In case, in its decision, the Board finds that there are documents or information which might harm the commercial relations of a licensee if they are published; the Authority is not entitled to disclose those documents and information unless the disclosure is ordered by a court.
The parties performing activities in the market are obliged to keep the commercially sensitive information and documents confidential. Under no circumstances shall licensees disclose any confidential information they accessed directly or indirectly while performing market activities; and licensees shall not use such confidential information in their own interest or for the benefit of their affiliated firms or in favor of or to the detriment of others.
Real and legal persons, whose licenses have expired or have been cancelled, are obliged to keep confidential the other persons' trade secrets which have been accessed by those real and legal persons due to the commercial relationships between each other.

Market intervention
ARTICLE 45- On the basis of the information, denunciations and complaints received by the Authority, in case it is concluded that there are apparent indications about the matters that:
a) The procurement and/or sales of LPG and the fulfillment of the services regarding LPG are not carried out continuously, regularly and properly or the conduct of these procurements, sales or fulfillments continuously, regularly and properly are impeded or are attempted to be impeded;
b) Unfair competition or breach of the legislation on the protection of competition is caused;
or in case it is concluded that these matters have acquired a dimension threatening the national security or the public order; the necessary procedures shall be initiated by the Authority under the relevant decision of the Board. Within this context, in case it is understood that the Authority's instructions are not fulfilled, the necessary processes as well as the relevant investigation shall be initiated before competent authorities.

Force majeure
ARTICLE 46- In order for an event to be considered as force majeure; it is necessary that such event could not be prevented, avoided or eliminated although the affected party has exhibited the required attention and care and has taken the necessary measures and that such event restrains the affected party from fulfillment of its obligations included in the scope of the related legislation.
In case a force majeure event takes place, the licensee's obligations arising from the related legislation may be postponed by the relevant Board decision in proportion as the obligations are affected thereby.
In cases where it is understood that it becomes impossible to fulfill these obligations, the Board may also decide that the licensee's obligations are hereby revoked.
In order for the Board to decide that the obligations are hereby postponed or revoked; it is compulsory for the licensee to submit its written application to the Authority within fifteen business days as from the occurrence date of the force majeure event, which application shall state the occurrence date of the force majeure event, the nature and scope of the force majeure event, its impacts on the licensee's obligations and if possible, the estimated time for elimination of the impacts.

SECTION SIX
Temporary and Final Provisions

TEMPORARY ARTICLE 1- On the publication date of the Law:
a) the real and legal persons whose activities require obtaining license;
b) the LPG distribution and marketing companies whose activities are permitted on the basis of the arrangements issued by the Ministry of Energy and Natural Resources;
shall, until 13/3/2016, bring their situations in compliance with the matters contained in the Law and in this Regulation and apply to the Authority along with the information and documents to be requested by the Authority. The Board is

authorized to grant a time extension not exceeding three months, in order that the persons, who have filed their applications, however, whose related procedures could not be completed, continue performing their activities. However; the autogas stations, which continue performing their activities as the ones holding unsanitary enterprise certificate and business license certificate based on the then-current legislation before the entry into force of the Law, shall continue performing their activities by obtaining license from the Authority, provided that they comply with the safety measures determined as required by the Law.
(Second paragraph as amended by: O.G.-26/07/2006-26240) Amongst the autogas stations whose conformity with the safety and licensing criteria required by the Law will be determined by a certificate to be issued by TSI and which have filed license application with the Authority in a timely manner, amongst the autogas stations whose business license certification procedures could not be concluded by the reason that the building schemes could not be prepared yet at their locations or that the building scheme works and studies, ongoing at their locations, could not be completed yet; temporary operation license, valid until 31/12/2017, shall be granted to those which will be able to obtain business license upon completion of building schemes, as determined by a letter they shall obtain from the competent authorities. The activities of others shall be prohibited.
Before the enactment of this Law, the provisions concerning the rights, interests and obligations -provided by the related legislation- of LPG distribution and marketing companies shall be reserved until they are granted licenses regarding their activities within the period and in line with the conditions determined by the Law.
The restaurants, commercial and social facilities other than administrative units, car washing and lubricating units, small sized markets for meeting the urgent needs of the customers, etc., all of which have been established within autogas stations and areas of liquid fuel stations where an autogas facility is situated in conformity with the technical arrangements, shall be brought into compliance with the conditions referred to in the fifth paragraph of article 7 of the Law, until 13/3/2007.
The rights, permissions and all kinds of formative decisions, transactions, documents and certificates, which have been previously granted, rendered or carried out for the persons who did not file their license applications until 13/3/2006 or who filed their license applications by that date, however, whose license applications or whose requests for duration extension have not been accepted, shall become null and void without the requirement of a further transaction.

TEMPORARY ARTICLE 2- The persons who perform activities in the market on the effective date of this Regulation and hold certificates and whose activities require obtaining license and those performing activities as a LPG distribution and marketing entity shall, by 31/10/2005, declare to the Authority the copies of the standard vendor contracts they use for their main activities.

Registered Electronic Mail (KEP) address
TEMPORARY ARTICLE 3- (Added by: O.G.-7/9/2016-29824)
Licensee joint stock companies, limited liability companies and limited partnerships in which the capital is divided into shares are obliged to notify their Registered Electronic Mail (KEP) addresses to the Authority within six months as from the effective date of this article.

TEMPORARY ARTICLE 4- (Added by: O.G.-20/12/2017-30276) [(5)]
The revenue share amounts applicable for 2018 shall be determined by the relevant Board decision and be published in the Official Gazette, by the end of December 2017.

Effectiveness
ARTICLE 47- This Regulation shall become effective on the date of its publication.

Execution
ARTICLE 48- The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Board.

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(1) This legal arrangement shall enter into force on 01/01/2017 by the Regulation published in the Official Gazette dated 1/11/2016 and issue no. 26333.
(2) The wording, contained as "in case, in its decision, the Board" in this paragraph was amended as "in case the Authority" upon the correction letter published in the Official Gazette dated 2/5/2007 and issue no. 26510, and was inserted into the text of the article accordingly.
(3) This amendment shall enter into force on 1/4/2010.
(4) By the Regulation amendment published in the Official Gazette dated 24/4/2010 and issue no. 27561, the fourth paragraph of this article was repealed, and the subsequent paragraphs were re-numerated accordingly.
(5) This amendment shall enter into force on 1/1/2018.
(6) By the amendment published in the Official Gazette dated 19/10/2017 and issue no. 30215, the heading of the Section Three in the Regulation was amended as "Insurance".

Of the Official Gazette in which the Regulation was published

Date	Issue
16/9/2005	25938

Of the Official Gazettes in which the Regulations amending the Regulation were published

Date	Issue
19/10/2017	30215
17/1/2019	30658
27/4/2019	30757

REGULATION ON TECHNICAL ARRANGEMENTS

It was published in the Official Gazette dated 05.06.2007 and issue no. 26543.

REGULATION ON TECHNICAL ARRANGEMENTS APPLICABLE IN THE LIQUEFIED PETROLEUM GASES (LPG) MARKET

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope

ARTICLE 1- (1) The objective of this Regulation is to determine the principles and procedures regarding conformity of the activities related to the liquefied petroleum gases (LPG) market, the facilities where and the equipment through which these activities are carried out and the products supplied to the market, with the technical arrangements and standards.

Legal basis
ARTICLE 2- (1) This Regulation has been prepared on the basis of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005.

Definitions
ARTICLE 3- (As amended by: O.G.-29/4/2016-29698)

(1) The following terms, referred to in this Regulation, shall have the following meanings:

a) Accreditation: The process carried out for assessment of whether laboratories, inspection and certification bodies operate in accordance with the nationally or internationally accepted technical criteria and for approval of their competencies and for controlling those laboratories, inspection and certification bodies in regular intervals;

b) EN: European Standards;

c) ISO: International Organization for Standardization;

ç) Law: Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005;

d) Technical arrangement: TSI standards, and arrangements imposed by other legislation in defining the characteristics of LPG and actions, location and equipment used in LPG activities;

e) TS: Turkish Standards; and

f) TSI: Turkish Standards Institute.

PART TWO

Standards and Technical Arrangements, Measurement Units

Standards and technical arrangements

ARTICLE 4- (1) It is mandatory that the LPG to be supplied to the market is in conformity with the TS, EN or ISO standards, respectively.

(2) In the design, construction and installation, test and control, commissioning and operation, repair and maintenance of the facilities where and of the equipment through which the market activities will be carried out and in the scrapping of these facilities and equipment and in ensuring at least the minimum safety in the facilities and the equipment, it is mandatory to comply with the following standards by the following order of priority namely the TS, EN and ISO standards or in the absence of these standards, the other standards adopted by TSI.

Measurement units

ARTICLE 5- (1) LPG deliveries shall be performed on the basis of:

a) the weight value calculated and the volume corrected and the density value corrected to 15ºC **(Inscription as amended by: O.G.-9/8/2017-30149)** temperature in deliveries through tanker meters or directly on the basis of weight measure, as bulk to consumers and as autogas to autogas vendors;

b) the liter corrected to 15ºC **(Inscription as amended by: O.G.-9/8/2017-30149)** temperature, in the sales of LPG as autogas to ultimate consumers;

c) bottle types or kilogram and the number of bottles, in bottled LPG sales.

PART THREE

Analyses, Analysis Reports and Competent Laboratories; Measurements and Calibrations

Analyses, analysis reports and competent laboratories

ARTICLE 6- (As amended by: O.G.- 29/4/2016-29698)

(1) LPG sample-taking process and analyses shall be carried out in conformity with the TS, EN or ISO standards, respectively.

(2) **(As amended by: O.G.-9/8/2017-30149)** In the entries into the Country from the specialized customs determined by the Undersecretariat of the Ministry of Customs and Trade, the analyses shall be carried out in compliance with the principles determined by the Authority and then, the reports shall be prepared and these reports shall be submitted to the Authority and to the related importers.

(3) The analysis of the LPG samples produced in domestic refineries shall be carried out in the laboratories accredited by domestic **(Wording amended by: O.G.- 9/8/2017-30149)** or foreign accreditation agencies.

(4) Refining Undertaking licensees are obliged to supply to the market the LPG conforming to the TS, EN or ISO standards, respectively. In addition, Refining Undertaking licensees are obliged to deliver to the distributor companies and to the Authority -at the request of the Authority- the reports on the analyses of the LPG they supplied to distributor companies, which analyses shall be carried out in compliance with the related standards.

(5) On the samples to be taken in compliance with the TS, EN or ISO standards, respectively, and in such a way enabling the representation of the type of the product they dispatched to their vendors and customers, Distribution Undertaking Licensees are obliged to carry out the analyses specified in those standards or to have these analyses performed and to keep the reports related to these analyses and to deliver these reports to other distribution undertakings within the scope of trade between distribution undertakings, to the Authority and to their vendors at their request.

(6) Within the scope of the inspections or in consequence of the examinations to be performed upon denunciations or complaints, the Authority may decide that samples be taken from refineries, all filling and storage facilities, autogas stations, facilities of bulk LPG consumers or from LPG bottles in compliance with the related standards and that the analyses be carried out on those samples in compliance with the related standards.

(7) In the analyses and tests performed, in case it is found that the samples taken are not in conformity with the standards, articles 16 and 17 of the Law shall apply.

Measurements and calibrations

ARTICLE 7- (1) **(Repealed by: O.G.- 29/4/2016-29698)**

(2) In case it is found that the weighing machines, weighbridges and counters at their facilities are erroneously calibrated or that the LPG is short delivered due to breach of the provisions contained in article 5, the licensees are obliged to compensate the losses and damages to be claimed within the framework of the amount and quantity determined.

PART FOUR

Final Provisions

Effectiveness

ARTICLE 8- (1) Of this Regulation:

a) The third paragraph of article 6 shall become effective one year after the date of its publication; and

b) The other provisions shall become effective on the date of publication.

Execution

ARTICLE 9- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Board.

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	5/6/2007	26543
	Of the Official Gazettes in which the Regulations amending the Regulation were published	
	Date	**Issue**
1	29/4/2016	29698
2	9/8/2017	30149

REGULATION ON PRINCIPLES AND PROCEDURES TO BE FOLLOWED IN PRELIMINARY INVESTIGATIONS AND INQUIRIES AND IN INSPECTIONS

Official Gazette Date: 10.05.2016, Official Gazette Issue Number: 26164

REGULATION ON PRINCIPLES AND PROCEDURES TO BE FOLLOWED IN PRELIMINARY INVESTIGATIONS AND INQUIRIES AND IN INSPECTIONS

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) The objective of this Regulation is to determine the principles and procedures regarding surveillance and inspection of the market activities concerning delivery of liquefied petroleum gases (LPG) supplied from domestic and foreign resources to consumers in a secure and economically competitive environment and is to determine the principles and procedures for imposition of sanctions.
Legal basis
(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.1) ARTICLE 2- (1) This Regulation has been prepared on the basis of the Law No. 4628 of 20/2/2001 on the Organization and Duties of the Energy Market Regulatory Authority, the Petroleum Market Law No. 5015 of 4/12/2003 and the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005.
Definitions
ARTICLE 3- (1) The following terms, referred to in this Regulation, shall have the following meanings:
a) President: President of the Energy Market Regulatory Board;
b) Presidency: Presidency of the Energy Market Regulatory Board;
c) Department Head: Head of the Inspection Department;
ç) Department: Inspection Department;
d) **(Added by: O.G.-21/06/2019, Issue No.: 30808, art.2)** Temporary suspension: Suspension of the activity being carried out, in case the breach of the legislation is not eliminated in spite of the warning or the act constituting the subject matter of the warning is repeated within 2 years or in case it is found that there are acts requiring, by their nature, the suspension of the activity;
e) **(Added by: O.G.-21/06/2019, Issue No.: 30808, art.2)** Warning: The service of a notification upon the concerned person, which notification states that the breach of the legislation, which is possible to be cured by its nature and is found by the Board, should be cured within 30 days or should not be repeated;
f) Related legislation: LPG market-related laws, regulations, licenses, communiques, circulars Board decisions and other legal arrangements;
g) Law: The Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005;
ğ) Consumer: Real or legal persons utilizing LPG;
h) Board: Energy Market Regulatory Board;
ı) Authority: Energy Market Regulatory Authority;
i) Market activity: The import, export, storage, transportation, distribution and vendor activity of LPG;
j) Liquefied petroleum gases (LPG): Hydrocarbons such as propane, butane and their isomers or mixtures of these, which are produced prom petroleum or natural gas and liquefied under pressure;
k) Witness sample: Sample which is taken by an inspection officer in cases where it is necessary to carry out a test or an analysis and shall be resorted to, in the event that the sample, sent for test, analysis and/or to a certification body, is lost or that an objection is raised against test results;
l) Technical arrangement: TSI standards, and arrangements imposed by the related and other legislation in defining the characteristics of LPG and actions, location and equipment used in LPG activities;
m) Facility: Maritime, railway or land vehicles or primary and secondary units where license-related activity takes place;
n) **(As amended by: O.G.-4/1/2017-29938)** Specialist: Energy specialist who is a professional staff and whose admittance to the profession, proficiency exam, assignment, education, duties, powers and responsibilities are regulated by the Regulation on the Professional Staffs of the Energy Market Regulatory Authority published in the Official Gazette dated 3/9/2015 and issue no. 29464 and by the seventh paragraph of article 9 of the Law No. 4628 on the Organization and Duties of the Energy Market Regulatory Authority and by the supplementary article 41 of the Civil Servants Law No. 657 of 14/7/1965;

o) Assistant Specialist: Energy Assistant Specialist; and
ö) **(Added by: O.G.-4/1/2017-29938)** Management Services Specialist: The personnel contained in the sub-clause (1) of the subparagraph (b) of the first paragraph of article 5 in the Regulation on the Energy Market Regulatory Authority Personnel's Promotions and Changes of Title, published in the Official Gazette dated 28/5/2014 and issue no. 29013.

PART TWO
Principles and Procedures Regarding Inspections

Inspection
(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.3) ARTICLE 4- (1) "Inspection" represents the works performed to examine whether or not the petroleum market related-activities and accounts of the real or legal persons involved in the LPG market are in compliance with the provisions of the related legislation and to research whether or not the LPG released to the market by these persons are in conformity with the technical arrangements, and through imposition of the necessary sanctions stipulated by the related laws in case faults, contradictions, irregularities and abuses are found.
Conduct of inspections
ARTICLE 5- (1) The Authority shall carry out inspections on the market activities by means of its own personnel or by means of service procurement from public institutions and organizations and private inspection entities.
(2) The principles and procedures regarding the inspections to be performed through service procurement shall be determined by the Board.
(3) The authorizations and obligations indicated in articles 6, 7 and 8 and the principles set forth in article 9 shall also apply to the other public institutions and organizations and private inspection entities which are granted the authorization to carry out inspections on behalf of the Authority.
Obligations of the real or legal persons being inspected
ARTICLE 6- (1) The real or legal persons being inspected shall have the following obligations:
a) To submit to the Authority's inspection the records related to their business, facilities and investments and their statutory books and legal documents and certificates;
b) To ensure that the LPG and all kinds of LPG related-commodities associated with market activity are examined and that samples are taken therefrom;
c) To submit originals of any documents, certificates, books and information in relation to the market activities as deemed necessary by the Authority's personnel in charge of inspections and to submit their copies in a timely manner if requested and to provide a convenient working environment for the personnel;
ç) When requested, to provide written and/or verbal information and/or to undersign the records; and
d) To make their accounts, processes, transactions, financial statements and internal control systems ready and convenient for inspections.
(2) The real or legal persons being inspected are not entitled to abstain from provision of information, documents, certificates and samples on the grounds of confidentiality.
Authorizations of the Authority's personnel performing inspections
ARTICLE 7- (1) The Authority's personnel in charge of performing inspections shall have the following authorizations:
a) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.4)** To examine all kinds of commodities associated with the market activity as well as the enterprises and facilities for which they are in charge of performing inspections, to take samples from those commodities, and to warn these enterprises and facilities if necessary, and to seal these enterprises and facilities and to remove the seals or to suspend their activities temporarily if such authorization is granted;
b) To request for submission and provision of any documents, certificates and information deemed necessary, to review statutory book records, to take copies from those records and to perform on-site examinations;
c) To request for provision of relevant written or verbal information and to prepare the necessary records;
ç) To request information and documents from public institutions and organizations and from private entities in cases where their duties so require;
d) To submit their opinions and recommendations to the Authority and to carry out examinations and researches about the matters falling into their areas of responsibility and within the framework of the needs emerged in the implementation of the related legislation; and
e) To request assistance from civil authorities, law-enforcement officers and other public institutions and organizations in cases where their duties so require.
Obligations of the Authority's personnel performing inspections
ARTICLE 8- (1) The Authority's personnel in charge of performing inspections shall have the following obligations:
a) To keep -within the period required by their works- the books, documents and certificates delivered to them by the real or legal persons concerned and to return those books, documents and certificates following the completion of their works;

b) As regards the information of confidential nature among the information they accessed due to inspection activities, not to disclose such confidential information to any persons and entities other than the persons and entities authorized by the laws and not to use such confidential information directly or indirectly for their own benefit or for the benefit of third parties;
c) Not to insert notes into and not to make additions and corrections on book records and documents, other than the points required by the inspection; and
ç) At the venues where they carry out inspections, not to exhibit any behaviors that would harm the sense of trust and the reputation required by their duties and titles and not to intervene in the management.

Principles to be observed in inspections

ARTICLE 9- (1) The Authority's personnel, who are assigned with the duty of performing inspections, shall observe the following principles during the inspection activity:
a) During the inspection activity, to have an objective perspective in the evaluation of the results and in the preparation of the inspection report;
b) Not to allow any interventions that might affect their honesty and impartiality;
c) At all phases of the works and studies related to the inspection activity, to exhibit the care and meticulousness required by their duty;
ç) To comply with the generally accepted inspection principles and procedures as well as the inspection principles and procedures set forth in this Regulation; and
d) If, in the course of the inspection, they find any issues that might significantly affect the market in a negative way, to inform immediately the Authority of these issues without waiting for conclusion of the inspection activity.

On the part of the personnel who are assigned with the duty of performing inspections, the necessity to introduce themselves:

ARTICLE 10- (1) The Authority's personnel who are assigned with the duty of performing inspections and the other public institutions', organizations' and private inspection entities' personnel who are granted the authorization to perform inspections on behalf of the Authority have to introduce themselves to the official of the real person or legal person under inspection, by submitting to such official their identity certificates and/or assignment letters before they start performing their inspection duty. The personnel's assignment letter shall contain the purpose, scope and term of the inspection and the framework of the authorization.

Correspondence procedure

ARTICLE 11- (1) The Authority's personnel who are assigned with the duty of performing inspections shall, in cases where their duty so requires, exchange correspondence with the relevant persons, institutions and organizations through the channel of the relevant service unit chief, or directly if they are granted such authorization. The other public institutions, organizations and private inspection entities that are granted the authorization to perform inspections on behalf of the Authority shall directly carry out the correspondence required by the inspections.

Submission of reports

ARTICLE 12- (1) The reports prepared by the Authority's personnel who are assigned with the duty of performing inspections, and the reports, records and letters in which it is determined that there is a breach of the legislation and which have been prepared by the other public institutions, organizations and private inspection entities that are granted the authorization to perform inspections on behalf of the Authority, shall be forwarded to the relevant service unit chief. The relevant service unit chief shall, together with his/her own relevant opinions, submit those reports, records and letters to the Presidency. The President shall put those reports, records and letters on the Board's agenda in the first place.

Sanctions

ARTICLE 13- (1) In case a breach of the legislation is found in the course of the inspections carried out by the Authority's personnel or by the other public institutions, organizations and private inspection entities that are granted the authorization to perform inspections on behalf of the Authority, actions shall be taken within the framework of the provisions contained in Part Four.

PART THREE
Denunciations and Complaints, Sample Taking, Analysis and Sealing

Denunciations and complaints

ARTICLE 14- (1) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.5)** Consumer denunciations and complaints about the characteristics of LPG or about violation of the technical arrangements pertaining to the LPG released to the market shall firstly be submitted to their sellers and/or those sellers' suppliers. If no reply is received for or a satisfactory reply is not received for such complaint within thirty days, the relevant application may be filed with the Authority. Those who supply LPG not conforming to the technical arrangements are obliged to compensate and indemnify the losses and damages they caused against the consumers. In case of a disagreement between the parties

about compensation and indemnification of the losses and damages, the provisions of the Consumer Protection Law No. 6502 of 7/11/2013 and the other legislation related thereto shall apply.
(2) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.5)** Distribution undertakings are obliged to perform effectively the quality control monitoring related to the activities carried out under their registered trademark and to inspect whether or not their vendors carry out market activities in accordance with the exclusive purchase contracts signed within the framework of the related legislation. Distribution undertaking licensees are obliged to monitor and evaluate the applications for complaint, received from consumers about the market activities carried out by distribution undertaking licensees. In no later than thirty days as from the application date, distribution undertaking licensees shall reply to such applications for complaint, which replies shall be forwarded in writing, and shall take the necessary actions. The transactions, carried out in relation to the applications for complaints, shall be recorded by the distribution undertaking licensees and shall, at request, be submitted to the Authority by the distribution undertaking licensees.
(3) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.5)** The denunciations and complaints, related to the market activities and the activities which are not considered as a market activity, however, require license, shall be submitted directly to the Authority or to the public institutions and organizations empowered in the name of the Authority.
(4) In the letters of denunciations and complaints submitted to the Authority, it is necessary to indicate the complainant's name and surname, signature, T.R. identity number and business or residence address as well as the information and documents associated with the application. The original or a photocopy of the sales note relevant to the denunciation or complaint as well as the information and documents associated with the previous relevant applications and transactions shall be enclosed with the letters of denunciations and complaints. The letters of denunciations and complaints, which do not bear one of items "name and surname, signature or address" or which contain general complaints, shall not be put into process. However, such letters may be put into process if they are based on concrete information or if they bear convincing documents enclosed therewith.
(5) Upon the denunciation and complaint which has been put into process in result of the evaluation carried out by the Authority; if necessary, the sample shall be taken by the Authority's personnel or through the channel of the other public institutions, organizations and private inspection entities that are granted the authorization to perform inspections on behalf of the Authority and then, the accredited laboratory analysis shall determine whether or not the complaint-related LPG is in conformity with the technical arrangements.
(6) In the case that the subject matter of the complaint and denunciation is about nonconformity of the LPG with the technical arrangements and that the laboratory analysis, however, does not verify or confirm this allegation; such denunciation and complaint shall be removed from the process without putting it on the Board's agenda.
(7) Upon concrete denunciations and complaints about conduct of unlicensed market activities or about supply of illegal LPG or about supply of LPG whose origin is indefinite and upon the relevant notifications made by judicial or civil authorities, law-enforcement officers and other public institutions and organizations; the President may, after evaluating the urgency of the matter and the possibility for loss or obfuscation of the evidence, initiate the inspection, may assign the Authority's personnel to participate in other inspections initiated by other authorities, may instruct the other public institutions, organizations and private inspection entities that are granted the authorization to perform inspections on behalf of the Authority. If the personnel who are assigned with the duty of performing inspections reach serious indications that unlicensed market activities are carried out or that illegal LPG or LPG whose origin is indefinite is supplied, upon their own findings or upon the findings by the denouncer or by the complainant or upon the findings by the authorities that made the notification; those personnel shall suspend those activities or the supply of this LPG, temporarily through sealing. In this regard, under article 17 of the Law; they may, if necessary, request judicial and civil authorities to impose sanctions. The relevant transactions, carried out, shall be put on the Board's agenda in the first place. The Board may decide that the relevant preliminary investigation and/or inquiry be initiated, if found necessary by the Board.
(8) In case it is found that there are transactions and/or operations constituting a crime under the other legislation, the circumstance shall be notified to the relevant authorities as soon as possible.

Sample taking, test and analysis

ARTICLE 15- (1) In the course of inspections, preliminary investigations and inquiries, if deemed necessary, samples shall be taken in order to carry out the analyses stipulated in the technical arrangements determined by the Authority. The way and the procedures for the sample-taking shall take place as specified in the related Turkish Standards. Three samples shall be taken and one of these samples shall be witness sample. For the samples taken, the Sample-Taking Record whose form is indicated in Annex-1 to this Regulation shall be prepared in three copies. One copy of this record shall be delivered to the related real or legal person, and one copy shall be kept within the body of the Authority in order to carry out transactions. If the sample-taking activity has been performed by the other public institutions, organizations and private inspection entities which are granted the authorization to carry out inspections on behalf of the Authority, one copy of this record shall be kept at those public institutions, organizations and entities. **(Supplementary sentence added by: O.G.-3/1/2013-28517)** The quantity of the product from which the sample has been taken shall be inserted into the record to be issued in the course of the sample-taking process.

(2) The samples shall be sealed in such a way that they cannot be opened without unsealing, and the sample label whose form is indicated in Annex-2 to this Regulation shall be placed on the samples in such a way to indicate that the label is associated with the record.
(3) **(As amended by: O.G.-21/2/2012-28211)** Of the samples taken, one sample shall be delivered to the related real or legal person. The other two samples shall be delivered to the Laboratory together with the sample delivery record whose form is indicated in Annex-3, in no later than five business days as from the sample-taking date. The Laboratory shall keep the witness sample in its capacity as depository. The witness sample may be destroyed in case any relevant judicial or administrative investigations are not initiated within ninety days following the issuance date of the test and examination report. In case a judicial investigation is initiated, the witness sample shall be kept by the Laboratory until such time as the investigation and judicial processes are completed.
(4) **(As amended by: O.G.-21/2/2012-28211)** The samples shall be analyzed by the accredited Laboratories. The analyses, stipulated in the technical arrangements determined by the Authority, shall be carried out on the samples delivered to the Laboratory. Within fifteen days, the Laboratory shall carry out the analyses in such a way that the characteristics of the sample remain unchanged, and shall determine the result in a report. The Laboratory shall keep one copy of the report. Of the other two copies, the Laboratory shall post one copy to the unit- that has taken the sample- in order to be delivered to the related real or legal person and one copy to the Authority for necessary action, within five business days at the latest.
(5) The costs of the tests and analyses shall be borne by the Authority.
(6) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.6)** The losses and damages, caused against the consumer due to the supply of LPG not conforming to the technical arrangements, shall be compensated and indemnified in accordance with the matters contained in the licenses and contracts of the licensee real or legal persons.
(7) Upon application by the personnel who are assigned with the duty of performing inspections, the Governorates are obliged to take the necessary safety and security measures in accordance with article 12 of the Law in the course of performing inspections and taking samples.

Sealing
ARTICLE 16- (1) In case it is found that LPG is not in conformity with the technical arrangements; the LPG supply to the market shall be suspended temporarily through sealing and the transaction shall be put on the Board's agenda in the first place. The accredited laboratory analysis shall determine whether or not the LPG is in conformity with the technical arrangements.
(2) In case it is found that activities subject to license are carried out in the market without obtaining license; the facility or enterprise where the activity is carried out, without the requirement of conducting a preliminary investigation and inquiry, shall be sealed temporarily until such time as the relevant license is obtained or until such time as it becomes a facility to perform only the activities not requiring a license under the Law, and the transaction shall be put on the Board's agenda in the first place.
(3) **(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.7)** The licensee's relevant market activity may be suspended by the Authority or by the entities empowered by the Authority, due to the licensee's acts which require suspension of the activity by their nature or result in unsafe act, or malicious intent.
(4) In relation to the conduct of the sealing transaction, the judicial and civil authorities shall be requested to impose sanctions as per article 17 of the Law if necessary.
(5) In relation to the sealing transaction, the sealing record whose sample form is indicated in Annex-4 to this Regulation shall be prepared in three copies. One copy of the Sealing Record shall be delivered to the related real or legal person and one copy shall be kept within the body of the Authority to perform transactions. If the sealing has been performed by the public institutions, organizations and private inspection entities that are granted the authorization to carry out inspections on behalf of the Authority, one copy of the record shall be kept at those public institutions, organizations and private inspection entities. The sealing shall be announced to third parties through placement of the relevant plate at a visible place of the facility or the enterprise.
(6) Should the case occur, the seals shall be removed by the Authority's personnel or by the other public institutions', organizations' and private inspection entities' personnel who are granted the authorization to carry out inspections on behalf of the Authority. Before removing the seals, it shall be checked if the seals are proper and if the information displayed on the seals are accurate.
(7) In the case of unsealing by any individuals, other than the authorized persons; the Authority shall file the relevant criminal complaint with the relevant authority. The related provisions of the Turkish Criminal Code No. 5237 of 26/9/2004 shall apply to the officials of the real persons and legal persons that continue performing their activities in spite of license cancellation or sealing.

Case of absence, or refusal to undersign the records
ARTICLE 17- (1) In the inspections, preliminary investigations and inquiries, if the related real or legal person, their responsible official or representative are not present while the sample-taking and sealing records are being prepared or

if they abstain from undersigning these records; those records shall be undersigned by the personnel who are assigned with the duty of performing inspections and then, one copy shall be delivered to the persons concerned. If the persons concerned abstain from receiving the copy or if they are not present, it shall be served in accordance with the provisions of the Notifications Law No. 7201 of 11/2/1959.

PART FOUR
(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.8) Warning, Temporary Suspension, Principles and Procedures Regarding Preliminary Investigations and Inquiries

(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.9) Warning, temporary suspension and license cancellation

(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.9) ARTICLE 18- (1) In case actions are committed about the licensee persons in breach of the Law, the secondary legislation, the license provisions or the Board decisions; the persons concerned shall, for the actions possible to be cured by their nature as determined by the Board, shall be warned by the Authority or the entities authorized by the Authority, that the breach should be eliminated within thirty days and/or that the breach should not be repeated and that, otherwise, the relevant temporary suspension may be performed; and the circumstance shall be recorded in writing or by means of the relevant record.

(2) The Authority or the relevant entity shall determine whether or not the action in breach of the legislation has been eliminated, within the warning term granted, upon the notification to be made by the person concerned, or at the end of the warning term, if the notification has not been made.

(3) The relevant market activities of those who continue the circumstance -i.e. the circumstance in breach of the legislation- at the end of the warning term granted shall be suspended temporarily for a period of sixty days. In case the breaches determined have not been eliminated at the end of the temporary suspension period, the suspension of the activity shall continue and the relevant inquiry shall be initiated. Until such time as the inquiry is concluded or the breach of the legislation is eliminated, the suspension of the activity shall continue and the necessary administrative sanctions shall be imposed. During the temporary suspension period, no market activity shall be carried out, other than the activities related to the elimination of the circumstance that causes suspension of the activity and related to the prevention of occurrence of a loss or damage against the products or of an unsafe act or malicious intent.

(4) In case the action, possible to be cured by its nature, has been repeated within two years as from the date that it was found, the relevant market activity shall be suspended temporarily for a period of sixty days without applying the warning process. In case the breaches found have not been eliminated at the end of the temporary suspension period, the suspension of the activity shall continue, the relevant inquiry shall be initiated and the necessary administrative sanctions shall be imposed.

(5) In case the circumstance in breach of the legislation ceases to exist after the temporary suspension, the temporary suspension shall be terminated.

(6) The warning processes shall be carried out by the relevant Departments or by the entities empowered by the Authority. However, the processes for temporary suspension and termination of temporary suspension shall be performed by the Inspection Department or by the entities -empowered by the Authority- under the coordination of the Inspection Department.

(7) License cancellations shall be resolved depending on the result of the inquiry to be carried out by the Authority. In case a final verdict of conviction has been received from the courts in relation to smuggling acts, the transactions related to the cancellation of the existing license shall - notwithstanding the provisions of this Regulation- be performed by the relevant Department that conducts the license transactions.

(8) The temporary suspension transactions, which will be conducted under this article, shall be performed in accordance with the principles mentioned in article 16. In cases that do not require a facility for execution of the activity, the temporary suspension transaction shall be performed by making the relevant announcement on the web site of the Authority.

(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.10) Preliminary investigation and inquiry

ARTICLE 18/A- (1) On its own initiative or upon the denunciations or complaints received by the Board, the Board may decide directly for initiation of an inquiry or for conduct of a preliminary investigation in order to determine whether or not initiation of an inquiry is necessary, about the relevant persons, due to the activities, operations or transactions performed in breach of the Law, the liquid fuel smuggling-related provisions prescribed in the Anti-Smuggling Law No. 5607 of 21/3/2007, the secondary legislation, the license provisions, the Board decisions by the real or legal persons performing activities in the petroleum market, or due to the actions not possible to be cured by their nature or due to the activities, operations or transactions that they have not corrected in spite of the temporary suspension transaction performed within the scope of article 18. The Board's powers for initiation of preliminary investigations and inquires may be transferred to the Presidency or to the Department by the Board.

(2) In case it is decided that a preliminary investigation be carried out, the preliminary investigation shall be conducted by means of the Specialist and/or Assistant Specialists assigned by the Department Head or under the coordination of the Department by means of Management Services Specialists as coordinated by the Specialist. When necessary, a

preliminary investigation may also be conducted by means of the Department Head or the Group President. In case of need, Specialists and/or Assistant Specialists and Management Services Specialists from the other service departments of the Authority may also be assigned upon approval of the President. If necessary, the Department Head is entitled to request the relevant service departments to deliver their written opinions about the matter.
(3) The Authority's personnel who are assigned with the duty of performing preliminary investigation shall submit a preliminary investigation report to the Department in no later than thirty days as from the date of assignment, which report shall contain the information and evidence they obtained and their opinions about the matter.

Conclusion of preliminary investigation
ARTICLE 19- (As amended by: O.G.-4/1/2017-29938)
(1) The preliminary investigation report shall be put on the Board's agenda in the first place by the President. The Board shall evaluate the report and then, decide that an inquiry shall be initiated or shall not be initiated. In the case of such transfer of authority by the Board, the preliminary investigation report shall be evaluated by the President or the Department Head and then, it shall be decided that an inquiry shall be initiated or shall not be initiated.
(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.11)
Initiation of inquiry
ARTICLE 20- (Amended by: O.G.-23/2/2008-26796)
(1) **(As amended by: O.G.-4/1/2017-29938)** If, directly or in consequence of the preliminary investigation, it is decided that an inquiry shall be initiated; the inquiry shall be conducted by means of the Specialist and/or Assistant Specialists assigned by the Department Head or under the coordination of the Department by means of Management Services Specialists as coordinated by the Specialist. When necessary, an inquiry may also be conducted by means of the Department Head or the Group President. In case of need, Specialists and/or Assistant Specialists and Management Services Specialists from the other service departments of the Authority may also be assigned upon approval of the President. If necessary, the Department Head is entitled to request the relevant service departments to deliver their written opinions about the matter.
(2) **(As amended by: O.G.-4/1/2017-29938)** The inquiry report shall be completed in no later than six months as from the date of the decision for initiation of the inquiry. A time extension up to three months may be granted by the Department Head for one time only, in cases where deemed necessary.
(Third paragraph repealed by: O.G.-21/06/2019, Issue No.: 30808, art.11)
(Fourth paragraph repealed by: O.G.-21/06/2019, Issue No.: 30808, art.11)
(Fifth paragraph repealed by: O.G.-21/06/2019, Issue No.: 30808, art.11)
Collection of evidence
ARTICLE 21- (1) The Authority's personnel who are assigned with the task of performing inquiry shall have the power to request for any necessary information about the matter and to carry out on-site examinations. They are entitled to request the related persons, institutions and organizations to submit any necessary information, documents and samples, they are entitled to obtain originals and/or copies of these items, they are entitled to prepare the necessary records and to request for written or verbal explanations about the matter.
(2) The related persons, institutions and organizations are obliged to submit all kinds of books, documents, information and samples as requested. They are not entitled to abstain from submission of information, documents and samples on the grounds of confidentiality.
(3) At the inquiry phase, the real or legal person allegedly in breach of the provisions of the related legislation may at any time submit to the Authority all kinds of information and evidence that might affect the relevant decision.
Service of the report, and defense
ARTICLE 22- (1) **(As amended by: O.G.-4/1/2017-29938)** (1) The inquiry report, prepared by the Authority's personnel who are assigned with the duty of performing the inquiry, shall be forwarded to the Department. In case the report finds that there is a breach of the provisions of the related legislation, the Department Head shall serve a copy of the report on the real or legal person about whom the inquiry is carried out. Even if the inquiry report does not find that there is a breach of the provisions of the related legislation; the Board may, at any phase of the inquiry, request that real or legal person to submit the defense about the matter. The measures necessary for protecting identification of the denouncers and complainants and for protection of third parties' trade secrets shall be taken in the report to be served on the real or legal person about whom the inquiry is carried out.
(2) **(As amended by: O.G.-4/1/2017-29938)** In the letter of notification about the inquiry report, namely in the cover letter of the inquiry report, a term of thirty days shall be granted to the real and legal person about whom the inquiry is performed and thereby, the real or legal person shall be requested to forward to the Authority the defense about the matters established in the report. In case the real or legal person requests for a time extension to submit the defense, the Department Head may grant a time extension up to fifteen days. If the defense is not submitted within the stipulated period of time, it shall not be taken into consideration.

(3) About the written defense timely submitted to the Authority by the real or legal person about whom the inquiry is carried out, additional opinions -if any- shall be received from the Authority's personnel who are assigned with the duty of performing the inquiry. The Department Head shall serve these additional opinions upon the real or legal person about whom the inquiry is carried out. The person concerned is entitled to submit replies to these opinions within fifteen days.
(4) The Department Head shall submit to the Presidency an inquiry file comprising of the inquiry report prepared, the written defense submitted by the real or legal person about whom the inquiry is carried out, the defense-related additional opinions -if any- received from the Authority's personnel who are assigned with the duty of performing the inquiry, the defense -if any- submitted by the concerned person about these additional opinions and the Department Head's own opinions about all these items.
(5) The President shall put the inquiry file on the Board's agenda in the first place.

Board decision

ARTICLE 23- (1) In consequence of the reviews carried out by the Board on the subject matter of the inquiry, the Board shall render its relevant decision.
(2) In the case that the inquiry report finds a breach of the provisions of the related legislation and that this finding is also established conclusively by the Board, it shall be decided that the fines and sanctions stipulated by the related laws be imposed.

Initiation of the inquiry directly by receiving written defense

ARTICLE 24- (Repealed by: O.G.-21/06/2019, Issue No.: 30808, art.12)

Cases where administrative fines may be imposed directly

ARTICLE 25- (Repealed by: O.G.-30/8/2014-29104)

Cases where inspection reports may be treated as an inquiry report

ARTICLE 26- (As amended by: O.G.-4/1/2017-29938)

(1) In case the Board or the President or the Department Head -if the Board has transferred this authority- determines that the breaches, found by the inspection reports issued in consequence of the inspections performed within the framework of the provisions contained in the Part Two and the Part Three of this Regulation, are evident in such a degree that does not require conduct of a further inquiry, it may be decided that the relevant inspection report be treated as an inquiry report. In this case, actions shall be taken within the framework of the provisions contained in articles 22 and 23.

Service of decisions, and collection of fines

ARTICLE 27- (As amended by: O.G.-31/10/2008-27040)

(1) A copy of the Board decision shall be served upon the real or legal person about whom the inquiry has been carried out. In case an administrative fine is not paid in a timely manner, it shall be ensured that the administrative fine is collected through the channel of the relevant tax office.
(2) **(As amended by: O.G.-4/1/2017-29938)** Within the statutory term, it is possible to take legal action against a Board decision before the competent Administrative Court as from the date when the decision is served.
(3) In case public disclosure of a decision is considered appropriate by the Board, such decision shall be announced to the public in such a content not disclosing the related party's trade secrets.
(4) **(Added by: O.G.-21/06/2019, Issue No.: 30808, art.13)** In case a legal action is taken against an administrative fine imposed within the scope of the Law, this case shall not suspend the collection processes, with the exception of submission of a bank letter of guarantee to the relevant tax office for the administrative fine.

PART FIVE
Miscellaneous and Final Provisions

Dates when the terms shall to run

ARTICLE 28- (1) The terms shall start to run as from the date of service upon the related real or legal person.

Notification/service

(As amended by: O.G.-21/06/2019, Issue No.: 30808, art.14) ARTICLE 29- (1) All kinds of notifications to be served in relation to the implementation of this Regulation shall be made by the Authority firstly through the Electronic Notification addresses declared to the Authority by the persons whose licenses are effective. In case it is not possible to make such notification through the Electronic Notification Address for a compulsory reason, the notification made at the address declared to the Authority shall be deemed to be the service of the notification.
(2) The provisions of the Notifications Law No. 7201 shall apply to all kinds of notifications to be served on the persons who do not have a license or whose licenses have been terminated or cancelled. However, the notifications to be served by publication shall be published in the Official Gazette.

Application to judicial and administrative bodies

ARTICLE 30- (1) In case the Board, on its own motion or in result of the findings accessed at any phase of an ongoing inspection, preliminary investigation or inquiry, determines an evident breach of the provisions of the related legislation; the Board may render the decision of application to all kinds of judicial and administrative bodies, including filing of lawsuits and cases. Such decisions shall be notified to the proper authorities.

(2) Furthermore, the Authority may, in its capacity as intervening party, follow up the criminal cases filed about market activities. In relation to these matters, the Authority may file criminal complaints and may also request judicial and civil authorities to impose sanctions, with regard to implementation of the legislation.

Cases for which there is no relevant provision in the Regulation

ARTICLE 31- (Repealed by: O.G.-21/06/2019, Issue No.: 30808, art.15)

Effectiveness

ARTICLE 32- (1) This Regulation shall become effective on the date of its publication.

Execution

ARTICLE 33- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	10/5/2006	26164
	Of the Official Gazettes in which the Regulations amending the Regulation were published	
	Date	**Issue**
1.	23/2/2008	26796
2.	31/10/2008	27040
3.	21/2/2012	28211
4.	3/1/2013	85517
5.	30/8/2014	29104
6.	4/1/2017	29938
7.	21/6/2019	30808

ANNEXES TO THE PRINCIPLES AND PROCEDURES TO BE FOLLOWED IN PRELIMINARY INVESTIGATIONS AND INQUIRIES AND IN INSPECTIONS

ANNEX-1: SAMPLE-TAKING RECORD

Record Serial No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
License No.	
Address of the Place/Vehicle Registration Plate Number/Ship Register No./Tank Number/Wagon No., where the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline etc.)	
Date/hour when the sample has been taken	
Kind/Type of the Sample Taken	
Quantity of the Sample Taken	
Total quantity of the product whose sample has been taken	
Reason(s) for the sample taking	
Sample Label Serial No.	
Name of the Entity that has taken the sample	

In the presence of its owner, his official, representative or related personnel, three samples have been taken from the LPG whose type and content are indicated above and then, the samples have been sealed in such a way that they cannot be opened without unsealing. This record, which determines the circumstance, has been prepared in three copies, and one copy and one sample have been delivered to the person concerned.

……; …/…/….

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Official/Representative/Personnel of the Real or Legal Person Inspected and Stamp of the Real or Legal Person Inspected**

Official Observer's (If Any)
Name and Surname/Position/Title/Signature

ANNEX-2: SAMPLE LABEL

Sample Label Serial No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
License No.	
Address of the Real or Legal Person from whom the sample has been received	
Date/hour when the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline, etc.)	
Kind/Type of the Sample Taken	
Sample-Taking Record Serial No.	
Name of the Entity that has taken the sample	

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Official/Representative/Personnel of the Real or Legal Person Inspected and Stamp of the Real or Legal Person Inspected**

ANNEX-3: SAMPLE DELIVERY RECORD

Record Serial No.	
Name/Trade Name of the Real or Legal Person from whom the sample has been received	
License No.	
Address of the Real or Legal Person from whom the sample has been received	
Date/hour when the sample has been taken	
Place through which the sample has been taken (Pump, tank, tanker, pipeline etc.)	
Name of the Laboratory that has taken delivery of the sample	
Date when the sample has been delivered to the Laboratory	
Kind/Type of the Sample Delivered	
Number of the Samples Delivered	
Witness Sample Delivery (Yes/No)	
Type of the Analysis Requested (*)	
Sample Label Serial No.	

The LPG samples, whose type and content are indicated above and which have been examined and understood not to have been opened beforehand and have been delivered in vessels conforming to the standards, have been received in order to be analyzed, after issuance of this record which has been prepared in three copies.

Name-Surname, Position/Title, T.R. Identity No., Signature of the Person who has delivered the sample	**Name-Surname, Position/Title, T.R. Identity No., Signature of the Person who has taken delivery of the sample**

(*) If the type of the analysis is not indicated or if a list pertaining to the analysis is not enclosed herewith, the analyses stipulated in the technical arrangements determined by the Authority shall be carried out.

ANNEX-4: SEALING RECORD

Record Serial No.	
Name/Trade Name of the Facility/Enterprise Operator	
License No.	
Address of the Facility/Enterprise	
Registered Tax Office and Tax ID No. of the Real or Legal Person	
Distribution undertaking or another supplier	
Date-Hour of the Sealing	
Reason(s) for the Sealing	
Whether or not the Facility/Enterprise is active	
Duration of the Sealing	
Equipment Sealed (Tank/tanker/pump/pipeline, etc.)	
Name of the Entity that sealed	

For the reasons stated above, the facility or enterprise with the above name, trade name and at the above address has been sealed in the presence of its owner, official, his representative or related personnel. This record, which determines the circumstance, has been prepared in three copies and one copy has been delivered to the person concerned. …….;
…/…/…..

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Facility's or Enterprise's Owner Official/Representative/Personnel and Stamp of the Facility's or Enterprise's Owner**

Official Observer's (If Any)
Name and Surname/Position/Title/Signature

ENCL.: 1- Copy of the tax registration certificate pertaining to the Facility/Enterprise
2- Documents (Invoice, sales slip, etc.) indicating that the Facility/Enterprise is active

ANNEX-5: WARNING RECORD (Added by: O.G.-21/06/2019, Issue No.: 30808, art.16)

Record Serial No.	
License No.	
Name/Trade Name of the Licensee	
Address of the Facility/Enterprise	
Name of the Facility's/Enterprise's Owner/Official	
Registered Tax Office and Tax ID No. of the Real or Legal Person	
Hour-Date of the Warning	
Actions(s) in Breach of the Legislation, Constituting the Reason for the Warning	
Name of the Entity that has made the warning	

The licensee with the above name/trade name and address has been WARNED pursuant to the subparagraph (a) of the second paragraph of article 20 of the Law No. 5015 due to its action(s) found to be in breach of the legislation, and it has been served on the licensee that the activity of the facility/enterprise shall be suspended temporarily in case the breach is not eliminated within 30 days and that the sanction "temporary suspension" shall be imposed without warning, in case of commission of the same action(s) again within two years. The concerned person reserves right to file an administrative case against the warning before the competent administrative court within 60 days as from the date of service. This record, which determines the circumstance, has been prepared in three copies and one copy has been delivered to the person concerned.

…….; …/…/…..

Name-Surname, Position/Title, T.R. Identity No., Signature of the Personnel who is assigned with the task of performing the inspection	**Name-Surname, T.R. Identity No., Signature of the Facility's or Enterprise's Owner Official / Representative / Personnel and Stamp of the Facility's or Enterprise's Owner**

Official Gazette Date: 30.12.2014, Official Gazette Issue No.: 29221 (Reiterated)

From the Energy Market Regulatory Authority:

REGULATION ON LIQUEFIED PETROLEUM GASES (LPG) MARKET PRICING SYSTEM

Objective
ARTICLE 1- (1) The objective of this Regulation is to set forth the principles and procedures for setting and applying prices of certain goods and services regarding the market activities, in order to secure transparency, equalitarianism and stability, in ensuring that the goods and services released to the liquefied petroleum gases (LPG) market are offered to consumers in a secure and economically competitive environment, and is to set forth the principles and procedures for announcement of those prices to the public and to the persons concerned.

Scope
ARTICLE 2- (1) This Regulation covers the principles and procedures for:
a) Framework of pricing in the liquefied petroleum gases (LPG) market;
b) Principles and obligations regarding price announcements;
c) Declaration of price announcements to the public;
ç) Changes in prices;
d) Price announcements; and
e) Market intervention.

Legal basis
ARTICLE 3- This Regulation has been prepared on the basis of the Law No. 4628 of 20/2/2001 on the Organization and Duties of the Energy Market Regulatory Authority and the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005.

Definitions
ARTICLE 4- (1) The following terms, referred to in this Regulation, shall have the following meanings:
a) President: President of the Energy Market Regulatory Board;
b) Price: Amount which should be paid exactly per unit, in remuneration for delivery or provision of service;
c) Billboard: Billboard which announces price of the autogas offered for sales at autogas stations;
ç) Related legislation: LPG market-related Laws, Council of Ministers' Decrees, regulations, licenses, communiques, circulars and Board decisions;
d) Law: Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307;
e) Board: Energy Market Regulatory Board;
f) Authority: Energy Market Regulatory Authority;
g) LPG distribution price: Ceiling price at which distribution undertakings may sell to consumers and vendors the LPG in bottles and as autogas and sell bulk LPG to consumers;
ğ) Autogas vendor price: Price at which autogas vendors may sell LPG to vehicles in autogas stations;
h) Market: The market comprising of import, export, storage, transportation, distribution, vendor activity and utilization of LPG and the operations and processes associated therewith; and
ı) Ceiling price: The highest amount payable per unit, in remuneration for delivery or provision of service;

Pricing in the LPG market
ARTICLE 5- (1) Provided that the provisions contained in article 10 of the Law are reserved, prices of goods and services released to the market shall occur freely.
(2) The prices regarding the market activities performed within the scope of their licenses shall be notified to the Authority by those refineries and distribution undertakings as ceiling prices, taking into account the price formations in accessible global free markets.
(3) Autogas vendor activity licensees shall announce autogas sales prices on their billboards.
(4) The licensees referred to above are obliged to carry out their activities in compliance with the ceiling prices they notified or announced.

Principles regarding pricing
ARTICLE 6- (1) In price notifications and announcements:
a) Turkish Lira shall be used as the currency;
b) As the volume or weight measurement unit:
1) The weight value calculated and the volume corrected and the density value corrected to 15ºC temperature in deliveries through tanker meters or directly on the basis of weight measure, as bulk to consumers and as autogas to autogas vendors,
2) The liter corrected to 15ºC temperature, in the sales of LPG as autogas to ultimate consumers;
3) Bottle types or kilogram and the number of bottles, in bottled LPG sales, shall be used.

Changes in prices and declaration of the prices to the public
ARTICLE 7- (1) Prior to the working hours of the day when those changes will become effective, changes in prices shall be notified to the Authority and shall be declared on the web page of the licensee (except for refining undertaking licensee) who made the notification and shall apply until such time as they are replaced or until such time as they are suspended for any reason.
(2) The prices, determined as ceiling ones on province basis by distribution undertakings for their vendors, shall be notified to the Authority and be declared through internet.

Price announcement
ARTICLE 8- (1) LPG Autogas Vendor Activity licensees shall have the following obligations regarding price announcement:
a) On the billboards placed clearly visible from the road, at the front of their stations, to announce the price of the autogas they offer for sales in their stations;
b) Not to sell autogas at a price exceeding the prices displayed on the billboard; and
c) Not to exceed the provincial ceiling price notified to the Authority by their distribution undertakings.
(2) The billboards shall also display the trademark and logo of the vendor's distribution undertaking licensee and the name or trade name of the vendor activity licensee. In case liquid fuel and autogas sales are performed in the same station, this information may be displayed on the same billboard.
(3) In cases where time is needed to replace the information on billboards (with the exception of price information), such changed information shall be displayed by using posters, placards, stickers etc. on a temporary basis.
(4) In case there is more than one billboard in a station, the autogas price information displayed on the billboards should be identical to each other.

Market intervention
ARTICLE 9- (1) In purchases and sales of LPG, the prices shall occur as per the accessible global free market conditions.
(2) In the event that agreements or actions, which aim at impeding, distorting or restricting competition or activities in the LPG market or which give rise to or might give rise to such impact, create impacts distorting the market organization; the Authority is authorized to initiate the necessary procedures and in addition, the Authority is authorized to determine a base and/or ceiling price to be implemented in regional or national level, at every phase of the activities, for no longer than two months each time and is authorized to take necessary measures.

Compliance obligation
TEMPORARY ARTICLE 1- (1) The LPG autogas vendor activity licensees shall bring their billboards in compliance with the provisions contained in article 8, until 31/12/2015.

Effectiveness
ARTICLE 10- (1) This Regulation shall become effective on the date of its publication.

Execution
ARTICLE 11- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

TRAINING AND MANAGER-IN-CHARGE REGULATION

Official Gazette Date: 16.12.2012, Official Gazette Issue No.: 28499

LIQUEFIED PETROLEUM GASES (LPG) TRAINING AND MANAGER-IN-CHARGE REGULATION

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) The objective of this Regulation is to regulate the principles and procedures regarding training of the personnel involved in the activities of LPG installation project designing and manufacturing, LPG bottle examination, repair and maintenance, LPG bottle manufacturing and distribution, transportation, storage, filling and vendor activity of liquefied petroleum gases (LPG) and the principles and procedures regarding determination of the authorizations, responsibilities, liabilities and qualifications of the managers-in-change who will serve in the liquefied petroleum gases (LPG) market.
Scope
ARTICLE 2- (1) This Regulation covers the managers-in-charge, tanker drivers, filling personnel, bottle filling personnel, bottle distribution vehicles' drivers and bottle distribution personnel, tanker filling personnel, test and examination staffs and autogas LPG filling personnel and pumpers who will serve in the liquefied petroleum gases (LPG) market and the other personnel taking charge in the installation, project designing and manufacturing activities.
Legal basis
ARTICLE 3- (1) This Regulation has been prepared on the basis of articles 14 and 15 contained in the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005.
Definitions and abbreviations
ARTICLE 4- (1) The following terms and abbreviations, referred to in this Regulation, shall have the following meanings:
a) Distribution undertaking: A capital company authorized to distribute LPG and may perform storage, filling and transportation activities provided that they are registered in its license;
b) Distribution: The whole of sales and supply activities of LPG in bottles and as autogas to consumers and vendors, and as the bulk LPG to consumers;
c) Filling facility: Facility which belongs to a distribution undertaking and is established and operated in conformity with the technical arrangements; where the bottles, in conformity with the technical arrangements, bearing the distribution undertaking's registered trademark and logo are filled; or via a contractual agreement, bottles carrying another distribution undertaking's registered trademark and emblem, in conformity with the technical arrangements, are filled; and where transportation vehicles are filled, emptied and stored with autogas and bulk LPG;
ç) Related legislation: Law No. 5307 related to the liquefied petroleum gases market, and the regulations, licenses, communiques and circulars to be issued by the Authority as per that Law, and relevant Board decisions;
d) Malicious Intent: Any act or negligence causing loss, contamination, deterioration or misuse of LPG while performing market activities;
e) Board: Energy Market Regulatory Board;
f) Authority: Energy Market Regulatory Authority;
g) Authorized LPG technical personnel: Personnel taking charge in the installation project designing and manufacturing;
ğ) LPG bottle manufacturing: Manufacturing of LPG bottles in conformity with the technical arrangements, standards and related legislation;
h) LPG bottle examination, test, repair and maintenance activities: LPG bottle examination, test, repair and maintenance activities in compliance with the technical arrangements, standards and related legislation;
ı) Authorized LPG operating personnel: Tanker drivers, filling personnel, bottle filling personnel, bottle distribution vehicles' divers and bottle distribution personnel, tanker filling personnel, test and examination staffs and autogas LPG filling personnel, pumpers, who will serve in the LPG market;

i) Autogas station: Facilities which are established in conformity to the related legislation (technical, quality, safety) by distribution undertakings or vendors who have signed exclusive purchase contracts with those distribution undertakings, and are operated under the registered trademark or logo of the distribution undertaking, and are principally serving to meet the autogas LPG and lube oil needs of motor vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for bottled LPG, which provide services in a liquid fuel station or detachedly;
j) Market activity: The import, export, storage, transportation, distribution and vendor activity of LPG;
k) Liquefied petroleum gases (LPG): Hydrocarbons such as propane, butane and their isomers or mixtures of these, which are produced prom petroleum or natural gas and liquefied under pressure;
l) Manager-in-charge: Personnel whose qualifications, authorizations, responsibilities and liabilities are determined in this Regulation;
m) **(Repealed by: O.G.-21/12/2017-30277) (…)**
n) Unsafe Act: An act or negligence in the conduct of any market activity that causes or is likely to cause the death, disability or sickness of a person that is lawfully at the place or within the vicinity where market activity is performed or that causes or is likely to cause environmental pollution;
o) **Technical arrangement:** TSI standards, and arrangements imposed by other legislation in defining the characteristics of LPG and actions, location and equipment used in LPG activities;
ö) Facility: Filling facility and LPG autogas station;
p) TMMOB: Union of Chambers of Turkish Engineers and Architects;
r) **(Added by: O.G.-15/12/2016-29919)** LPG filling facilities or LPG autogas stations manager-in-charge certificate: Certificates issued by the Union of Chambers of Turkish Engineers and Architects, for the managers who will serve as manager-in-charge in LPG filling facilities or LPG autogas stations; and
s) **(Added by: O.G.-15/12/2016-29919)** Class (A) occupational safety specialization certificate: Certificate which is mandatory to be obtained in order to serve at the workplaces included in the class "very dangerous" under the Occupational Health and Safety Law No. 6311.

PART TWO
Principles for Training

Targets
ARTICLE 5- (1) The following up of the technical developments in the market, the achievement of an increase in the quality of the services, the acquisition of the knowledge, skills and behaviors required by their occupation, the prevention of any possible damages to the environment, the prevention of economic losses and ensuring the safety of life and property shall be realized by means of the service trainings to be provided to the personnel who will take charge in the liquefied petroleum gases market.
Rules
ARTICLE 6- (1) The following rules shall apply in order to achieve the desired training targets:
a) Trainings shall be provided on regular and continuous basis;
b) Trainings shall be based on the plans and programs to be prepared, considering the needs in the market;
c) Equality of opportunity shall be provided to the personnel, based on the priorities in benefiting from trainings;
ç) Training programs shall evaluated and improved on a continuous basis;
d) The locations, where training activities will take place, shall be arranged as per the requirements of the trainings and be equipped depending on the training conditions;
e) The personnel, who received the trainings, shall be employed in the positions suitable for the qualifications they gained by means of the trainings.
Necessity to employ trained personnel
ARTICLE 7- (1) In the LPG market, it is mandatory that:
a) The managers-in-charge who will serve in autogas stations and filling facilities have attended and successfully completed the training programs to be organized by the professional chambers affiliated with TMMOB and have obtained Manager-In-Charge Certificate;
b) The personnel involved in LPG installation project designing and manufacturing activities have attended and successfully completed the training programs to be organized by the professional chambers affiliated with TMMOB and have obtained Authorized LPG Technical Personnel Certificate; and
c) The tanker drivers, filling personnel, bottle filling personnel, bottle distribution vehicles' drivers and bottle distribution personnel, tanker filling personnel, test and examination staffs and autogas LPG filling personnel and pumpers, who will serve, have attended and successfully completed the training programs to be organized by the related professional chambers affiliated with TMMOB **(Wording repealed by: O.G.-15/12/2016-29919) (…)** and have obtained Authorized LPG Operating Personnel Certificate.
(2) Licensees are not entitled to employ any personnel who do not hold the relevant certificates, and are not entitled to assign the "installation project designing and manufacturing" task to those who do not hold Authorized LPG Technical Personnel Certificate.

Certificate renewal
ARTICLE 8- (As amended by: O.G.-21/12/2017-30277)
(1) The Manager-In-Charge and Authorized LPG Technical Personnel Certificates shall have a validity period of five years. The certificates, which are expired, shall be renewed for the same period by the professional chambers affiliated with TMMOB.
(2) Authorized LPG Operating Personnel Certificates shall be issued for an indefinite period of validity.
Training subjects for managers-in-charge
ARTICLE 9- (1) Training programs for managers-in-charge shall include the following subjects, as a minimum:
a) General principles of the legal arrangements related to the LPG market,
b) Technical arrangements, implementations and practices related to the LPG market,
c) The legislation on occupational health and safety,
ç) All kinds of safety measures and implementations,
d) Matters related to firefighting and first aid,
e) Planning and implementations for training of employed personnel,
f) Personnel management and training,
g) Matters related to human and environmental health,
ğ) Rights, authorizations, obligations, responsibilities and liabilities of managers-in-charge, and
h) LPG storage, filling stations, autogas stations, LPG installations and in-house implementations.
Training subjects for authorized LPG technical personnel
ARTICLE 10- (1) Training programs for authorized LPG technical personnel shall include the following subjects, as a minimum:
a) General principles of the legal arrangements related to the LPG market,
b) Technical arrangements, implementations and practices related to the LPG market,
c) The legislation on occupational health and safety,
ç) All kinds of safety measures and implementations,
d) Matters related to firefighting and first aid,
e) Matters related to human and environmental health,
f) Description of and maintenance and operating information pertaining to filling and discharging equipment,
g) Project designing for LPG installations, and
ğ) Manufacturing methods for LPG installations.
Training subjects for authorized LPG operating personnel
ARTICLE 11- (1) Training programs for authorized LPG operating personnel shall include the following subjects, as a minimum:
a) Occupational health and safety,
b) Safety measures,
c) Firefighting,
ç) First aid,
d) Hands on training for the fields of occupation,
e) Trainings for technical and legal arrangements,
f) Matters related to human and environmental health,
g) Rules for storage of LPG,
ğ) Rules to take into consideration for LPG installations,
h) Components and items of LPG installations,
ı) LPG gas burners and elements, and
i) General safety rules and the cases where LPG poses danger.
Implementation
ARTICLE 12- (As amended by: O.G.-19/3/2014-28946)
(1) Trainings for managers-in-charge, authorized LPG technical personnel and authorized LPG operating personnel shall be planned and scheduled, not to be less than six times a year, by the related chambers, in each province where the TMMOB-affiliated chambers have a branch office, and shall be announced in January of every year accordingly. The trainings shall be provided by the persons whose specializations are adopted by TMMOB. In case there are, as a minimum, less than five persons to attend a training course, the opening of such training course shall be at the discretion of the TMMOB-affiliated chambers which would organize the training. TMMOB shall ensure that the training subjects are up-to-date.
(2) By obtaining the assent of the Authority, TMMOB shall, in January of every year, determine the application procedure for training of managers-in-charge, authorized LPG technical personnel and authorized LPG operating personnel, the relevant training and exam conditions, training time and program, the fees for Manager-In-Charge, Authorized LPG Technical Personnel and Authorized LPG Operating Personnel Training and for Manager-In-Charge, Authorized LPG Technical Personnel and Authorized LPG Operating Personnel Certificates, and shall ensure that these matters are announced.

(3) By obtaining the assent of the Authority, TMMOB shall determine the general implementation principles for training and certification, and shall ensure that these principles are announced.
(4) The names of those who have become entitled to obtain certificate after they attended the trainings and the names of those whose certificates have been cancelled shall, together with the certificates and task sub-titles, be published on the web page of TMMOB on an up-to-date basis. The information pertaining to these persons shall be kept by the professional chamber that provided the training.

PART THREE
Provisions Regarding Managers-In-Charge

Necessity to employ manager-in-charge
ARTICLE 13- (As amended by: O.G.-9/1/2014-28877)
(1) It is mandatory to employ manager-in-charge in a filling facility and an autogas station. A manager-in-charge may serve in one filling facility or in maximum three autogas stations within the same provincial borders.
Qualifications to be sought in order to serve as a manager-in-charge
ARTICLE 14- (1) Managers-in-charge shall have the following qualifications:
a) **(As amended by: O.G.-14/10/2017-28877)** For filling stations: To be a graduate of an environmental engineering, an electrical engineering, an electronic engineering, an industrial engineering, energy systems, a chemical engineering, a civil engineering, a mechanical engineering, a mechatronics engineering or a petroleum and natural gas engineering faculty or of a chemistry department of a faculty or of a domestic or foreign higher education institution whose equivalency thereto is adopted by the Council of Higher Education; or to be a graduate of other departments, however, to have done at least master's degree in environmental engineering, electrical engineering, electronic engineering, electrical and electronic engineering, industrial engineering, energy systems, chemical engineering, civil engineering, mechanical engineering, mechatronics engineering or petroleum and natural gas engineering or in the field of chemistry;
b) **(As amended by: O.G.-14/10/2017-28877)** For autogas stations: To be a graduate of a chemistry technology, electronics technology, machinery, mechatronics, electrical installations/facilities, energy facilities operation, natural gas and the relevant installation technology, gas and the relevant installation technology or refinery and petro-chemistry technology program organized by vocational high schools or of a technology or engineering faculty or of a domestic or foreign higher education institution whose equivalency thereto is adopted by the Council of Higher Education or to have obtained the title "chemist" as per the Law No. 6269 on Science of Chemistry and Chemical Engineering; or to be a graduate of other departments, however, to have done at least master's degree in environmental engineering, electrical engineering, electronic engineering, electrical and electronic engineering, industrial engineering, energy systems, chemical engineering, civil engineering, mechanical engineering, mechatronics engineering or petroleum and natural gas engineering or in the field of chemistry;
c) To have completed successfully the education and training stipulated by the related legislation,
ç) To hold manager-in-charge certificate, and
d) Not to have a health obstacle that would prevent fulfillment of the task.
(2) **(Added by: O.G.-15/12/2016-29919)** [(1)] Class (A) occupational safety specialization certificate holders may serve as a manager-in-charge in LPG autogas stations after they obtain manager-in-charge certificate and sign the relevant manager-in-charge contract. The training and certification principles pertaining to these persons shall be determined by means of the general implementation principles every year, and the condition "education" regulated in the subparagraph (b) of the first paragraph of this article shall not be required for these persons.
(3) Licensee real persons are not entitled to serve as a manager-in-charge in their own licensed facilities.
Obligations of managers-in-charge
ARTICLE 15- (1) A manager-in-charge is responsible for the conduct of the market activities in the facility safely and in compliance with the related legislation. In this context, a manager-in-charge shall have the following obligations:
a) **(As amended by: O.G.-21/12/2017-30277)** To ensure that the facility operates safely, in compliance with the related standards and the technical arrangements and in such a way that does not interrupt the service continuity;
b) To ensure that the personnel receive training periodically; and not to allow the personnel, who have not received the trainings necessary as per the related legislation, to work in the facility;
c) To ensure that safety and other warning signs are placed in the facility;
ç) Not to allow filling and sales of LPG bottles in the autogas station and not to allow presence of any tools, machinery and equipment, used for filling of LPG bottles, within the station;
d) In the filling facility, not to allow filling of any bottles other than the LPG bottles which are in conformity with the technical arrangements and bear the logo of the distribution undertaking or of the other distribution undertaking(s) that signed a filling contract with the distribution undertaking;
e) To avoid meticulously all kinds of actions and operations that would result in malicious intent or unsafe act and to take all kinds of measures to prevent their occurrence;
f) To ensure that the maintenances, calibration operations and cathodic and electrical protection tests of the machinery and equipment in the facility are performed in regular intervals, in a timely manner, correctly and accurately;

g) To follow up legal arrangements, technological developments and market activities and to inform the licensee and the other personnel in writing or verbally;
ğ) **(As amended by: O.G.-21/12/2017-30277)** To prepare the information, documents and records related to his task and to ensure that they are kept and to submit them to the competent public bodies when necessary;
h) To provide assistance to the officials who visit the facility in order to perform inspections on behalf of the Authority and to provide this assistance during the inspections and to ensure that the officials access any necessary information and documents; and
ı) To inform immediately in writing the licensee about all kinds actions and operations which are in violation of the related legislation or would result in malicious intent or unsafe act in the facility, as identified by the manager-in-charge; and in case the licensee does not eliminate the violation in an appropriate period of time and/or does not suspend the business temporarily, to inform the Authority and other related public institutions in writing and immediately.

Rights and authorizations of managers-in-charge

ARTICLE 16- (1) A manager-in-charge shall have the following rights and authorizations:
a) While a manager-in-charge is fulfilling his obligations under the related legislation, he is independent from the licensee and he shall not be hindered. In this regard, he is entitled to request the licensee to provide all kinds of conveniences and to ensure a convenient working environment and to supply necessary instruments and equipment. However, he shall observe the rules and the working order applicable in the enterprise and he is not entitled to intervene in the management, in respect of the matters falling outside the scope of his authorizations.
b) In the case of an imminent danger against the facility or against the lives of the persons, he shall take the necessary measures and request the licensee to eliminate the deficiencies and/or to suspend the business temporarily.
c) In the facility where he serves, a manager-in-charge shall not be forced to perform any works falling outside his tasks specified in the related legislation.
ç) He shall inform in writing immediately the Authority and other related public institutions about all kinds of circumstances that prevent him from exercising his rights and authorizations or from fulfillment of his obligations and about all kinds of actions and operations which are in violation of the related and other legislation and/or would result in malicious intent or unsafe act in the facility where the manager-in-charge serves, as identified by the manager-in-charge.

Responsibilities and liabilities of managers-in-charge

ARTICLE 17- (1) A manager-in-charge is, jointly with the licensee, responsible to the Authority and other public institutions, for the operation of the facility -the facility under his responsibility- safely and in compliance with the related legislation.
(2) Any instructions, given by the licensee to the manager-in-charge in violation of the related and other legislation, shall not relieve him of his liabilities.
(3) The civil and criminal liabilities of managers-in-charge, arising from the other legislation, are reserved.

Cancellation of manager-in-charge certificate

ARTICLE 18- (1) A manager-in-charge certificate shall be cancelled by TMMOB in the event that TMMOB, a competent court or the Authority determines one of the following cases:
a) In case the manager-in-charge's state of health prevents him from fulfillment of his task, or in case the manager-in-charge is deceased;
b) In case the manager-in-charge gets involved in any activities included in the scope of unsafe act and/or malicious intent;
c) **(As amended by: O.G.-9/1/2014-28877)** In case he serves as the manager-in-charge in the facilities in such number exceeding the number specified in this Regulation;
ç) In case the manager-in-charge does not fulfill or neglects to fulfill his obligations arising from the related legislation.
(2) In case his manager-in-charge certificate is cancelled, it is mandatory that five years have elapsed in order for him to receive the manager-in-charge training again. If the manager-in-charge certificate is cancelled by the reason that his state of health prevents him from fulfillment of his task, the necessity "elapse of five years" shall not be required in case it is proved that he has recovered his health.

Conclusion and termination of manager-in-charge contracts

ARTICLE 19- (1) It is mandatory that the manager-in-charge contracts are concluded in writing. The contract shall expressly regulate the contract term, the working hours and the rights, authorizations, obligations, responsibilities and liabilities of the manager-in-charge provided that they are not in violation of the related legislation. The scope of his rights, authorizations, obligations, responsibilities and liabilities, defined in the related legislation, shall not be narrowed by the contract. The contract term shall not be shorter than one year and longer than five years.
(2) A manager-in-charge contract shall automatically terminate in the following cases:
a) In case the manager-in-charge certificate is not renewed, is cancelled or expires or
b) In case the parties reach a mutual consensus on the termination.
(3) Furthermore, a manager-in-charge contract may be terminated unilaterally by either party provided that such party makes the written notification to the other party in advance of minimum one month. The notification about termination of the contract shall be made by means of registered and reply-paid letter.

(4) In case the above circumstances have occurred, it is mandatory for the licensee to conclude a new manager-in-charge contract within one month.

LPG filling facilities and LPG autogas stations manager-in-charge certificates

ARTICLE 19/A- (Added by: O.G.-15/12/2016-29919)

(1) Within 10 business days as from the signing of the manager-in-charge contract, it is mandatory for the manager-in-charge to apply to TMMOB-affiliated competent professional chamber for the issuance of the LPG Filling Facilities Manager-In-Charge Certificate or the LPG Autogas Stations Manager-In-Charge Certificate and to request for issuance of this certificate. Otherwise, the manager-in-charge contract shall be deemed not to have been signed. The licensee is obliged to ensure that the manager-in-charge submits this application in a timely manner.

(2) The LPG Filling Facilities Manager-In-Charge Certificate or the LPG Autogas Stations Manager-In-Charge Certificate shall be issued for the term specified in the manager-in-charge contract, provided that it does not exceed the remaining duration of the manager-in-charge certificate.

(3) In case the manager-in-charge contract expires or terminates for any reason, it is mandatory for the licensee or the manager-in-charge to inform the TMMOB-affiliated competent professional chamber about the circumstance within 10 business days as from the expiration or termination of the manager-in-charge contract and request for cancellation of the LPG Filling Facilities Manager-In-Charge Certificate or the LPG Autogas Stations Manager-In-Charge Certificate within the same term.

(4) In case the manager-in-charge certificate is cancelled for any reason, the relevant LPG Filling Facilities Manager-In-Charge Certificate or LPG Autogas Stations Manager-In-Charge Certificate shall also be cancelled.

Manager-in-charge control record book

ARTICLE 19/B- (Added by: O.G.-15/12/2016-29919) (Repealed by: O.G.-21/12/2017-30277) (…)

PART FOUR
Miscellaneous and Final Provisions

Regulations repealed

ARTICLE 20- (1) The Liquefied Petroleum Gases (LPG) Market Manager-In-Charge Regulation published in the Official Gazette dated 7/1/2006 and issue no. 26046 and the Liquefied Petroleum Gases (LPG) Market Training Regulation published in the Official Gazette dated 25/3/2006 and issue no. 26119 are hereby repealed.

Transitional provision

TEMPORARY ARTICLE 1- (1) The managers-in-charge and the licensees performing activities in the liquefied petroleum gases market shall bring their situations in compliance with this Regulation within one year as from the publication date of this Regulation.

Exemption

TEMPORARY ARTICLE 2- (Added by: O.G.-15/12/2016-29919)

(1) About the licensees for whose facility a manager-in-charge certificate has been issued and who have concluded a manager-in-charge contract with a manager-in-charge that has obtained the manager-in-charge certificate by the effective date of this article, the condition of yearly endorsement shall not be required in such manager-in-charge certificates.

Effectiveness

ARTICLE 21- (1) This Regulation shall become effective on the date of its publication.

Execution

ARTICLE 22- (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

	Of the Official Gazette in which the Regulation was published:	
	Date	**Issue**
	16/12/2012	28499
	Of the Official Gazettes in which the Regulations amending the Regulation were published:	
	Date	**Issue**
1.	9/1/2014	28877
2.	19/3/2014	28946
3.	15/12/2016	29919
4.	14/10/2017	30210
5.	21/12/2017	30277

(1) *By the Regulation amendment published in the Official Gazette dated 15/12/2016 and issue no. 29919, it was added as the second paragraph to article 14 of the Regulation, and the subsequent paragraph was re-numerated accordingly.*

COMMUNIQUES

MARKET SURVEILLANCE OF LPG BOTTLES

15 October 2016 SATURDAY, Official Gazette Issue No.: 29858

COMMUNIQUE

From the Ministry of Science Industry and Technology and the Energy Market Regulatory Authority:

COMMUNIQUE ON
MARKET SURVEILLANCE OF LIQUEFIED PETROLEUM GASES (LPG) BOTTLES

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) The objective of this Communique is to determine the principles and procedures necessary to ensure the tracking of LPG bottles, starting from filling until delivery to ultimate consumers.
Scope
ARTICLE 2- (1) This Communique covers the LPG bottles which will be supplied to the market and which are circulated in the market.
Legal basis
ARTICLE 3- (As amended by: O.G.-31/12/2019-30995) (1) This Communique has been prepared on the basis of articles 385 and 392 of the Presidential Decree No. 1 on the Organization of the Presidency of the Republic published in the Official Gazette dated 10/7/2018 and issue no. 30474 and on the basis of the Law No. 1705 of 10/6/1930 on the Prohibition of Adulteration in Trade and on Control and Protection of Exports and the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005.
Definitions
ARTICLE 4- (1) The following terms, referred to in this Communique, shall have the following meanings:
a) **(As amended by: O.G.-31/12/2019-30995)** Ministry: Ministry of Industry and Technology;
b) Distribution undertaking: A capital company authorized to distribute LPG and may perform storage, filling and transportation activities provided that they are registered in its license;
c) Distribution: The whole of sales activities of LPG in bottles to consumers and vendors;
ç) Filling facility: Facility which belongs to a distribution undertaking, where LPG bottles are filled, emptied and stored;
d) Traceability: Tracking of LPG bottles, starting from filling until delivery to ultimate consumers;
e) Barcode: A 2-d barcode in the type of data matrix;
f) Authority: Energy Market Regulatory Authority;
g) LPG bottle: Bottles which have a water capacity between 0.5 and 150 liters (including 150 liters) and are used for filling, storage, transportation of LPG;
ğ) Examination, repair and maintenance facility: Facility which carries out examination, repair and maintenance activities for LPG bottles in compliance with the technical arrangements, after obtaining the relevant license from the Authority;
h) Liquefied petroleum gases (LPG): Hydrocarbons such as propane, butane and their isomers or mixtures of these, which are produced prom petroleum or natural gas and liquefied under pressure;
ı) Tracking system: System established by distribution undertakings so as to ensure the traceability of LPG bottles in the process of marking them by barcodes in such a way not to be in contradiction with the statutory markings on the bottles and not to hinder the visibility of the statutory markings and so as to ensure the traceability of LPG bottles in the process starting from filling until delivery to ultimate consumers and in the processes of repair, maintenance and scrapping of LPG bottles; and
i) Bottled LPG vendor: Real or legal person that keeps within its warehouse and markets LPG bottles of its contracted distribution undertaking only, bearing the distribution undertaking's registered trademark and logo, which are in conformity with the technical arrangements and furthermore, that also keeps within its warehouse and markets the bottles of the other distribution undertakings in which its distributor is the majority shareholder, provided that it concludes the relevant contract.

PART TWO
Tracking System

General principles

ARTICLE 5- (1) Distribution undertakings are responsible to establish and implement a barcode-tracking system which shall ensure traceability of LPG bottles, starting from filling until delivery to ultimate consumers.
(2) The tracking system to be established by distribution undertakings should have the features enabling the tracking of the entire process starting from initial entry of LPG bottles in the filling facility until delivery to ultimate consumers as well as the tracking of the repair, maintenance and scrapping processes.
(3) Distribution undertakings are responsible for ensuring that their own facilities, the facilities from which they receive filling, repair and maintenance services and their contracted bottled LPG vendors are integrated into the tracking system to be established.
(4) Bottled LPG vendors are responsible for implementation -in compliance with this Communique- of the tracking system established by their distributors and for provision of the infrastructure necessary for establishment of the system.
(5) The processes for marking of LPG bottles by barcodes after the LPG bottles are included into the tracking system may be carried out in filling, manufacturing or repair and maintenance facilities.
(6) The tracking system to be established by distribution undertakings should be designed, which design shall enable data flows simultaneously to the central system to be established by the Authority.
(7) It is mandatory that all kinds of information and documents pertaining to the LPG bottles included into the tracking system are submitted to the Authority and the Ministry upon request.

Implementation

ARTICLE 6- (1) All LPG bottles owned by distribution undertakings shall be labelled and identificationed by those distribution undertakings, which shall be in compliance with the barcode sample displayed in Annex-1.
(2) The barcode label shall be placed in such a way that two barcodes are contained and that shall not hinder the visibility of the statutory markings on the LPG bottle.
(3) The barcode label shall display a unique tracking number consisting of eleven digits.
(4) Of the tracking number to be displayed on the label, the eight digits from the right shall refer to the serial number and the other digits shall refer to the distributor firm code. The distributor firm codes shall be provided by the Authority after the firm's application to the Authority.
(5) The following identity information shall, as a minimum, be available in the servers of the tracking system to be established by distributor firms:
a) Name of the distributor firm that is the owner of the bottle,
b) Registered trademark of the firm that manufactured the bottle,
c) Date of manufacture of the bottle,
ç) The bottle's serial number,
d) The bottle's water capacity,
e) The most recent periodic examination date, and
f) **(Repealed by: O.G.-31/12/2019-30995)**
(6) In order to track the usage cycle of LPG bottles, it is mandatory to keep in the servers the following operational information until such bottle is no more refilled:
a) The date of entry of the bottle in the filling facility,
b) Name and title of the filling facility,
c) The process carried out in the filling facility and its date,
ç) The date when the bottle has exited from the filling facility,
d) The dates when the bottle has entered in and exited from the bottled LPG vendor,
e) Name and title of the bottled LPG vendor,
f) The date when the bottle has been delivered to the ultimate consumer,
g) Identity information of the ultimate consumer to whom the bottle has been delivered,
ğ) The date when the bottle has returned to the bottled LPG vendor and
h) In the event that the repair and maintenance of the bottle has been performed, name and title of the repair and maintenance facility, the dates when the bottle has entered in and exited from the repair and maintenance facility and the processes carried out in the repair and maintenance facility.
(7) It is prohibited to keep within the borders of a filling facility the filled LPG bottles which do not have a barcode label or are not identificationed.
(8) The barcode label on the LPG bottle shall not be removed, shall not be falsified or imitated, shall not be used if it is not in due form. The LPG bottles, found to have been falsified or imitated, found to have been labelled not in due form, shall not be filled and used as long as they are not included into the system after they are re-labelled.
(9) The LPG bottles, which have not already been included into the system and on which there is no barcode label, shall not be filled and sold. It is mandatory that these bottles are included into the system after they are identificationed, in order for these bottles to be filled.

(10) The information available in the tracking system shall not substitute the cold stamping marks applied in the course of production. In cases where the cold stamped information displayed on the LPG bottle and the information available in the tracking system do not match up with each other, the statutory markings displayed on the bottle shall prevail.
(11) The distribution undertaking is responsible for the correctly and accurately entry of the cold stamped information -displayed on the LPG bottle- in the system.
(12) When the barcode labels are no more readable, the distributor firms shall be responsible for replacement of the labels with the new ones.
(13) The barcode labels should have the characteristics enabling them to maintain their durability under foreseeable conditions for transportation, storage and use, and the methods used for the label should be compatible with the materials pertaining to LPG bottles.
(14) While LPG bottles are being delivered to ultimate consumers, the barcode displayed on the bottle delivered shall be scanned, and the information on the bottle delivered and the ultimate consumer's T.R. identity number or credit card number and name and surname shall be entered in the system by the bottled LPG vendor.
(15) In case the LPG bottles are not returned to bottled LPG vendors by ultimate consumers within the terms to be fixed by distribution undertakings considering also regional and demographic specifics, those bottled LPG vendors shall warn those consumers in order to impede exclusion of the bottles from the tracking system.

PART THREE
Miscellaneous and Final Provisions

Administrative sanctions
ARTICLE 7- (1) Under this Communique:
a) The administrative sanctions stipulated by the relevant provisions of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely by the relevant provisions of the Law No. 5307 shall be imposed on those who do not comply with the obligations introduced for distribution undertakings; and
b) The administrative sanctions stipulated by the relevant provisions of the Law No. 1705 on the Prohibition of Adulteration in Trade and on Control and Protection of Exports shall be imposed on those who do not comply with the obligations introduced for bottled LPG vendors.
Commissioning of the tracking system
TEMPORARY ARTICLE 1- (As amended by: O.G.-31/12/2019-30995) (1) Distribution undertakings shall establish the tracking system until 31/12/2023 and shall not, as from that date, keep within their filling facilities the filled LPG bottles which are not identificationed or which do not have barcode label, and these bottles shall not be filled and sold.
Effectiveness
ARTICLE 8- (1) This Communique shall become effective on the date of its publication.
Execution
ARTICLE 9- (As amended by: O.G.-31/12/2019-30995) (1) The provisions of this Communique shall be executed jointly by the Minister of Industry and Technology and the President of the Energy Market Regulatory Authority.

MARKET SURVEILLANCE OF LPG BOTTLES, ANNEX-1

LPG INSPECTION COMMUNIQUE FINES 2020

31 December 2019 TUESDAY Official Gazette Issue Number: 30995 (4th Reiterated)

From the Energy Market Regulatory Authority:

COMMUNIQUE ON THE FINES APPLICABLE IN 2020 PURSUANT TO ARTICLE 16 OF THE LIQUEFIED PETROLEUM GASES (LPG) MARKET LAW AND AMENDING LAW TO ELECTRICITY MARKET LAW, NAMELY THE LAW NO. 5307

Objective and scope
ARTICLE 1- (1) The objective of this Communique is to re-determine the lower and upper limits of the administrative fines regulated in article 16 of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307 of 2/3/2005, by increasing them at the rate of 22.58% (twenty-two point fifty-eight) determined as the revaluation rate for 2019 in the Tax Procedure Law General Communique (Sequence No: 512) published in the Official Gazette dated 23/12/2019 and issue no. 30987.
Legal basis
ARTICLE 2- (1) This Communique has been prepared on the basis of article 16 of the Law No. 5307 and the seventh paragraph of article 17 of the Misdemeanor Law No. 5326 of 30/3/2005.
Amounts of administrative fines
ARTICLE 3- (1) The administrative fines, applicable pursuant to article 16 of the Law No. 5307, are determined as follows:

RELATED PROVISION OF ARTICLE 16 OF THE LAW NO. 5307	LOWER AND UPPER LIMITS OF THE ADMINISTRATIVE FINES APPLICABLE IN 2020 (TL)
Subparagraph (a) of the second paragraph of article 16	612,900-12,258,000
Subparagraph (b) of the second paragraph of article 16	306,450-3,370,950
Subparagraph (c) of the second paragraph of article 16	122,580-612,900
Subparagraph (ç) of the second paragraph of article 16	122,580-612,900
Subparagraph (d) of the second paragraph of article 16	306
Fourth paragraph of article 16	12,258-61,290

Effectiveness
ARTICLE 4- (1) This Communique shall become effective on 1/1/2020.

Execution
ARTICLE 5- (1) The provisions of this Communique shall be executed by the President of the Energy Market Regulatory Authority.

BOARD DECISIONS

RECEIPT OF LPG MARKET LICENSE TRANSACTIONS, ONLY IN ELECTRONIC ENVIRONMENT

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8209 **Decision Date:** 28/11/2018

At the Energy Market Regulatory Board's meeting dated 28/11/2008, it has been decided that, within the scope of the license transactions carried out in the liquefied petroleum gases (LPG) market by virtue of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307, and the related legislation:

a) The license modification, duration extension and termination applications and license applications, which will be made within the scope of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307, shall be received only in electronic environment as from 01.01.2019;
b) The license application transactions of LPG autogas vendors shall be carried out by means of the LPG distribution undertaking licensees contracted with these vendors;
c) The license modification and duration extension transactions of LPG autogas vendors shall, unless otherwise requested, be carried out by means of the LPG distribution undertaking licensees contracted with these vendors;
d) After 01.01.2019, the LPG distribution undertaking licensees' declarations -for contract duration extension, contract expiration and contract termination regarding the contracts they concluded with autogas vendor activity licensees- shall be submitted only in electronic environment, and the declarations -submitted to the Authority in writing within this context- shall be returned to the relevant LPG distribution undertaking licensee without putting these written declarations into process;
e) The written applications, which will be submitted after 01.01.2019, shall be returned to the applicants without taking them under examination, with the exception of the LPG autogas vendor activity licensees' license termination applications;
f) The declarations, such as submission of documents not registered in the license, replacements of the persons authorized to represent and bind the company, changes in the shareholding structure, changes in the contract address, etc. -which are not associated with a license modification, however, should be notified to the Authority- shall be submitted only in electronic environment after the Authority's document system becomes suitable and convenient for performing transactions electronically;
g) With the exception of LPG autogas vendor activity licensees, the licensees shall designate at least one license transaction official for each of their licenses in force and notify these persons to the Authority in compliance with the explanations on the web site of the Authority, and in case of a replacement of these persons, notify this circumstance to the Authority in the same way.

EXPLANATIONS ON LICENSE APPLICATIONS AND NOTIFICATIONS

It was published in the Official Gazette dated 18/3/2012 and issue no. 28237.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3727 **Decision Date:** 08/03/2012

At the Energy Market Regulatory Board's meeting dated 08/03/2012, the following Decision About the Explanations for License Applications and Notifications in the Liquefied Petroleum Gases (LPG) Market has been taken.

BOARD DECISION ABOUT THE LICENSE APPLICATIONS IN THE LIQUEFIED PETROLEUM GASES (LPG) MARKET
(As amended by: O.G.-25/6/2015-29397)

PART ONE
General Provisions

SECTION ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) **(As amended by: O.G.-23/2/2018-30341)** This Decision has been issued in order to determine the information and documents to be required for license applications in the liquefied petroleum gases (LPG) market.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 7 of the Liquefied Petroleum Gases (LPG) Market Licensing Regulation.

Definitions
ARTICLE 3- (1) The following terms, referred to in this Decision, shall have the following meanings:

a) **(As amended by: O.G.-23/2/2018-30341)** Address Confirmation Letter: Official letter obtained from the competent administration in order to document the change occurred in the address of the facility;

b) **(Repealed by: O.G.-23/2/2018-30341)**

c) Minimum Distance Fact-Finding Record: Official document in which the distance, in meters, between the back and next closest LPG autogas stations on the same direction of the road is determined by Metropolitan Mayoralties within metropolitan municipal borders and metropolitan municipal adjacent areas, by Mayoralties within municipal borders and municipal adjacent areas, by Provincial Special Administrations outside municipal borders and municipal adjacent areas and by the Organized Industrial Zone legal entity within the borders of organized industrial zone;

ç) **(Repealed by: O.G.-23/2/2018-30341)**

d) Related legislation: LPG market-related Laws, regulations, communiques, circulars and Board decisions;

e) Business License: License obtained situationally under the Regulation on Business Licenses;

f) Capacity Report: Up-to-date report which is issued by the competent Chamber of Trade and/or Industry and contains information on the facility's fields of production, yearly production capacity, technology, equipment pool, raw materials utilized, capital and employment and any similar matters;

g) Board: Energy Market Regulatory Board;

ğ) Authority: Energy Market Regulatory Authority;

h) LPG Filling Facilities and Autogas Stations Manager-In-Charge Certificate: Certificate issued by the Union of Chambers of Turkish Engineers and Architects, for managers-in-charge who will serve as manager-in-charge in LPG filling facilities and autogas stations;

ı) LPG Autogas Vendor Contract: Exclusive sales contract concluded between a vendor and a LPG distribution undertaking licensee;

i) Trademark Registration Certificate: Trademark registration certificate issued by the Turkish Patent Institute in accordance with the Decree Law No. 556 on the Protection of Trademarks;

j) Chamber Registry Record: Certificate of Trade Registry or chamber registration certificate obtained, about the person's registered office, from the competent Chamber of Industry and/or Trade or other relevant chambers;

k) **(As amended by: O.G.-17/7/2014-29063)** Partners', Executive Board Chairperson's and Members' and Officials' Declaration: Text in which the following information is declared or in which the following information is affirmed by the competent chamber: Names and surnames of the real persons who directly became a partner with the legal person, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, starting date of their partnership, their share rates and capital amounts, titles of the legal persons that directly became a partner with the legal person, their competent chamber, their chamber registration numbers, their share rates and capital amounts, names and surnames of the Executive Board Chairperson and Members, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, the dates when they took office, names and surnames of the persons authorized to represent and bind the legal person, their identity numbers (for Turkish citizens), their equivalent identification numbers (for others) if any, effective date and term of the authorization;

l) **(Repealed by: O.G.-23/2/2018-30341)**

m) **(As amended by: O.G.-23/2/2018-30341)** Insurance Declaration: Declaration that the insurances, necessary to be arranged by the type of the market activity in accordance with the related legislation, have been arranged;

n) **(Repealed by: O.G.-25/6/2015-29397)**

o) **(As amended by: O.G.-23/2/2018-30341)** Transportation Certificate: Certificate of authorization and its annexes, issued by the relevant institutions situationally to the persons who wish to carry out transportation activities;

ö) **(Repealed by: O.G.-23/2/2018-30341)**

p) Authorization Certificate: In legal persons, circular of signature containing the names, surnames, specimen signatures of and the authorization limits pertaining to the persons authorized to represent and bind the legal person; and in real persons, statement of signature containing the name, surname, identity information, residence address and specimen signature of the person;

r) **(Repealed by: O.G.-23/2/2018-30341)**

s) **(As amended by: O.G.-17/7/2014-29063)** Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts: Written declaration which is submitted by the applicant and affirms that, due to any acts in violation of the Anti-Smuggling Law No: 5607:
there is no final verdict of conviction against the real person (if the applicant is a real person), and against the partners/shareholders of the legal person (if the applicant is a legal person),
the applicant real person or the direct shareholders in the legal person against which there is a final verdict of conviction are not, as of the date when the offense was committed, a shareholder having shares at a rate more than ten percent, executive board chairperson and member and a person authorized to represent and bind the legal person,
there is no proceeding which is pending due to acts found to have been committed in the facility associated with the application, and
there is no unpaid administrative fine imposed on the licensee by the Authority within the framework of the activities included in the scope of previous license issued for the facility associated with the application; and

(ş) **(Added by: O.G.-26/10/2016-29869)** Declaration Regarding LPG Bottles Tracking System: In LPG distribution undertaking license applications, the applicant's declaration that they shall, in compliance with the related legislation, establish and implement the tracking system which will enable tracking of LPG bottles, starting from the filling phase until delivery to ultimate consumers.

PART TWO
License Application

SECTION ONE
Common Provisions

ARTICLE 4- (1) **(As amended by: O.G.-23/2/2018-30341)** The persons who wish to obtain license shall apply to the Authority by submitting the required information and documents. LPG Autogas vendors' license application transactions in electronic environment shall be carried out through the channel of their contracted LPG Distributors.

(2) The information and documents, indicated in the relevant articles of this Decision, shall be required for each license application.

(3) **(As amended by: O.G.-23/2/2018-30341)** In case the applicant requests for performing more than one activity within the scope of the license requested, the application file shall contain different documents required to be submitted for the relevant activity.

(4) **(As amended by: O.G.-23/2/2018-30341)** Unless otherwise specified in this Decision, originals of the required documents or their copies notarized by public notaries or affirmed by the authorities that issued the document, within the last six months, shall be submitted through electronic environment or the Authority's central records in the course of the application. In case it is found that the license has been obtained by submitting false information and documents, the license shall be terminated and the necessary procedures shall be carried out about the persons concerned.

(5) **(As amended by: O.G.-23/2/2018-30341)** Copy of the Vendor Contract as certified by the distribution undertaking's official, copy of the Chamber Registry Record as certified by the relevant chamber and copy of the balance sheet as attested by a public accountant, independent accountant and financial advisor, certified public accountant or as certified by tax office shall also be admitted.

(6) **(As amended by: O.G.-23/2/2018-30341)** Partners', Executive Board Chairperson's and Members' and Officials' Declaration shall not be required for license applications to be filed by real persons, foundations and associations. In the applications to be filed by associations, foundations and cooperative societies, only the information about the executive board chairperson and members and the officials shall be contained. In case the applicant is a publicly-held company, the declaration shall not contain information about the holders of the publicly-held shares, however, shall additionally state the publicly-held share percentages.

(7) Chamber Registry Record shall not be required for the applications to be filed by public legal entities other than state economic enterprises and municipality-owned enterprises.

(8) **(As amended by: O.G.-23/2/2018-30341)** The copy of the document indicating that the license obtaining fees has been paid in, shall be submitted.

(9) **(As amended by: O.G.-23/2/2018-30341)** In evaluating the license applications filed by companies, their criminal records shall be checked for those persons who directly became a partner with the applicant company. In case the applicant is an open joint stock company, their criminal records shall not be checked for the holders of the publicly-held shares.

(10) **(As amended by: O.G.-23/2/2018-30341)** In license applications filed by cooperative societies, associations and foundations, their criminal records shall be checked for those real persons who are the executives of or are authorized to represent and bind the applicant.

(11) **(As amended by: O.G.-23/2/2018-30341)** Due to the acts related to the liquid fuel smuggling, as specified in the Law No. 5607, in case such final court decision is rendered about a licensee legal person: By the date when the crime was committed, the shareholders who hold more than ten percent of the shares in that legal person and those authorized to represent and bind the legal person and the chairperson and members of its board of directors, even if they have subsequently resigned, shall not be granted license, and these persons shall not hold shares directly in legal persons that file license application.

(12) **(Repealed by: O.G.-23/2/2018-30341)**

(13) **(Repealed by: O.G.-23/2/2018-30341)**

(14) **(Added by: O.G.-25/6/2015-29397)** Copy of manager-in-charge certificate, signed and stamped by the applicant person or his official, shall also be admitted.

(15) **(Added by: O.G.-25/6/2015-29397)** If LPG Distribution Undertaking licensees file license application also for other license types; in case, as contained in the LPG distribution undertaking license file, as regards the existing Partners', Executive Board Chairperson's and Members' and Officials' Declaration, their criminal record certificates or authorization certificates, they declare that these documents and certificates are still true and valid and declare the date and number of the relevant letter they submitted to the Authority, it will not be necessary for these persons to submit these documents and certificates to the Authority again.

SECTION TWO
Contents of Application Letters' Enclosures

LPG Distribution Undertaking license
ARTICLE 5- (1) The following information and documents shall be submitted in the applications for LPG Distribution Undertaking license:

a) **(As amended by: O.G.-24/04/2019-30754)** The Facility Information File which contains information about location of the facility, the standards to be used in the facility, the declaration on the Company's experience in domestic and foreign markets, the capacity report on the total capacity and the numbers and capacities of the units and information and invoices pertaining to the LPG bottles owned for the companies that wish to perform bottled LPG activities,

b) **(Repealed by: O.G.-23/2/2018-30341)**

c) **(As amended by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

ç) The Business License,

d) The Chamber Registry Record,

e) **(Repealed by: O.G.-23/2/2018-30341)**

f) The Authorization Certificate,

g) **(Repealed by: O.G.-23/2/2018-30341)**

ğ) **(As amended by: O.G.-23/2/2018-30341)** The Insurance Declaration,

h) **(Wording repealed by: O.G.-25/6/2015-29397)** The LPG Filling Facilities and Autogas Stations Manager-In-Charge Certificate,

ı) The Transportation Certificate,

i) The Trademark Registration Certificate.

j) **(Repealed by: O.G.-23/2/2018-30341)**

k) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,

l) **(Added by: O.G.-26/10/2016-29869)** The Declaration Regarding LPG Bottles Tracking System,

m) **(Added by: O.G.-23/2/2018-30341)** The corner coordinate information pertaining to the site(s) where the filling facility is or the filling facilities are located and if any, where the storage facility is or the storage facilities are located.

(2) **(As amended by: O.G.-23/2/2018-30341)** The transportation certificate shall be submitted in case, as a distribution undertaking subtitle, transportation activities are carried out via pipelines or by sea or by railway.

(3) **(As amended by: O.G.-23/2/2018-30341)** For each storage facility requested as a distribution undertaking subtitle, it is mandatory to obtain "Warehouse Opening and Operating Permit Certificate" issued by the Ministry of Customs and Trade for the storages included in the scope of warehouse. Furthermore, if any, the "Coastal Facility Operating Permit Certificate" shall also be submitted.

(4) **(Repealed by: O.G.-23/2/2018-30341)**

(5) **(As amended by: O.G.-23/2/2018-30341)** It is mandatory to submit the latest balance sheet and income statement pertaining to the company.

(6) **(Repealed by: O.G.-08/09/2018-30529)**

LPG Storage license
ARTICLE 6- (1) The following information and documents shall be submitted in the applications for LPG Storage license:

a) In relation to the facilities, the Facility Information File which contains information about the name, location and total storage capacity of the facility, names and capacities of its units, the standard to be used in the units, ownership and map information about the tanks and pipelines, and information on how the LPG will be supplied to the facility and the reception and delivery capacities and which contains the capacity report,

b) **(As amended by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

c) The Business License,

ç) The Chamber Registry Record,

d) **(Repealed by: O.G.-23/2/2018-30341)**

e) The Authorization Certificate,

f) **(Repealed by: O.G.-23/2/2018-30341)**

g) **(Repealed by: O.G.-23/2/2018-30341)** The Insurance Declaration,

ğ) **(Repealed by: O.G.-23/2/2018-30341)**

h) **(Repealed by: O.G.-23/2/2018-30341)**

ı) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,

i) **(Added by: O.G.-23/2/2018-30341)** The corner coordinate information pertaining to the site where the storage facility is located.

(2) **(As amended by: O.G.-23/2/2018-30341)** It is mandatory to obtain "Warehouse Opening and Operating Permit Certificate" issued by the Ministry of Customs and Trade for the storages included in the scope of warehouse. Furthermore, if any, the "Coastal Facility Operating Permit Certificate" shall also be submitted.

LPG Transportation license
ARTICLE 7- (1) The following information and documents shall be submitted in the applications for LPG transportation license:

a) **(As amended by: O.G.-23/2/2018-30341)** The Facility Information File which contains, in relation to ships, certified registry record, certificate of seaworthiness, tonnage certificate, charter party if the ship is for rent, and which contains, in relation to railway vehicles, characteristics and capacities of the vehicles, ownership certificates or contract information about the vehicles, registration certificate obtained from TCDD in relation to transportation of LPG, authorization certificate for railway train operation, railway dangerous material activity certificate, the contract concluded with TCDD and the detailed freight car list, and which contains, in relation to pipelines, capacity reports and all kinds of permissions and approvals obtained for the facility,

b) The Chamber Registry Record,

c) **(Repealed by: O.G.-23/2/2018-30341)**

ç) The Authorization Certificate,

d) **(Repealed by: O.G.-23/2/2018-30341)**

e) **(As amended by: O.G.-23/2/2018-30341)** The Insurance Declaration,

f) **(Repealed by: O.G.-23/2/2018-30341)**

g) **(Repealed by: O.G.-23/2/2018-30341)**

ğ) **(Repealed by: O.G.-23/2/2018-30341)**

h) **(As amended by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

ı) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts,

LPG Autogas Vendor Activity license
ARTICLE 8- (1) The following information and documents shall be submitted in the applications for LPG Autogas Vendor Activity license:

a) The Business License,

b) The Chamber Registry Record,

c) **(Repealed by: O.G.-23/2/2018-30341)**

ç) The Authorization Certificate,

d) The LPG Autogas Vendor Contract,

e) The Minimum Distance Fact-Finding Record,

f) **(As amended by: O.G.-23/2/2018-30341)** The Insurance Declaration,

g) **(Wording repealed by: O.G.-25/6/2015-29397)** The LPG Filling Facilities and Autogas Stations Manager-In-Charge Certificate,

ğ) **(Repealed by: O.G.-23/2/2018-30341)**

h) **(Added by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

ı) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts.

(2) If the LPG autogas station will start operating newly and if it has not been licensed previously, the declaration letter related to this circumstance shall be submitted as enclosed with the application letter.

(3) In case the facility is associated with relicensing due to handover, in cases where the address of the facility does not remain unchanged, the Address Confirmation Letter shall be requested.

(4) LPG Autogas Vendor Contract shall not be required for LPG autogas vendor activity license applications filed for LPG autogas stations operated by distribution companies themselves.

(5) Minimum Distance Fact-Finding Record shall not be required for license applications to be filed for LPG autogas stations to which LPG autogas vendor activity license has already been granted; with the exception of the venues whose licenses have been terminated since it has been understood that they filed license application previously in contravention of the related legislation.

LPG Bottle Manufacturing license
ARTICLE 9- (1) The following information and documents shall be submitted in the applications for LPG Bottle Manufacturing license:

a) **(As amended by: O.G.-23/2/2018-30341)** The Facility Information File which contains the name, location and total capacity of the facility, the capacity report, the Turkish Standards Conformity Certificate and the certificate granted by other conformity assessment bodies within the framework of the other legislation,

b) The Business License,

c) The Chamber Registry Record,

ç) **(Repealed by: O.G.-23/2/2018-30341)**

d) The Authorization Certificate,

e) **(As amended by: O.G.-23/2/2018-30341)** The Insurance Declaration,

f) **(Repealed by: O.G.-23/2/2018-30341)**

g) **(Repealed by: O.G.-23/2/2018-30341)**

ğ) **(Added by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

h) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts.

LPG Bottle Examination, Repair and Maintenance license
ARTICLE 10- (1) The following information and documents shall be submitted in the applications for LPG Bottle Examination, Repair and Maintenance license:

a) **(Repealed by: O.G.-23/2/2018-30341)**

b) The Business License,

c) The Chamber Registry Record,

ç) **(Repealed by: O.G.-23/2/2018-30341)**

d) The Authorization Certificate,

e) **(As amended by: O.G.-23/2/2018-30341)** The Insurance Declaration,

f) **(Repealed by: O.G.-23/2/2018-30341)**

g) **(Repealed by: O.G.-23/2/2018-30341)**

ğ) **(Added by: O.G.-17/7/2014-29063)** The Partners', Executive Board Chairperson's and Members' and Officials' Declaration,

h) **(Added by: O.G.-17/7/2014-29063)** The Declaration on the Absence of Final Verdict of Conviction, Unpaid Administrative Fine, Proceedings and Sealings due to Smuggling Acts.

PART THREE
Notifications

ARTICLE 11- (Repealed by: O.G.-24/12/2014-29215)

PART FOUR
Temporary and Final Provisions

Implementation of the related legislation
ARTICLE 12- (1) In cases where there is no relevant provision in this Decision, the provisions of the Liquefied Petroleum Gases (LPG) Market Licensing Regulation and the related legislation shall apply, respectively.

Provisions repealed
ARTICLE 13- (1) The Board Decision about the adoption of the Explanations for Liquefied Petroleum Gases (LPG) Market License Applications and Declarations, namely the Board Decision dated 14/09/2005 and no. 547/2 and the "Explanations for License Applications and Notifications in the Liquefied Petroleum Gases Market" enclosed with the Decision and the Board Decision dated 20.04.2006 and no. 734/324 are hereby repealed.

TEMPORARY ARTICLE 1- (1) This Decision shall apply to the license applications to be filed after the effective date of the Decision.

(2) The Board Decision dated 14/09/2005 and no. 547/2 shall continue to apply to the license applications which have not been concluded by the effective date of this Decision.

(Added by: O.G.-23/2/2018-30341)
TEMPORARY ARTICLE 2
Necessity to submit applications in electronic environment
(1) License applications shall be made only in electronic environment as from the date to be announced by the Authority.

(Added by: O.G.-08/09/2018-30529)
TEMPORARY ARTICLE 3
Term for submission of trademark registration certificate
(1) Pursuant to the sixth paragraph of article 5 of the Board Decision dated 08.03.2012 and no. 3727 on the License Applications in the Liquefied Petroleum Gases (LPG) Market, the terms granted to the distribution undertaking licensees -that hold license- by the Board for submission of their Trademark Registration Certificates are valid.

Effectiveness
ARTICLE 14- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 15- (1) The provisions of this Decision shall be executed by the President of the Board.

LICENSE MODIFICATION, DURATION EXTENSION, TERMINATION APPLICATIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3763-3 **Decision Date:** 04/04/2012

At the Energy Market Regulatory Board's meeting dated 04/04/2012, the following Decision has been taken in relation to the Board Decision on the Information and Documents to be Required in the Applications for License Modification and Duration Extension in the Liquefied Petroleum Gases (LPG) Market:

BOARD DECISION ON THE INFORMATION AND DOCUMENTS TO BE REQUIRED IN THE APPLICATIONS FOR LICENSE MODIFICATION, DURATION EXTENSION AND TERMINATION IN THE LIQUEFIED PETROLEUM GASES (LPG) MARKET
(AS AMENDED BY: O.G.-18/1/2017-29952)

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (As amended by: O.G.-23/2/2018-30341) (1) This Decision has been issued in order to determine the information and documents to be required in license modification, duration extension and termination applications filed by the licensees in the liquefied petroleum gases market.

Legal basis
ARTICLE 2- (As amended by: O.G.-23/2/2018-30341) (1) This Decision has prepared on the basis of articles 15, 16 and 17 of the Liquefied Petroleum Gases (LPG) Licensing Regulation.

Definitions
ARTICLE 3- (As amended by: O.G.-23/2/2018-30341) (1) Unless otherwise specified; the terms, concepts and abbreviations referred to in this Decision shall have the meanings given to them in article 3 of the Board Decision dated 08/03/2012 and no. 3727 about the Explanations for License Applications and Notifications in the Liquefied Petroleum Gases (LPG) Market.

PART TWO
Information and Documents to be Required in License Modification Applications

SECTION ONE
Modification Procedures Applicable in All License Types

Common provisions
ARTICLE 4- (As amended by: O.G.-23/2/2018-30341) (1) A license modification application shall be made by submitting to the Authority the licensee's authorization certificate (this is not required in the applications made in electronic environment), the document indicating that the license modification fee has been paid in and the information and documents indicated for each modification type in the relevant article of this Decision. Furthermore, in all license applications not specifically regulated in this Decision, it is necessary to submit also the documents related to the matter requested to be modified. Unless otherwise requested, LPG Autogas vendors' license modification transactions in electronic environment shall be carried out through the channel of their contracted LPG Distributors.

(2) **(Repealed by: O.G.-23/2/2018-30341)**

(3) In case there is a document which has already been obtained from the licensee and entered in the Authority's records and about which the licensee declares in writing that the document remains unchanged, such document shall not be requested again for the license modification application.

(4) **(As amended by: O.G.-23/2/2018-30341)** Unless otherwise specified in this Decision; originals of the required documents or their copies notarized by public notaries or affirmed by the authorities that issued the document, within the last six months, shall be submitted through electronic environment or the Authority's central records in the course of the application.

(5) **(Amended by: O.G.-08/09/2018-30529)** In case, in one application letter, the applicant requests for modification in respect of more than one modification for the same license; one license modification fee shall be collected. License modification fee shall not be collected for license modifications to be made by the reason that the competent administration has changed the address or the business license, provided that the application is made within the terms specified in the related legislation. If case a license modification is made or a license is granted provided that the relevant certificate/document is obtained from the relevant institutions or organizations, the license modification fee shall not be collected in case of submission, to the Authority, of these certificate(s)/document(s) within the term determined by the Authority,.

Modification of title
ARTICLE 5- (1) The following information and documents shall be submitted for modification of title:

a) The Business License issued as per the new title,

b) The Turkish Trade Registry Gazette indicating the change in the title,

c) The chamber registry record issued as per the new title,

ç) The authorization certificate issued as per the new title.

(2) If there are documents whose information is registered in the chapter "special provisions" of the license, those documents' copies issued as per the new title shall be required.

(3) In LPG Autogas Vendor Activity license modifications for title, the LPG Autogas Vendor Contract containing the recent title shall be required.

Modification of address
ARTICLE 6- (1) The competent administration's letter indicating the change in the address shall be submitted for modification of address.

(2) In LPG Autogas Vendor Activity license modifications for address, the LPG Autogas Vendor Contract containing the recent address shall be required.

(3) In case the Business License pertaining to the facility specifies that the name of a neighborhood, an avenue, a street or a similar location has been changed, the competent administration's letter indicating the change in the address shall not be required.

Modification of subtitle
ARTICLE 7- (As amended by: O.G.-23/2/2018-30341) (1) In modification applications filed for registration of an activity -subject to a license- as a subtitle in another license; the information and documents, which are requested in the license application associated with the market activity to be carried out within the scope of the subtitle, shall be required. In case it is requested that the subtitle be deleted from the license; only the certificate of authorization pertaining to the applicant (this is not required for the applications made in electronic environment) and the receipt of the license modification fee shall be submitted.

Modification of the information pertaining to business license
ARTICLE 8- (1) For modification of the information pertaining to the business license registered in the license, the valid business license shall be submitted.

PART TWO
LPG Autogas Vendor Activity License Modification Procedures

Modification of the distributor company information for LPG Autogas Vendor Activity license modifications
ARTICLE 9- (1) **(Repealed by: O.G.-23/2/2018-30341)**

(2) **(As amended by: O.G.-23/2/2018-30341)** In the LPG Autogas Vendor Activity license distributor company information modifications, the following information and documents shall be submitted:

a) The LPG Autogas Vendor Contract which has been signed with the new distribution undertaking and each page of which has been countersigned by the distribution undertaking,

b) A copy of the notice of termination or non-renewal indicating that the recent vendor contract has been terminated or has expired and containing the proof of service which indicates that the notice has been received by the other party to the contract, or the mutual termination protocol.

PART THREE
Information and Documents to be Submitted to the Authority in the Case of Modification of LPG Transportation License (Road) and of the Transportation Details in LPG Distribution Undertaking License by Addition of Vehicle (Road)
(Repealed by: O.G.-23/2/2018-30341)

Addition of Vehicle
ARTICLE 10- (Repealed by: O.G.-23/2/2018-30341)

SECTION THREE
Information and Documents to be Required in License Duration Extension and Termination Applications

ARTICLE 11- (As amended by: O.G.-24/04/2019-30754) (1) License duration extension applications in the Liquefied Petroleum Gases (LPG) market shall be made in electronic environment. In case there is a discrepancy between the information entered into the Authority's system in the course of the duration extension application and a document submitted within the scope of the license duration extension application, the submitted document shall be taken as basis.

(2) **(Repealed by: O.G.-24/04/2019-30754)**

(3) **(Repealed by: O.G.-24/04/2019-30754)**

(4) **(As amended by: O.G.-24/04/2019-30754)** Other than the receipt indicating that the duration extension fee has been paid, it is not necessary to submit a document as enclosed with the applications for duration extension of LPG Autogas Vendor Activity licenses. As per the Board Decision on the License Applications in the Liquefied Petroleum Gases (LPG) Market, all information and documents necessary for obtaining these licenses shall also be submitted as enclosed with the duration extension applications made for the licenses other than LPG Autogas Vendor Activity licenses. In case of a change in the information submitted within the scope of the license duration extension application and the recent information registered in the license and pertaining to the licensee, which change has occurred in the period prior to the transaction for license duration extension, the obligations of the licensees for notification necessities and modification transactions contained in the related legislation shall also continue remaining in force.

(5) **(As amended by: O.G.-24/04/2019-30754)** Unless otherwise specified in this Decision; originals of the required documents or their copies notarized by public notaries or affirmed by the authorities that issued the document, within the last six months, shall be submitted through electronic environment in the course of the application. Unless otherwise requested, LPG Autogas vendors' license duration extension transactions in electronic environment shall be carried out through the channel of their contracted LPG Distributors.

(6) **(Added by: O.G.-23/02/2018-30341)** Other than exceptional cases, license durations shall be extended up to the duration registered in the existing license as from the expiration of the license duration.

ARTICLE 11/A- (Added by: O.G.-18/1/2017-29952) (1) License termination applications, made upon the licensee's request, shall be submitted through the license termination letter containing the licensee's request. The original of the authorization certificate or its copy certified by a public notary within the last six months should be submitted as enclosed with the license termination requests pertaining to legal person licensees.

PART FOUR
Final Provisions

Implementation of the related legislation
ARTICLE 12- (1) In cases where there is no relevant provision in this Decision, the provisions of the Liquefied Petroleum Gases (LPG) Market Licensing Regulation and the related legislation shall apply, respectively.

Implementation of the Decision
ARTICLE 13- (1) This Decision shall apply to the license modification and duration extension applications which will be filed after the effective date of this Decision.

Necessity to submit applications in electronic environment
TEMPORARY ARTICLE 1- (As amended by: O.G.-23/2/2018-30341) License modification and duration extension applications shall be made only in electronic environment as from the date to be announced by the Authority.

Effectiveness
ARTICLE 14- (1) This Decision shall become effective on the date of its publication.

Execution
ARTICLE 15- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

DECISION ON THE INFORMATION AND DOCUMENTS TO BE SOUGHT IN LICENSE MODIFICATION AND DURATION EXTENSION APPLICATIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8248 **Decision Date:** 13/12/2018

At the Energy Market Regulatory Board's meeting dated 13/12/2008, it has been decided that, within the scope of the license transactions carried out in the LPG market by virtue of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307, and the related legislation:

1) Among the modifications referred to in the Board Decision No. 3763/3 of 04.04.2012 on the Information and Documents to be Required in the Applications for License Modification and Duration Extension in the Liquefied Petroleum Gases (LPG) Market;

a) In case:

- The LPG Autogas Vendor Activity Licensees,
- LPG Transportation Licensees,
- LPG Bottle Manufacturing Licensees,
- LPG Bottle Inspection, Repair and Maintenance Licensees,

who have fulfilled late or are found not to have fulfilled in due time, under article 18 of the Liquefied Petroleum Gases (LPG) Market Regulation, their application obligations related to modification of title, address (including plot, square and parcel information) or business license,

submit license modification application on a date later than the terms specified in the above Regulation, these licensees shall pay the license modification fee **in such amount corresponding to the license obtaining fee** effective in the year that the modification request has been submitted and thus, they shall be deemed to have fulfilled that modification obligation;

b) In case:

- The LPG Distribution Undertaking Licensees,
- The LPG Storage Licensees,

who have fulfilled late or are found not to have fulfilled in due time, under article 18 of the Liquefied Petroleum Gases (LPG) Market Regulation, their application obligations related to modification of title, address (including plot, square and parcel information) or business license,

submit license modification application on a date later than the terms specified in the above Regulation, these licensees shall pay the license modification fee in such amount corresponding to **5 folds** of the license modification fee effective in the year that the modification request has been submitted and thus, they shall be deemed to have fulfilled that modification obligation;

2) The Board Decision No. 6815-5 of 29/12/2016 is hereby repealed.

OBLIGATORY PETROLEUM STOCK AND THE ABILITY TO KEEP THE OBLIGATORY PETROLEUM STOCK AS LPG WITHIN THE SCOPE OF THE COUPON SYSTEM

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 7494 **Decision Date:** 07/12/2017

At the Energy Market Regulatory Board's meeting dated 07/12/2017, it has been decided that the enclosed "Decision on obligatory petroleum stock and the ability to keep the obligatory petroleum stock as LPG within the scope of the coupon system" is hereby adopted and shall be published in the Official Gazette.

ENCL.

DECISION ON
OBLIGATORY PETROLEUM STOCK AND THE ABILITY TO KEEP THE OBLIGATORY PETROLEUM STOCK AS LPG WITHIN THE SCOPE OF THE COUPON SYSTEM

Objective and scope
ARTICLE 1- (1) The objective of this Decision is to ensure regulation of the matters related to the obligatory petroleum stock in the LPG market and the ability to keep all or a part of the obligatory petroleum stock as LPG within the scope of the coupon system. This Decision covers the principles and procedures for the keeping of the obligatory stock as LPG by refining undertaking licensees or LPG distribution undertaking licensees on behalf of other LPG distribution undertaking licensees.

Legal basis
ARTICLE 2- (1) This Decision has been prepared on the basis of article 16 of the Petroleum Market Law No. 5015 and the Decision no. 2017/1 taken by the National Petroleum Stock Commission.

Definitions
ARTICLE 3- (1) The following terms, referred to in this Decision, shall have the following meanings:
a) Service recipient: LPG distribution undertaking license that receive services from another refining undertaking and/or LPG distribution undertaking licensee in order to meet its obligatory petroleum stock obligation, within the scope of the coupon system;
b) Service provider: Refining undertaking or LPG distribution undertaking licensee that has obtained permission from the Authority in order to meet the obligatory petroleum stock obligation of another LPG distribution undertaking licensee within the scope of the coupon system;
c) Permission: Permission granted by the Authority for provision of services within the scope of the coupon system;
ç) Coupon system (LPG): System related to keeping of obligatory LPG stock by a refining undertaking or LPG distribution undertaking licensee on behalf of another LPG distribution undertaking licensee;
d) Licensed storage facility: Facilities that have been obtained LPG storage license from the Authority within the framework of the Law No. 5307;
e) Contract: Agreement which is concluded between a service recipient and a service provider and is governed by the provisions of private law and contains the terms and conditions for the keeping of the obligatory stock by the service provider on behalf of the service recipient within the scope of the coupon system; and
f) Obligatory petroleum stock (LPG): Amount corresponding to minimum twenty folds of the daily average product quantity supplied by LPG distribution undertaking licensees.
(2) The terms and abbreviations, which are referred to in this Decision, however, are not defined above, shall have the meanings given to them in the related legislation.

Calculation and tracking of the obligatory petroleum stock obligation pertaining to LPG undertaking licensees
ARTICLE 4- (1) The stock amounts, which should be kept by LPG distribution undertaking licensees in the relevant period, shall be determined by means of the calculation method contained in the National Petroleum Stock Commission Decisions, by taking as basis those licensees' declarations regarding their LPG sales to autogas and bottled LPG vendors and bulk LPG consumers, submitted to the Authority by those licensees within the scope of the Regulation on Notifications in the Energy Market.

(2) The stock amounts, calculated as per the procedure specified in the first paragraph, shall be announced on the Authority's website prior to the commencement of the period in which the stock should be kept. Objections against the announced stock amounts shall be notified to the Authority within one week. After these objections are evaluated, the ultimate stock amounts shall become final and then, these amounts shall be announced on the Authority's website. The procedures and transactions included in the scope of the first paragraph and this paragraph shall be concluded by the LPG Market Department.
(3) The amounts of the stocks being kept shall be declared to the Authority within the scope of the Regulation on Notifications in the Energy Market. It is a principle that the stocks, which should be kept within the scope of the national petroleum stock obligation, are available and accessible at any time.
(4) In case it is found that LPG distribution undertaking do not fulfil their obligatory petroleum stock obligation, actions shall be taken pursuant to the Petroleum Market Law No. 5015.

Permission for coupon system, and permission fee
ARTICLE 5- (1) Refining undertaking or LPG distribution undertaking licensees that wish to provide service within the scope of the coupon system shall make, in electronic environment, the relevant application with the Authority, for permission. In cases where it is not possible to make the application in electronic environment, the application may be made in writing as well. The document, indicating that the permission fee has been deposited into the Authority's account, shall also be enclosed with the application. The permission fee is in an amount equal to the LPG distribution undertaking license modification fee applicable on the application date.
(2) Applications aiming at permission for coupon system service shall be made in October every year, and the permissions shall be valid for the next calendar year if the applications are found acceptable. The persons, who have obtained license within the year that the application would be made, may make their applications for permission, without the requirement to wait for October, and these permissions shall be valid by the end of the calendar year if their applications are found acceptable.
(3) The licensees, who are granted permission by the Authority, shall be announced on the Authority's web page in November. Those, who have obtained permission within the year, shall also be announced on the Authority's web page following the obtaining of the permission.
(4) LPG distribution undertaking licensees may provide coupon system service only in licensed storage facilities within the framework of the permission they obtained from the Authority under this Decision. Refining undertaking licensees may provide coupon system service in their own LPG storage facilities within the framework of the permission they obtained from the Authority under this Decision.
(5) It is mandatory that the refining undertaking or LPG distribution undertaking licensees that applied to the Authority in order to provide service, namely, it is mandatory that:
a) Those licensees have fulfilled their obligatory petroleum stock obligation in the entire preceding calendar year prior to the application date, and
b) They do not have any revenue or participation share debts, and
c) They have LPG stock in excess after they have fulfilled their own stock obligation. In case there is more than one refining undertaking license that is issued in the name of the same legal person, the requirements set forth in this paragraph shall be considered on the basis of that legal person.
(6) The evaluation on whether or not the applicant has fulfilled the requirements shall be concluded within ten business days following the date that the application has been submitted to the Authority. The application shall be rejected and the application fee shall be reimbursed (if paid) in case it is found that the licensee that submitted the application for permission has not fulfilled the requirements.
(7) In case the service provider's trade name or legal entity type has changed, the permission-related correction shall be made ex-officio following the relevant license modification.
(8) All permission-related procedures and transactions shall be conducted by the LPG Market Department.

Extension of permission durations
ARTICLE 6- (1) Upon request of the permission holder, the duration of a permission shall be extended for one year, starting from the expiration of the permission duration.
(2) The applications for extension of duration shall be made in electronic environment in October every year. The document, indicating that the permission fee has been deposited into the Authority's account, shall also be enclosed with the application. The procedures and transactions related to the extension of permission durations shall be concluded by the LPG Market Department and be announced on the Authority's web page in November.
(3) The permission duration extension fee is in an amount equal to half of the LPG distribution undertaking license modification fee applicable on the application date.

Cancellation or termination of the permission
ARTICLE 7- (1) In the following cases, the permission granted to the licensee shall be cancelled and the circumstance shall be announced on the Authority's web page:

a) In case its license has expired or has been cancelled or terminated for any reason or in case the licensee's activities are suspended temporarily;
b) In case the requirements of the conditions, specified in the subparagraphs (a) and (b) of the fifth paragraph of article 5 in this Decision, are not fulfilled;
c) In case the licensee does not fulfil its obligation under the coupon system. The licensees, whose permissions have been cancelled, are not entitled to make the application for permission again, for the year that the license has been cancelled and for the year following that year.
(2) In case the permission holder makes the request for termination of the permission, the permission shall be terminated following submission, to the Authority, of the documents indicating that the obligations, related to the commitments undertaken with third parties, have been fulfilled.

Contracts
ARTICLE 8- (1) The following shall, as a minimum, be contained in the contracts:
(a) Trade names and license numbers of the service recipient and provider parties,
(b) The contract-related product quantity, license information pertaining to the facility/facilities where the stock will be kept, and the service fee,
(c) Provisions specifying how and at what price the product shall be sold in cases where it is necessary to perform sales from the national petroleum stocks in extraordinary circumstances, and
(d) The matter of compensation of the losses which would arise, in case the obligations are not fulfilled.
(2) The contract term shall not be shorter than 30 days. The maximum contract term may be equal to the duration of the permission granted to the service provider party.
(3) The contracts, which will be concluded between the service recipient and service provider licensees within the scope of the coupon system, shall be submitted to the Authority by the service provider under the Regulation on Notifications in the Energy Market prior to the starting date of the service.
(4) Any obligations arising from the contract shall not be transferred to third parties.

Obligations
ARTICLE 9- (1) The service provider is obliged to fulfill the commitments undertaken by the service provider within the scope of the coupon system.
(2) In case the service provider's permission has expired or has been cancelled or terminated, the service recipient shall take the necessary measures within one month within the scope of the stock obligation. Within this period of time, no sanctions shall be imposed on the service recipient due to nonfulfillment of the stock obligation regulated in that contract.
(3) The ownership of the available LPG associated with the coupon system and the right to utilize this LPG -provided that it does not drop down below the obligation- shall belong to the service provider throughout the contract term or until delivery of the product, should the case occur.
(4) In case the obligatory petroleum stock, included in the scope of the coupon system, is kept incompletely; the service recipient and the service provider shall jointly be held liable for the lacking quantity.

Temporary article-1
(1) The conditions, specified in the subparagraphs (a) and (b) of the fifth paragraph of article 5 in this Decision, shall not be required in the permission applications made for 2018.
(2) The permission applications for 2018 shall be made within 15 days as from the publication date of this Decision.

Temporary article-2
(1) Within the scope of article 40 of the Liquefied Petroleum Gases (LPG) Market Licensing Regulation, the LPG distribution undertaking licensees' unpaid revenue shares arising from their activities prior to 01/01/2018 shall be deposited into the revenue share account until 30/06/2018.

Effectiveness
ARTICLE 10- (1) This Decision shall become effective on 1/1/2018.

Execution
ARTICLE 11- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

ACTS CURABLE BY THEIR NATURE

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8487-6 **Decision Date:** 14/03/2019

At the Energy Market Regulatory Board's meeting dated 14/03/2019, it has been decided that the acts referred to in the enclosed list are hereby adopted by the Board as the acts possible to be cured by their nature, pursuant to article 36 of the Law No. 7164 of 14.02.2019 on Making Amendments to the Mining Law and Certain Decree Laws which amends article 17 of the Liquefied Petroleum Gases (LPG) Market Law No. 5307.

ENCL.

LIST OF THE ACTS POSSIBLE TO BE CURED BY THEIR NATURE, DETERMINED PURSUANT TO THE SUBPARAGRAPH (A) OF THE SECOND PARAGRAPH OF ARTICLE 17 OF THE LAW NO. 5307

Seq. No.	Name of the Act	License Type
1	In the station, not to employ manager-in-charge who holds manager-in-charge certificate	Vendor Activity
2	Of the persons who are employed in a facility where LPG is filled/supplied and whose names are indicated in the relevant SSI service breakdown list, though at least one person has LPG Authorized Operating Personnel Certificate, filling/supply by another employee who does not have this certificate	Vendor Activity Distribution Undertaking Storage
3	Not to fulfill the insurance liability specified in the related legislation	All
4	Not to display the name or trade name of the vendor activity licensee, the trademark and logo of the distribution undertaking licensee of which it is the vendor, in the station and on the billboard in the station	Vendor Activity
5	Not to announce autogas sales price on the billboard	Vendor Activity
6	Sales of liquid fuel at a price lower than the ceiling price determined as of the actual date by the affiliated distribution company, however, exceeding the price announced on the price billboard	Vendor Activity
7	Not to remove the indications/signs pertaining to the former distribution undertaking, within one month of the contract expiration or termination date	Vendor Activity
8	Breach of promotion prohibition	Distribution Undertaking Vendor Activity
9	Sales of LPG bottles in autogas stations	Vendor Activity
10	Supply of bulk LPG to a consumer without contracting	Distribution Undertaking
11	Supply of LPG to its contracted vendors that do not bear its registered trademark and emblem	Distribution Undertaking
12	Not to supply LPG to autogas stations by means of the vehicles conforming to the technical arrangements, bearing its registered trademark, trade name and emblem, under its ownership or possession	Distribution Undertaking
13	Not to have sample vessels present	Distribution Undertaking Storage
14	To allow use of the licensed facility without permission of the Board	Vendor Activity
15	Not to make in due time the notifications to be submitted to the Authority within the scope of the licensees' obligations	All
16	Not to submit in due time the information and documents requested in writing	All
17	To leave consumer complaints unanswered	Distribution Undertaking
18*	Existence of a difference between the facility capacities included in the scope of the license and the tank capacities specified in the Business License	Vendor Distribution Undertaking

***** *Sealing operation shall not be performed in the case that, within the thirty (30) days warning term, the relevant application has been filed with the competent authorities for elimination of the contradiction and that, however, the procedures have not been completed yet by the competent authority at the expiration of the term.*

DECISION ON TECHNICAL CHARACTERISTICS OF LPG

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 7205-1 **Decision Date:** 27/07/2017

At the Energy Market Regulatory Board's meeting dated 27/07/2017, it has been decided that, within the scope of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law:

a) At the laboratories in the specialized customs, the analyses specified in the list enclosed herewith shall be carried out on the LPG to be imported;

b) The LPG, supplied to the domestic market, shall be in conformity with all the technical arrangements in force, by the type of the product (autogas, mixing-LPG etc.);

c) The samples, which will be taken in order to determine whether or not the LPG in domestic market is in conformity with the technical arrangements, shall be taken from the nationalized product tanks in which LPG is stored and from the next supply points in compliance with the sample-taking standards in force; and

d) The Board Decision dated 23.06.2005 and no. 505 is hereby revoked.

ANNEX TO DECISION ON TECHNICAL CHARACTERISTICS OF LPG

ENCL.: The table of analyses to be carried out in order to determine the characteristics of Liquefied Petroleum Gases (LPG) at the laboratories in the customs.

NO.	ANALYSES	AUTOGAS	MIXING-LPG	PROPANE TYPES	BUTANE TYPES
1	MOS MOTOR OCTANE NUMBER	+			
2	TOTAL DIENE CONTENT (INCLUDING 1.3 BUTADIENE)	+	+	+	+
3	VAPOR PRESSURE	+	+	+	+
4	TEMPERATURE AT WHICH VAPOR PRESSURE (INDICATOR) IS MINIMUM 150 KPA TYPE A TYPE B TYPE C TYPE D TYPE E	+			
5	PURITY		+	+	+
6	C2 HYDROCARBONS		+	+	
7	C4 HYDROCARBONS			+	
8	C5 HYDROCARBONS		+	+	+
9	UNSATURATED HYDROCARBONS		+	+	+

(+) MANDATORY ANALYSES

* In the analyses;

- For autogas LPG: TS EN 589+A1 AUTOMOTIVE FUELS – LPG – REQUIREMENTS AND TEST METHODS standard shall be taken as basis, and
- For mixing-LPG, propane and butane types: TS 2178 PETROLEUM PRODUCTS – FUELS (CLASS F) – LIQUEFIED PETROLEUM GASES (LPG)- SPECIFICATIONS standard shall be taken as basis.

* In case a change occurs in the standards, the standard bringing about the change shall apply; and in case an applicable standard is repealed, the new standard shall apply.

PROMOTIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8845 **Decision Date:** 26/09/2019

At the Energy Market Regulatory Board's meeting dated 26/09/2019, it has been decided that the enclosed "Board Decision about the Promotions Applied in the Petroleum and LPG Markets" is hereby adopted and shall be published.

ENCL.

BOARD DECISION
ABOUT THE PROMOTIONS APPLIED IN THE PETROLEUM AND LPG MARKETS

Objective and scope
Article 1- (1) The objective of this Decision is to determine the principles and procedures regarding the promotions carried out in the petroleum and liquefied petroleum gases (LPG) markets.

(2) This Decision covers the principles and procedures regarding the types of the promotions that may be carried out for consumers in the petroleum and liquefied petroleum gases (LPG) markets, the scope of the promotions and the licensees' obligations to each other and to the Authority.

Legal basis
Article 2- (1) This Decision has been prepared by taking as basis articles 3, 9 and 22 of the Petroleum Market Law No. 5015 and articles 3 and 19 of the Liquefied Petroleum Gases (LPG) Market Law No. 5307.

Definitions
Article 3- (1) The following terms, referred to in this Decision, shall have the following meanings:

a) Promotion in kind: Goods provided under the names of gift, giveaway, campaign and under other names;
b) Vendor: Vendor activity or autogas vendor activity licensees under the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307;
c) Distribution undertaking: Distribution undertaking licensees under the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307;
ç) Financial promotion: Financial interest provided to the consumer, which will be used immediately or subsequently after the sale of liquid fuel and/or autogas LPG;
d) Service promotion: Services, such as carwash, oil change, tire change, which may be provided in liquid fuel and/or autogas stations; and
e) Promotions: All the promotions in kind, service promotions and financial promotions defined in this article.

(2) The other terms, concepts and expressions, which are referred to or contained, however, not defined in this Decision, shall have the meanings given to them in the Petroleum Market Law No. 5015 and the Liquefied Petroleum Gases (LPG) Market Law No. 5307.

Promotions
Article 4- (1) Licensees shall not organize promotions in kind under any names, depending on liquid fuel and/or autogas LPG sales. It is free to present consumers with the products (as a gift), such as paper tissue, wet towel, glass wiping cloth, car air freshener, which may be needed to have present in vehicles and are distributed for advertising purposes, not conditional upon the purchase of a certain quantity of liquid fuel and/or autogas LPG.

(2) As regards the services provided in liquid fuel and/or autogas stations, it is free to provide these services on a discounted or free of charge basis within the scope of service promotion, regardless of whether depending on purchase of liquid fuel and/or autogas LPG. It is free to organize lotteries and draws -the considerations of which are not cash- not depending on purchase of liquid fuel and autogas, provided that the related other legislation is observed.

(3) Licensees may organize financial promotion, including participation of third parties. However, only free of charge and/or discounted liquid fuel and/or autogas LPG may be offered within the scope of financial promotion. Distribution undertaking licensees shall not reflect to their vendors any costs related to the financial promotions that will be organized by these distribution undertaking licensees.

Decisions repealed
Article 5- (1) The Board Decisions No. 2924/2 of 15/12/2010 and No. 3007 of 06/01/2011 are hereby repealed.

Contracts and campaigns
Temporary Article 1- (1) As of the effective date of this Decision, no contracts -the contents of which are contrary to this Decision- shall be concluded and no campaigns -the contents of which are contrary to this Decision- shall be organized. The contracts and campaigns relevant to this Decision shall maintain their validities by the end of their terms, provided that they do not exceed 30.06.2020.

Effectiveness
Article 6- (1) This Decision shall become effective on the date of its publication.

Execution
Article 7- (1) The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

LPG SAMPLE VESSELS

It was published in the Official Gazette dated 27.04.2012 and issue no. 28276.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 3786 **Decision Date:** 18/04/2012

At the Energy Market Regulatory Board's meeting dated 18/04/2012, it has been decided that, in order to be able to fulfil more effectively the LPG market inspection and surveillance duties assigned to the Authority by the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely by the Law No. 5307,

The provision *"It is made obligatory for Refining Undertaking, LPG Distribution Undertaking and LPG Storage licensees to keep minimum 3 (1 set) LPG sample vessels conforming to the TS EN ISO 4257 standard, separately in each LPG filling and/or storage facility as from 01/01/2010 in order for the taking of samples in necessary cases"*, which is contained in the Board Decision dated 15/10/2009 and no. 2274 taken previously in relation to the same matter, is hereby revoked; and

It is hereby made obligatory for Refining Undertaking, LPG Distribution Undertaking and LPG Storage licensees to keep minimum 6 (1 set) LPG sample vessels which are not larger than the "24 cm x 24 cm x 52 cm" dimensions and have at least the volume of 2 liters in conformity with the related technical legislation and have the characteristics specified in the TS EN ISO 4257 standard, separately for each filling and/or storage facility as from 01/06/2012 in order for the taking of samples in necessary cases.

LPG AUTOGAS STATIONS LOCATED IN AIRPORTS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8525 **Decision Date:** 04/04/2019

Within the framework of the official letter no. 16152018-140.01.04-1605 of 02/04/2019 issued by the Liquefied Petroleum Gases (LPG) Market Department to the Office of the President, it has been decided that the minimum distance fact-finding record shall not be required in the LPG Autogas Vendor Activity License applications which are submitted for the LPG autogas stations in airports and whose business licenses have been issued by the Directorate General of Civil Aviation.

BOTTLED LPG VENDORS AND DISTRIBUTION UNDERTAKINGS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 6354 **Decision Date:** 23/06/2016

At the Energy Market Regulatory Board's meeting dated 23/06/2016, … it has been decided that:

a) In the home delivery bottle sales performed at houses and in the camping cylinder sales to be performed at vendor workplaces to be performed by bottled LPG vendors and distribution undertakings, with the exception of first sales, a new bottle or cylinder shall not be delivered without taking delivery of the empty bottle or cylinder;

b) Bottles or cylinders, surplus to requirement, shall not be delivered and sold to commercial enterprises and industrial enterprises by bottled LPG vendors and distribution undertakings, and a new bottle or cylinder shall not be delivered without taking delivery of the empty bottle or cylinder;

c) It is hereby made obligatory that the provision "In bottled LPG sales to consumers, the consumer's T.R. identity number or credit card information and name and surname have to be recorded by the bottled LPG vendor" is contained in bottled LPG vendor contracts and that this provision is added as a supplementary article into the current contracts; and

d) In deliveries and sales of bottles or cylinders to consumers, the information pertaining to the consumer shall be recorded as specified in the table enclosed herewith, and the relevant transactions shall be coordinated by the vendors' contracted distribution undertakings.

BOTTLED LPG VENDORS AND DISTRIBUTION UNDERTAKINGS, ANNEX

The Vendor's Name and Surname:
Title-Company Name:
Address:
Phone Number:
Facsimile:
Distribution Undertaking:

Notification Period: …/…/…

LPG BOTTLE SALES NOTIFICATION TABLE

Seq. No.	Date and Hour of the Sale	T.R. Identity Number (1)	Bank Name	Credit Card Transaction No.	Name and Surname	Of the LPG Bottle whose return has been accepted				Of the LPG Bottle Sold				Delivery Address
						Brand	Quantity	Kg.	Serial No./Barcode No./2-D Matrix Barcode	Brand	Quantity	Kg.	Serial No./Barcode No./2-D Matrix Barcode	
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														

A stamp containing different information, if any, may be affixed on the part allocated to vendor information.
I acknowledge and declare that the data, contained in the above Notification Table issued for those LPG bottles sold, are true and accurate.

Name and Surname
(Title/Company Name)
(Signature)

(1) It is not necessary to fill up this column, in the sales performed through credit cards.

2-D MATRIX BARCODED BOTTLE TRACKING SYSTEM

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 6794 **Decision Date:** 22/12/2016

It has been decided that:

Within the scope of the "Communique on Market Surveillance of Liquefied Petroleum Gases (LPG) Bottles" entered into force upon it was published in the Official Gazette dated 15/10/2016 and issue no. 29858, distribution undertaking licensees shall grant uninterrupted access to the Authority for the web services having the below characteristics, in order that ad-hoc query is performed by the Authority on the 2-d matrix barcoded bottled tracking system established by those distribution undertaking licenses:

a) Through the HTTPS and SOAP protocols, it shall be provided by means of one single URL address to be specified by the distribution undertaking licensee;
b) It shall have a security mechanism that the Authority will use by entering user name and password and by logging in/out. Query methods shall operate through the session-number parameter to be provided to the Authority while logging in;
c) The Authority shall be granted access by applying the standard WSDL interface -announced on the Authority's website- in such a way to indicate the distribution undertaking licensee's own access URL address instead of the [DISTRIBUTION UNDERTAKING__URL] parameter;

Within the framework of the "Regulation on Notifications in Energy Market", LPG distribution undertaking licensees shall submit to the Authority the up-to-date URL, user name and password to be used by the Authority in order to access those web services; and

The Strategy Development Department is hereby granted the authorization to make necessary changes in the relevant web services.

ANNEX-1

EXEMPTION ENABLING THE IMPORTATIONS WITHOUT OBTAINING LICENSE, IN THE LPG IMPORTS

REPUBLIC OF TURKEY
THE ENERGY MARKET REGULATORY BOARD

DECISION COPY

MEETING DATE **:** 06/09/2018
DECISION SEQ. NO. **:** 8046

Within the framework of the official letter no. 16152018-140.03.99-40610 of 31/08/2018 issued by Liquefied Petroleum Gases (LPG) Market Department to the Office of the President, it has been decided that the LPG, needed for their own businesses, activities or facilities or for the businesses, activities or facilities of their service recipient persons, may be imported without the requirement to obtain license, provided that it is not associated with a market activity within the scope of the Liquefied Petroleum Gases (LPG) Market Law and Amending Law to Electricity Market Law, namely the Law No. 5307.

[SIGNATURE]
Mustafa YILMAZ
The President

[INITIAL] DECISION SEQ. NO.: 8046 1

REVENUE SHARES FOR 2020

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9027 **Decision Date:** 26/12/2019

At the Energy Market Regulatory Board's meeting dated 26/12/2019, it has been decided that the amount of the revenue share for 2020 is hereby determined as 10,82 TL/ton in the Liquefied Petroleum Gases (LPG) Market pursuant to article 16 of the Petroleum Market Law No. 5015 and article 40 of the Liquefied Petroleum Gases (LPG) Market Licensing Regulation and that this Decision shall be published in the Official Gazette.

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

24 December 2014 WEDNESDAY, Official Gazette Issue No.: 29215

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 5313/1 **Decision Date:** 20/11/2014

At the Energy Market Regulatory Board's meeting dated 20/11/2014, it has been decided that the enclosed Instructions for Use of the Energy Market Notification System are hereby adopted and that the Instructions shall be forwarded to the Prime Minister's Office in order to be published in the Official Gazette.

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective
ARTICLE 1- (1) The objective of these Instructions is to regulate the principles and procedures regarding collection of the data needed by the Authority in the process of monitoring, analysis and reporting of market activities, in order to achieve the goals contained in the related legislation in the energy market, within the framework of the Regulation on Notifications in the Energy Market.

Scope
ARTICLE 2- (1) These Instructions cover the rules regarding the notification obligations in the energy market within the scope of the Regulation on Notifications in the Energy Market. These Instructions constitute a whole together with the annexes.
(2) The data which will be received through the notification system in order to obtain the data to be needed within the scope of the works and studies necessary to be concluded in a short span of time by the Authority, and the data which, as required by the provisions of the other legislation, will be received by the Authority through the notification system in order to fulfil its obligation to send data to other institutions and organizations, shall not be included in the scope of these Instructions.

Legal basis
ARTICLE 3- (1) These Instructions have been prepared on the basis of the Regulation on Notifications in the Energy Market, published in the Official Gazette dated 27/5/2014 and issue no. 29012.

Definitions and abbreviations
ARTICLE 4- (1) The definitions and abbreviations, referred to in these Instructions, shall have the meanings and scope attributed to them in the related legislation.

PART TWO
Principles and Procedures Regarding Notification Obligations

Obligation to make notification
ARTICLE 5- (1) Unless otherwise specified in the related legislation, the obligation to make notification covers the notification periods within term that the license is effective, as well as the periods for other real and legal persons as specified in these Instructions.
(2) In case a notification incumbent does not perform any activities in the period subject to notification, this shall not revoke its notification obligation. In this case, the notification shall be made, however, which notification shall state that the notification incumbent has not performed any activities subject to notification in that period.

(3) In cases where a notification incumbent's license is terminated or cancelled, the notifications which should, by using electronic signature, be made in relation to the activities performed prior to the termination or cancellation of that license shall be made in writing.

Notification forms
ARTICLE 6- (1) The notifications specified in these Instructions shall be made by means of the notification forms determined by the relevant Board decision and published on the web site of the Authority.

Notification explanations
ARTICLE 7- (1) Explanations for use of the notification system and for filling up of the notification forms shall be announced on the web site of the Authority.

Making of notifications
ARTICLE 8- (1) The notifications, stipulated to be made -by using electronic signature- in these Instructions, shall be made by notification incumbents' officials, using electronic signature, through use of the notification system.
(2) Additional methods may be determined by the Authority in order for the transmission or market processing licensee notification incumbents in the electricity or natural gas market to make the notifications prescribed to be made by electronic signature in these Instructions. The works and studies to be performed within this scope shall be conducted by the Strategy Development Department. **(1)**

Requests for correction of notifications
ARTICLE 9- (1) For the notifications made by the notification incumbents to the Authority, those notification incumbents may request for correction by indicating the reason(s) of such correction, after expiration of the term for making the notification, with the exception of the notifications for which no request for correction is allowed to be submitted. In case such request for correction is accepted by the Authority, they may make corrections in the notifications they made previously, within the correction terms determined in these Instructions.
(2) In case of need, a request for correction may also be made by the Authority.

PART THREE
Final Provisions

Effectiveness
ARTICLE 10- (1) These Instructions shall become effective on the date of publication.

Execution
ARTICLE 11- (1) The provisions of these Instructions shall be executed by the President of the Energy Market Regulatory Authority.

ANNEXES:
1- Table of Obligations for Notifications in the Electricity Market
2- Table of Obligations for Notifications in the Natural Gas Market
3- Table of Obligations for Notifications in the Petroleum Market
4- Table of Obligations for Notifications in the Liquefied Petroleum Gases (LPG) Market

(1) It was added by the Board Decision no. 5513 of 12/03/2015 published in the Official Gazette dated 20/03/2015 and issue no. 29301.

AMENDMENT DECISION REGARDING INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

It was published in the Official Gazette dated 27 April 2019 and issue no. 30757.

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8559 **Decision Date:** 25/04/2019

At the Energy Market Regulatory Board's meeting dated 25/04/2019, it has been decided that the "Board Decision Regarding Amendments to the Board Decision on Instructions for Use of the Energy Market Notification System" is hereby adopted and shall be published in the Official Gazette.

BOARD DECISION REGARDING AMENDMENTS TO THE BOARD DECISION ON INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM

ARTICLE 1- "The Annex-2 Table of Obligations for Notifications in the Natural Gas Market", "the Annex-3 Table of Obligations for Notifications in the Petroleum Market" and "the Annex-4 Table of Obligations for Notifications in the Liquefied Petroleum Gases (LPG) Market", which are the annexes to the Instructions for Use of the Energy Market Notification System adopted by the Board Decision dated 20/11/2014 and no. 5313-1 and published in the Official Gazette dated 24/12/2014 and issue no. 29215, have been amended as enclosed.

ARTICLE 2- This Decision shall become effective on the date of its publication.

ARTICLE 3- The provisions of this Decision shall be executed by the President of the Energy Market Regulatory Authority.

ENCLOSURES:
ENCLOSURE 1- Table of Obligations for Notifications in the Natural Gas Market
ENCLOSURE 2- Table of Obligations for Notifications in the Petroleum Market

INSTRUCTIONS FOR USE OF THE ENERGY MARKET NOTIFICATION SYSTEM TABLE OF OBLIGATIONS FOR NOTIFICATIONS IN THE LPG MARKET

Annex-3 Table of Obligations for Notifications in the LPG Market

Notification Incumbent	Name of Notification	The way how the notification shall be made	Notification frequency	Term for making the notification	Period that the notification is subject to	May a request for correction be made?	Term to be granted following approval of the request for correction*	Shall a warning be made prior to the initiation of the inspection process related to erroneous notifications or notifications that have not been made?	Completion/correction term to be granted to those who have been warned prior to the initiation of the inspection process related to erroneous notifications or notifications that have not been made
Refining Undertaking licensee	Stock notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Export notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Import notification Import analysis report	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	LPG trade notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	LPG production notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Marketing projection realization notification	Electronic signature	Quarterly	Last day of the following month	The preceding three months	Yes	Five business days	Yes	10 business days
	Marketing projection notification	Electronic signature	Yearly	Last day of February	Current calendar year	Yes	Five business days	Yes	10 business days
	Participation share notification	Electronic signature	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	Five business days	Yes	10 business days
	Revenue notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Domestic resource information declaration-Domestic resource determination chart	In writing	Yearly	Until the 10th day of January of the following year	The preceding calendar year	Yes	Five business days	Yes	10 business days
	Ceiling price declaration	Electronic signature	Depending on formation	By the end of the day prior to the implementation of the new price		Yes	Five business days	Yes	10 business days
	National stock location notification	Electronic signature	Depending on occurrence	When a change occurs in the facilities where the national petroleum stock is kept		Yes	Five business days	Yes	10 business days
	Standard contract notification	In writing	Depending on occurrence	By the end of the day prior to the entry into force of the amendment to the standard contract/the contract		Yes	Five business days	Yes	10 business days
	Significant event notification	In writing	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	Five business days	Yes	10 business days
	LPG coupon service contract notification	Electronic signature	Depending on occurrence	Following the signing of the coupon service contract		Yes	Five business days	Yes	10 business days
Distribution Undertaking licensee	Stock notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Export notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business	Yes	10 business days

							days		
	Import notification Import analysis report	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Sales amount notification on province basis	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Wholesale LPG trade notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Distribution ceiling price notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days
	Warehouse sales ceiling price notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days

Distribution Undertaking licensee	Marketing projection realization notification	Electronic signature	Quarterly	Last day of the following month	The preceding three months	Yes	Five business days	Yes	10 business days
	Marketing projection notification	Electronic signature	Yearly	Last day of February	Current calendar year	Yes	Five business days	Yes	10 business days
	Marketing projection notification	Electronic signature	Yearly	Last day of January	The preceding calendar year	Yes	Five business days	Yes	10 business days
	Participation share notification	Electronic signature	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	Five business days	Yes	10 business days
	Domestic resource information declaration-Domestic resource determination chart	In writing	Yearly	Until the last day of November	The last 12 months' period	Yes	Five business days	Yes	10 business days
	Ceiling price notification	Electronic signature	Depending on formation	By the end of the day prior to the implementation of the new price		Yes	Five business days	Yes	10 business days
	National stock location notification	Electronic signature	Depending on occurrence	When a change occurs in the facilities where the national petroleum stock is kept		Yes	Five business days	Yes	10 business days
	Standard contract notification	In writing	Depending on occurrence	By the end of the day prior to the entry into force of the amendment to the standard contract/the contract		Yes	Five business days	Yes	10 business days
	Significant event notification	In writing	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith		Yes	Five business days	Yes	10 business days
	Legislation contradiction notification	In writing	Depending on occurrence	Within 30 days in the case of occurrence of actions or circumstances subject to notification		Yes	Five business days	Yes	10 business days
	Bottle tracking system web service information notification	Electronic signature	Depending on occurrence	Within 24 hours after occurrence of a change in the information		Yes	1 business day	Yes	10 business days
	LPG coupon service contract notification	Electronic signature	Depending on occurrence	Following the signing of the coupon service contract		Yes	Five business days	Yes	10 business days
	LPG transportation notification	Electronic signature	Depending on occurrence	By the end of the day prior to the implementation of the change in the vehicle list		Yes	Five business days	Yes	10 business days
Storage licensee	Domestic resource information declaration-Domestic resource determination chart	In writing	Yearly	Until the last day of November	The last 12 months' period	Yes	Five business days	Yes	10 business days
	Storage notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days

Licensees other than Distribution Undertaking and Refining Undertaking licensees	Standard contract notification	In writing	Depending on occurrence	By the end of the day prior to the entry into force of the amendment to the standard contract/the contract	[redacted]	Yes	Five business days	Yes	10 business days
	Participation share notification	In writing	Yearly	Until the last day of May, with the exception of the years for which the participation share is determined as zero	The preceding calendar year	Yes	Five business days	Yes	10 business days
	Significant event notification	In writing	Depending on occurrence	Within the same day in the case of occurrence of actions or circumstances subject to notification/within 15 days following the term for making notification, for the documents enclosed therewith	[redacted]	Yes	Five business days	Yes	10 business days
Processing (Petrochemistry) licensee	Import notification	Electronic signature	Monthly	Last day of the following month	The preceding month	Yes	Five business days	Yes	10 business days

RATE OF PARTICIPATION SHARE FOR 2020

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9050 **Decision Date:** 26/12/2019

At the Energy Market Regulatory Board's meeting dated 26/12/2019, the following Decision has been taken in respect of the rate of the participation share for 2020 applicable to the licensees that will perform activities in the Liquefied Petroleum Gases (LPG) Market.

Article 1- Pursuant to the subclause (a) of the amended subparagraph (D) of article 10 of the Law No. 4628 on the Organization and Duties of the Energy Market Regulatory Authority and article 41 of the LPG Market Licensing Regulation;

a) The rate of the participation share for 2020, which the LPG Distribution Undertaking licensee legal persons performing activities in the LPG market are obliged to pay, is hereby determined as 0.1% (one per thousand) of their net sales amount pertaining to their market activities carried out within the scope of the license, as contained in their yearly income statements;

b) The rate of the participation share, which the LPG Autogas Vendor Activity licensee real and legal persons performing activities in the LPG market are obliged to pay, is hereby determined as 0 (zero).

c) The amount to be collected from participation share obligors by the Authority shall be calculated in such an amount that shall not exceed the amount in TL corresponding to 2,000,000 (two million) US Dollars, as per the buying rate of exchange to be announced by the Central Bank of the Republic of Turkey on 31/12/2020.

Article 2- This Decision shall become effective on 01/01/2020.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Board.

LPG LICENSE FEES FOR 2020

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 9049 **Decision Date:** 26/12/2019

At the Energy Market Regulatory Board's meeting dated 26/12/2019, the following Decision has been taken about the license obtaining, license modification, duration extension (endorsement) and license certificate copy extraction fees applicable in 2020 in the Liquefied Petroleum Gases (LPG) Market.

Article 1- The license obtaining, license modification, duration extension (endorsement) and license certificate copy extraction fees applicable in 2020 pursuant to the Liquefied Petroleum Gases (LPG) Market Law and the Liquefied Petroleum Gases (LPG) Market Licensing Regulation, are hereby determined as follows:

a) License obtaining fee:	
For LPG distribution undertaking license	TL 349,000 (three hundred forty-nine thousand);
For LPG storage license	TL 35,200 (thirty-five thousand two hundred);
For LPG bottle manufacturing license	TL 23,500 (twenty-three thousand five hundred);
For LPG bottle inspection, repair and maintenance license	TL 4,800 (four thousand eight hundred);
LPG Transportation license	
- Transportation via pipeline	TL 6,100 (six thousand one hundred);
- For railway	TL 6,100 (six thousand one hundred);
- For seaway, per ship	TL 6,100 (six thousand one hundred);
For LPG autogas vendor activity license	TL 6,100 (six thousand one hundred);
b) License certificate copy extraction	TL 2,350 (two thousand three hundred and fifty);
c) License modification:	
Distribution undertaking license other modification fee	TL 7,000 (seven thousand);
For LPG storage license	TL 6,100 (six thousand one hundred);
For LPG bottle manufacturing license	TL 6,100 (six thousand one hundred);
For LPG bottle inspection, repair and maintenance license	TL 2,300 (two thousand three hundred);
LPG Transportation license	
- Transportation via pipeline	TL 4,650 (four thousand six hundred and fifty);
- For railway	TL 4,650 (four thousand six hundred and fifty);
- For seaway, per ship	TL 4,650 (four thousand six hundred and fifty);
For LPG autogas vendor activity license	TL 3,500 (three thousand five hundred);
d) In the license modification applications made after the statutory terms	
- For LPG bottle manufacturing license:	In the amount of the license obtaining fee;
- For LPG bottle inspection, repair and maintenance license:	In the amount of the license obtaining fee;
- For LPG transportation license:	In the amount of the license obtaining fee;
- For LPG autogas vendor activity license:	In the amount of the license obtaining fee;
- For LPG distribution undertaking license:	In such amount corresponding to 5 (five) folds of the license modification fee;
- For LPG storage license:	In such amount corresponding to 5 (five) folds of the license modification fee;
e) Duration extension (endorsement)	50% of the license obtaining fee.

Article 2- This Decision shall become effective on 01/01/2020.

Article 3- This Decision shall be executed by the President of the Energy Market Regulatory Board.

TS EN-589

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 8893-1 **Decision Date:** 17/10/2019

At the Energy Market Regulatory Board's meeting dated 17/10/2019, it has been decided that:

As they determine the characteristics of autogas LPG:

* The *"TS EN 589+A1: 2012 Automotive Fuels – LPG – Requirements and test methods (December 2012)"* standard shall continue to apply until 31.03.2021;
* The *"TS EN 589: 2019 Automotive Fuels – LPG – Requirements and test methods (November 2019)"* standard shall apply as from 01.04.2021.

IMPLEMENTATION OF MINIMUM DISTANCE LIMITATION BETWEEN LIQUID FUEL AND LPG STATIONS

From the Energy Market Regulatory Authority:

BOARD DECISION

Decision No.: 6664 **Decision Date:** 15/12/2016

At the Energy Market Regulatory Board's meeting dated 15/12/2016, the following Decision has been taken about the practices of minimum distance limitation between liquid fuel and LPG stations.

Article 1- In the implementation of this Board Decision, the following terms shall have the following meanings:
1) Liquid fuel station: Places established in conformity with the relevant legislation (technical, quality and safety) by distribution undertakings or vendors who have signed exclusive purchase contracts with those distribution undertakings and are operated under the registered trademark of a liquid fuel distribution undertaking or distribution undertakings from a different subtitle, and are specifically serving to meet the liquid fuel, lube oil, auto-gas, LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles; and
2) Structure: Underground and aboveground facilities where liquid fuel and LPG needs are met.

Article 2- In the practices of minimum distance limitation between liquid fuel and LPG stations:
The principle "direction" shall be taken into consideration, not the road code or the name of the road on which the station is located;
a) A distance of ten kilometers shall be required between liquid fuel and LPG stations located on high-ways;
b) A distance of one kilometer shall be required between liquid fuel and LPG stations located on public roads in the city;
c) There shall be a minimum distance of one kilometer between stations at the locations where high-ways and public roads in the city intersect;
d) Public roads in the city and high-ways shall be assessed independently from each other, by taking into consideration the matters set forth above.

Article 3- The distance between two structures shall be taken into consideration, in the measurements of the minimum distance between liquid fuel and LPG stations.

Article 4- Liquid fuel stations shall be assessed among themselves and LPG stations shall be assessed among themselves, in the practices, transactions and operations related to the minimum distance between stations.

Article 5- The Board Decision dated 17/11/2005 and no. 579/113 and the Board Decision dated 05/01/2006 and no. 630/68 are hereby repealed.

Article 6- This Decision shall become effective on the date of its publication.

Article 7- This Decision shall be executed by the President of the Energy Market Regulatory Board.

PART-3
RELATED
LEGISLATION

ANTI-SMUGGLING LAW

Published in the Official Gazette dated 31 March 2007 and issue no. 26479

Law Number: 5607 **Date of Adoption: 21/3/2007**
Published in the Code: Group: 5 Volume :46

PART ONE
Objective and Definitions

Objective
ARTICLE 1- (1) The objective of this Law is to determine the smuggling acts, the corresponding sanctions and the principles and procedures for prevention, monitoring and investigation of smuggling.
Definitions
ARTICLE 2- (1) The following terms, referred to in this Law, shall have the following meanings:
a) Customs duties: Taxes and other financial liabilities imposed by customs administrations or other administrations, subject to the importation or exportation of goods;
b) Cleared value: The total amount of customs duties and the FOB value for exported goods, the total amount of customs duties and the CIF value for imported goods, to be determined as per the international value agreement; and
c) **(Added by: 28/3/2013-6455/art.53)** Liquid fuel: Liquid fuel products such as benzine, gas oil, jet fuel, diesel fuel, fuel oil, liquefied petroleum gases, natural gas, and petroleum derivatives substituting liquid fuel and their mixtures and other products substituting liquid fuel.

PART TWO
Smuggling Acts

Smuggling offenses (1) (2)
ARTICLE 3- (As amended by: 28/3/2013-6455/art.54)
(1) Those, who import an object into Turkey without putting it through customs procedures, shall be punished with imprisonment between one year and five years and judicial fine up to ten thousand days. In the case the object is imported into Turkey from a location outside the customs gates, the punishment to be inflicted shall be increased at a rate between one third and half of the punishment.
(2) Those, who import an object into Turkey without payment of its customs duties in whole or in part, by means of deceptive transactions and behaviors, shall be punished with imprisonment between two years and five years and judicial fine up to ten thousand days. (2)
(3) Those, who leave -in the customs region in violation of the transit procedure- an object which is not in free circulation, however, is transported pursuant to the transit procedure, shall be punished with imprisonment between one year and three years and judicial fine up to five thousand days. (2)

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(1) While the heading of this article was "Offenses and misdemeanors", it was amended as inserted into the text, by article 54 of the Law No. 6455 of 28/3/2013.
(2) By article 89 of the Law No. 6545 of 18/6/2014, the wording "by using forged documents", contained in the second paragraph of this article, was amended as "by means of deceptive transactions and behaviors" and the wording "one year", contained in the same, was amended as "two years", and the wording "between six months and two years", contained in the third paragraph, was amended as "between one year and three years".

(4) As regards an object which is brought into the Country within the framework of temporary import and inward processing regime in order to be used or processed for a particular purpose, those, who perform transactions about the object by false pretenses as if the object has been taken out of the Country, shall be punished with imprisonment between one year and three years and judicial fine up to five thousand days. (1)
(5) As regards an object associated with the commissioning of any of the acts defined in the paragraphs between the first paragraph and the fourth paragraph, those, who keep the object, carry the object, sell the object, offer the object for sales or purchase the object for commercial purposes by knowing this fact without being complicit in commission of these acts, shall be punished with imprisonment between one year and three years and judicial fine up to five thousand days. (1)
(6) As regards an object imported as completely or partially exempt from customs duties pursuant to the relevant exclusive laws, those, whose admit or purchase the object by knowing this fact or transfer the object, sell the object or assign the object to another use other than the purpose of import, shall be punished with imprisonment between six months and two years and judicial fine up to five thousand days. (1)

(7) Those, who import an object despite its import is prohibited by laws, shall be punished with imprisonment between two years and six years and judicial fine up to twenty thousand days, if the act does not constitute an offense requiring a heavier punishment. The same punishment shall be inflicted on those who keep an object whose import is prohibited, carry such object, sell such object, offer such object for sales or purchase such object by knowing this fact.
(8) As regards an object whose export is prohibited by law, those, who take such object out of the Country, shall be punished with imprisonment between one year and three years and administrative fine up to five thousand days, if the act does not constitute another offense requiring a heavier punishment. **(1)**
(9) Those, who, in order to benefit from incentives, subsidies or monetary refunds as per the provisions of the related laws, create the impression as if the export has taken place though the export has not taken place or indicate a different price, quality, quantity or type for the object exported, shall be punished with imprisonment between one year and five years and judicial fine up to the thousand days. In case it is found that there is a difference between the object indicated in the declaration and the documents enclosed therewith and the object exported actually, which difference does not exceed ten percent, actions shall be taken as per the provisions of the Customs Law No. 4458 of 27/10/1999 only. **(1)**
10) In case the object constituting the subject of the smuggling offense is liquid fuel, tobacco, tobacco products, ethyl alcohol, methanol or alcoholic beverages, the punishments to be inflicted under the above paragraphs shall be increased between one half and two folds; however, the punishment to be inflicted by implementing this article shall not be less than three years. **(1)**

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(1) By article 89 of the Law No. 6545 of 18/6/2014, the wording "by using forged documents" and "between six months and three years", contained in the fourth paragraph of this article, was amended as "by false pretenses" and "between one year and three years", respectively, and the wording "between six months and two years", contained in the fifth paragraph of the same, was amended as "between one year and three years", and the wording, "between three months and one year", contained in the sixth paragraph of the same, was amended as "between six years and two years", and the wording "between six months and two years", contained in the eighth paragraph of the same, was amended as "between one year and three years", and the wording "who obtain unfair advantage by benefiting from incentives, subsidies or monetary refunds as per the provisions of the related laws by creating the impression as if the export has taken place though the export has not taken place or by indicating a different price, quality, quantity or type for the object exported", contained in the ninth paragraph of the same, was amended as "who, in order to benefit from incentives, subsidies or monetary refunds as per the provisions of the related laws, create the impression as if the export has taken place though the export has not taken place or indicate a different price, quality, quantity or type for the object exported", and the wording "those, who commit the smuggling offense, shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days", contained in the tenth paragraph of the same", was amended as "the punishments to be inflicted under the above paragraphs shall be increased between one half and two folds; however, the punishment to be inflicted by implementing this article shall not be less than three years".

(11) **(As amended by: 18/6/2014-6545/art.89)** As regards liquid fuel which is subject to the national marker implementation, however, contains national marker below the level determined by the Energy Market Regulatory Authority or contains no national marker, those who:
a) keep, transport or produce such liquid fuel for commercial purposes,
b) offer such liquid fuel for sales or sell such liquid fuel,
c) purchase such liquid fuel by knowing this fact and for commercial purposes,
shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days. However, in case it is understood that liquid fuel, which does not contain marker or whose level is invalid, has been brought into the Country by smuggling, the punishment shall be ordered pursuant to the provision of the tenth paragraph.
(12) Those, who, without obtaining permission from the Energy Market Regulatory Authority, produce liquid fuel from solvent, lube oil, base oil, asphalt and similar petroleum products other than liquid fuel, keep, sell, offer for sales, produce them by supplying them directly to location of the liquid fuel, keep, carry or purchase it for commercial purposes by knowing this fact, shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days.
(13) As regards the products taken unlawfully from wells, storages or pipelines transporting combustibles that are hydrocarbon derivatives or hydrocarbons in liquid or gaseous state, including any production, transmission and distribution lines, those, who offer such products for sales, sell such products, keep such products, store, carry or purchase such products for commercial purposes by knowing this fact, shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days.
(14) Those, who keep fixed or mobile tank, mechanism or equipment contrary to those determined in the documents constituting the basis of the license, in such a way that would enable to obtain, sell illegal liquid fuel or false national marker or associate it with any market activity, shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days.

(15) Those, who, on an unauthorized basis, produce, offer for sales, sell, purchase from unauthorized persons, admit from unauthorized persons, or transport or keep national marker by knowing this fact, shall be punished with imprisonment between two years and five years and judicial fine up to twenty thousand days. The provision of this paragraph shall also apply to the chemical compounds produced in order substitute this agent, even if not bearing the chemical characteristics of national marker.
(16) As regards the banderoles, labels, holograms, stamps, official seals or similar signs applied by public institutions to the packages of tobacco products, ethyl alcohol, methanol and alcoholic beverages, those, who produce any imitations of such signs or bring any imitations of such signs into the Country, and keep, transport, sell or use any imitations of such signs knowingly, shall be punished with imprisonment between three years and six years and judicial fine up to twenty thousand days.
(17) As regards the banderoles, labels, holograms, stamps, official seals or similar signs applied by public institutions to the packages of tobacco products, ethyl alcohol, methanol and alcoholic beverages, those, who disseminate such signs free of charge or for a fee without using them on the determined products though they have obtained them as determined in the related legislation, obtain them by misleading the relevant public institutions and organizations by means of forged papers or documents or in another way, though they do not have the right to acquire or use such signs, misuse such signs by supplying them in any way or by changing them or by imitating or falsifying them or by removing them from the product on which it was placed, shall be punished with imprisonment between three years and six years and judicial fine up to twenty thousand days.
(18) **(As amended by: 18/6/2014-6545/art.89)** As regards the tobacco products, ethyl alcohol, methanol and alcoholic beverages with no banderole, label, hologram, stamp, official seal or a similar sign on their packages, or which bear misleading banderoles, labels, holograms, stamps, official seals or a similar signs, those who:
a) keep, transport or produce them for commercial purposes,
b) offer them for sales or sell them,
c) purchase them by knowing this fact and for commercial purposes,
shall be punished with imprisonment between three years and six years and judicial fine up to twenty thousand days. However, in case it is understood that the tobacco products, ethyl alcohol, methanol and alcoholic beverages have been brought into the Country by smuggling, the punishment shall be ordered pursuant to the provision of the tenth paragraph.
(19) **(Repealed by: 18/6/2014-6545/art.89)**
(20) **(Repealed by: 18/6/2014-6545/art.89; as re-regulated by: 28/11/2017-7061-art.93)** Those, who perform tobacco trading activities without making the relevant notification or without obtaining authorization certificate from the Tobacco and Alcohol Market Regulatory Authority and those, who, sell, offer for sales, keep and transport for commercial purposes macaron or leaf cigarette papers into which cut rag, shredded tobacco or a substance other than tobacco was filled, shall be punished with imprisonment between three years and six years. **(1)**
(21) The acts defined in the above paragraphs shall be punished as if they have been completed, even if they have been attempted only.
(22) **(Added by: 18/6/2014-6545/art.89)** In case the object, constituting the subject of an offense defined in the above paragraph, has an exorbitant value, the punishments to be inflicted shall be increased between one half and one-fold.

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(1) This legal arrangement, made by article 93 of the Law No. 7061 of 28/11/2017, shall enter into force on 1/7/2018.

Qualified forms **(1)**
ARTICLE 4- (1) In case the offenses (…) **(1)** defined in this Law are committed within the framework of an organized activity, the punishment to be inflicted shall be increased by two folds.
(2) In case the offenses (…) **(1)** defined in this Law are committed by three or more than three persons together, the punishment to be inflicted shall be increased by one half. **(1)**
(3) In case the offenses defined in this Law are committed within the framework of a legal person's activity or for the benefit of the legal person, the specific security measures shall additionally be ordered.
(4) In case the offenses defined in this Law are committed by the persons who are in charge of preventing, monitoring, researching and investigating smuggling acts or are committed by taking advantage of the conveniences provided by the profession and occupation, the punishment to be inflicted shall be increased by one half.
(5) In case the offenses (…) **(1)** defined in this Law are committed by forging of documents, this act shall additionally be punished.
(6) Those, who are in charge of preventing, monitoring, researching and investigating smuggling acts, however, condone the commission of the offenses defined in this Law, shall be held liable as the common offender of the offense committed.
(7) If the object associated with smuggling is so as to disturb the political, financial, economic or military security of the State or pose a threat against the environment or public health, the imprisonment to be ordered shall not be less than ten years, if the act does not constitute an offense requiring a heavier punishment.
(8) **(Added by: 28/3/2013-6455/art.55)** If illegal liquid fuel is sold by using fixed or mobile tank, mechanism or equipment as specified by the fourteenth paragraph of article 3, the punishments to be inflicted shall be increased by two folds.

(9) **(Added by: 28/3/2013-6455/art.55)** Those, whose conviction orders have become final in respect of tobacco and tobacco products, alcoholic beverages, liquid fuel, narcotics, weapons and ammunition, electronic stuffs and foodstuffs such as livestock, meat, tea, sugar, olive, and in respect of other smuggling types, in cases where deemed necessary, may be announced to the public by the Ministry of Customs and Trade. The matters, such as the period of the announcement, how the announcement will be made and the smuggling types that will be announced, etc., shall be determined in a regulation to be issued by the Ministry of Customs and Trade.

Effective repentance

ARTICLE 5- (1) If the person, who has been complicit in one of the offenses (…) **(2)** defined in article 3, informs the relevant authority of the act, the other offenders and the locations where the smuggled object is kept, but before the public authorities are already informed; such person shall not be punished if the information provided by him has ensured that the offenders have been caught or that the smuggled object has been confiscated. In case a person serves and assists to reveal the act entirely after it is known, the punishment to be inflicted shall be decreased at the rate of two thirds. **(2)**

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(1) By article 55 of the Law No. 6455 of 28/3/2013, the wordings "and misdemeanors", contained in the first, second and fifth paragraphs of this article, were removed from the text of the article.

(2) By article 66 of the Law No. 6455 of 28/3/2013, the wording "or misdemeanors" contained in the first paragraph of this article, was removed from the text of the article.

(2) If the person who has committed one of the offenses defined in article 3 -except for its seventh paragraph-, exhibits effective repentance and thus, pays to the National Treasury the amount corresponding to two folds of the cleared value of the object associated with the offense until completion of the investigation phase, the punishment to be inflicted on such person due to the smuggling offenses defined in this Law shall be decreased at the rate of fifty percent. This provision shall not apply to recidivists or in case the offense is committed within the framework of an organized activity.

Objects brought to the accompaniment of passengers

ARTICLE 6- (1) **(Repealed by: 28/3/2013-6455/art.66)**

(2) **(Repealed by: 28/3/2013-6455/art.66)**

(3) **(Repealed by: 28/3/2013-6455/art.66)**

(4) The provisions of article 3 shall apply, if the import or export of the objects found on passengers or among their own belongings or in their transportation vehicles on contrary to their declarations is prohibited or if they are of a commercial nature.

Sea vehicles

ARTICLE 7- (1) The master of the ship which approaches to another ship or to a coast after entering the customs region without permission shall be punished as per the smuggling offense-related provisions in this Law in case it is found that there is a prohibited object in the ship or in case an object not contained in the bill of lading or way-bill is found in the ship.

(2) **(Repealed by: 28/3/2013-6455/art.66)**

Repetition

ARTICLE 8- (**Repealed by: 28/3/2013-6455/art.66)**

PART THREE
Procedural Provisions

Searches and seizures

ARTICLE 9- (1) The searches and seizures of all kinds of containers, packaging, or any other means used for carrying, which are suspected to contain smuggled objects, all kinds of weapons, ammunition, explosive and narcotic substances, and searches and seizures to be performed on persons shall be carried out in accordance with the Criminal Procedure Code no. 5271 of 4/12/2004.

(2) Body searches may be performed by customs officials on persons who are suspected to hide illegal objects, in customs halls and customs gates and searches may also be performed by customs officials on these persons' belongings, loads and vehicles for customs control purposes. The illegal objects, found after completion of the search, shall promptly be seized.

(3) It is prohibited to enter in, exit from or pass through the customs region by using locations other than the gates, roads and ways determined as per the Customs Law. The persons and all kinds of transportation vehicles, found in such locations, shall be stopped by the officials and body searches and searches shall be performed on these persons and on these persons' belongings, loads and transportation vehicles if any. The illegal objects, found after completion of the search, shall promptly be seized.

Seizure of the vehicles used for transportation of illegal objects

ARTICLE 10- (1) The vehicles, used for commission of the offenses defined in this Law, shall be seized as per the provisions of the fourth paragraph of article 128 in the Criminal Procedure Code.

(2) The seized vehicle shall be detained in the case that it is included in the scope of the subparagraph (a) of the first paragraph of article 13 or that it is not registered with the registry in Turkey or that it is used again for commissioning of smuggling offense in the course of the investigation and prosecution. The vehicle shall be returned to its owner in case the owner delivers to the customs administration a security in an amount equal to the value of the vehicle within thirty days as from the detention date. Otherwise, the vehicle shall immediately be liquidated by the liquidation administration without waiting for the result of the investigation and prosecution. In case the liquidation takes place by way of sale; the amount, remaining from the sale revenue after payment of all the costs necessary for preservation and sale of the vehicle, shall be transferred to a safekeeping account, for necessary action depending on the result of the prosecution.
(3) The value, in the implementation of the provision of the second paragraph, shall mean the insurable value (land vehicles insurance) for land vehicles and shall mean the value serving as the basis for hull and machinery insurance, for sea vehicles and shall mean the market value, for uninsured vehicles and for air and railway vehicles.

Preservation of the seized objects

ARTICLE 11- (1) The objects which are under seizure as they are suspected to be smuggled and all kinds of vehicles and means detained as required by the second paragraph of article 10 shall be delivered to the customs administration together with a record indicating the specifics such as the quantity, the type, kind, brand, model and serial number.
(2) The customs administration shall provide a warehouse, where it is found necessary for the preservation of smuggled objects and vehicles.
(3) As regards the sea vehicles delivered to the customs administration after they are seized as per the provisions contained in the second paragraph of article 10, in case the deliveries of these sea vehicles are not taken against security, these vehicles shall be delivered to the port operations directorate determined by the customs administration in which case the preservation and the necessary maintenance costs shall be borne by their owners or ship-owners. The vehicle shall not be liquidated as long as the costs are borne by its owner or ship-owner.
(4) (**As amended by: 28/3/2013-6455/art.56)** The objects, whose preservation requires specific facilities and installations or which exceed the storage capacity of the customs administration, shall, depending on their characteristics, be directly placed into the relevant administrations, or if this is not possible, into the locations deemed appropriate by the governors in the provinces or by the district governors in the districts, including metropolitan cities.
(5) (**As amended by: 28/3/2013-6455/art.56)** The appropriator administrations shall take samples from the tobacco products, ethyl alcohol, methanol and alcoholic beverages which are under seizure as per this Law and with no banderole, label, hologram, stamp, official seal or a similar sign on their packages; and the portion falling outside the sample shall be recorded and destroyed. The destruction record and the sample shall be delivered to the nearest customs administration.
(6) (**Added by: 28/3/2013-6455/art.56)** The expenses, incurred for any objects, draught animals and vehicles, seized and detained, except for illegal liquid fuel, as from the moment that they are under seizure, shall be covered from the incomes of the circulating capital enterprise of Ministry of Customs and Trade, which expenses are incurred for the reasons such as their preservation, storage, loading, unloading, shipment and destruction. The provisions of the Public Procurement Law No. 4734 of 4/1/2002 shall not apply to the goods, instruments, equipment and services to be procured within this scope.
(7) (**Added by: 28/3/2013-6455/art.56)** The principles and procedures regarding the fourth, fifth and sixth paragraphs shall be set forth in a regulation to be issued by the Ministry of Customs and Trade after receiving the opinions of the Ministry of Interior and the Ministry of Finance.
(8) (**Added by: 28/3/2013-6455/art.56)** Illegal fuel shall be delivered to the provincial special administration in the province where it has been caught or to the revenue office at the locations where there is no provincial special administration, in which cases the delivery shall take place at the location where it has been caught and together with the record indicating the quantity, type and characteristics of the illegal fuel. The expenses incurred for the illegal liquid fuel for the reasons such as its preservation, storage, loading, unloading and shipment, shall be covered by the provincial special administration or the revenue office, as the case may be.

Return of the prohibited objects

ARTICLE 12- (1) If the prohibited objects, which arrive from foreign countries, are indicated in the bills of lading or way-bills and thus, brought to customs, they shall be dispatched and returned to the location from where they have arrived or another country, under a security and by taking necessary safety measures.
(2) In case objects and waste materials, posing a threat and hazard against public and environmental health, constitutes the subject matter of a smuggling act, investigation procedures shall be initiated about the persons concerned, and these objects and waste materials shall immediately be returned to the original country by the customs officials. **(1)**

Confiscation

ARTICLE 13- (1) In relation to the offenses defined in this Law, the provisions of the Turkish Criminal Code No. 5237 of 26/9/2004, which are related confiscation of objects and earnings, shall apply. However, one of the following cases should take place in order for confiscation of any transportation vehicles which are used knowingly or are attempted to be used in transportation of illegal objects.
a) In case illegal objects are transported or hidden inside a concealed mechanism prepared specially to facilitate commission of the offense or to prevent reveal of the act.

b) In the case that illegal objects occupy all or a substantial part of the transportation vehicle by quantity and volume, given the load of the transportation vehicle and that transportation of these objects necessitates use of this vehicle.
c) The illegal objects in the transportation vehicle constitute one of the substances which are prohibited to enter in Turkey or exit from Turkey or which pose a threat against the public or environmental health.
(2) In case the criminal case is dismissed or no punishment is ordered against the offender due to effective repentance, this shall not constitute an impediment against implementing confiscation-related provisions only for the object associated with the offense.

Transfer of ownership to the public

ARTICLE 14- (**Repealed by: 28/3/2013-6455/art.66)**

Replacement value

ARTICLE 15- (1) The replacement value of an object -relevant to the sanction "confiscation" (…) **(2)** due to the offenses (…) **(2)** defined in this Law shall mean the cleared value of that object. **(2)**

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(1) By article 71 of the Law No. 5911 of 18/6/2009, the wording "offense", contained in this paragraph, was amended as "act", and was interested into the text.
(2) By article 57 of the Law No. 6455 of 28/3/2013, the wording "sanctions", contained in this paragraph, was amended as "sanction", and the wordings "and misdemeanors" and "or transfer of the ownership to the public", contained in the paragraph, were removed from the text of the article.

Liquidation

ARTICLE 16- (1) **(As amended by: 28/3/2013-6455/art.58)** The object, on which the sanction "confiscation" may be imposed by the reason that it is associated with the offenses defined in this Law, shall not be returned to its owner. The conduct of the necessary fact-finding activities shall, within six months as from the seizure date, be ensured about any such objects, except for illegal liquid fuel, seized under the suspicion of being smuggled; however, within one month if there is a risk of occurrence of a substantial loss in the value of the object or if there is a risk for the object to be damaged or if the preservation of the object constitutes a severe burden and then, the judge -in the investigation phase- shall order liquidation and the court -in the prosecution phase- shall order liquidation. In case the judicial decision is not rendered within these periods of time, the object shall immediately be liquidated. In cases where it is, prior to the liquidation, possible to take samples from the object to be liquidated under this paragraph, the samples shall be taken; however, in cases where it is not possible to take samples, all kinds of distinctive characteristics of the object shall be determined.
(2) **(As amended by: 28/3/2013-6455/art.58)** As for the vehicles or objects which have been liquidated by way of sales, the sales amounts pertaining to those vehicles and objects shall be transferred to a safekeeping account. In case it is adjudged that the liquidated objects or vehicles be returned to their owners, the sales amounts shall be paid to the right holders together with its legal interest for the period between the date of seizure and the date of return, within the framework of the provisions contained in article 180 of the Customs Law. In case the amount in the safekeeping account remains insufficient for the payment that will made to the right holder, the difference amount or the value of the destroyed object -if the object has been destroyed- shall be covered from the relevant appropriation of the general budget and be paid to the right holder by the customs administration.
(3) In case it is ordered that the seized object be returned, actions shall be taken in accordance with the customs and foreign trade legislation applicable, in the enforcement of those decisions.
(4) In the implementation of this Law, the liquidation shall be carried out by the liquidation administration as per the provisions of the Customs Law.

Liquidation of illegal liquid fuel

ARTICLE 16/A- (Added by: 28/3/2013-6455/art.59)

(1) Of the illegal liquid fuels seized pursuant to this Law, those which are in conformity with the technical arrangements shall be liquidated, after taking samples, through sales or through allocation -free of charge- to the use of public institutions and organizations and local administrations by provincial special administrations or by revenue offices at the locations where there is no provincial special administration, and the delivery record and the samples shall be delivered to the nearest customs administration. The illegal liquid fuel seized at land, air and sea border gates shall be liquidated, after taking samples, through sales or through allocation -free of charge- to the use of customs administrations and in necessary cases, to the use of also public institutions and organizations and local administrations and the liquid fuel, abandoned or deemed to have been abandoned to the customs, shall be liquidated, without taking samples, through sales or through allocation -free of charge- to the use of customs administrations and in necessary cases, to the use of also public institutions and organizations and local administrations. The sales amounts shall be recorded as revenue in favor of the general budget.
(2) In case the national marker site measurement result of the illegal liquid fuel caught without its owner is not in the condition and level determined by the Energy Market Regulatory Authority, those products shall be deemed to be in violation of the technical arrangements and be liquidated, without analyzing.
(3) **(Paragraph as amended by: 17/1/2019-7161/art.45)** The illegal liquid fuels, whose sample analysis results state that they are not in conformity with the technical arrangements, shall be sold to the nearest refining undertaking by the provincial special administration or the revenue office. In these sales, the sales prices of the products shall not be in such an amount less than the crude oil/transfer cost prices occurred at the end of the preceding month in the refinery for

benzine, diesel oil types, gas oil, jet fuel and naphtha and solvent types and in such an amount less than sixty percent for other products. The sales amounts shall be recorded as revenue in favor of the general budget. Refineries are obliged to take delivery of the liquid fuels which are not in conformity with the technical arrangements, however, about which the sample analysis results prove that they are in such quality not damaging the production processes. The illegal liquid fuels, understood to cause damage against the refinery operation processes in result of the analysis, shall be disposed at the waste incineration and co-incineration facilities that obtained environmental license and/or temporary activity certificate for the purpose of disposal and/or energy recovery.
(4) In case the judicial process is concluded in favor of the owners of the liquidated illegal fuel; the amount remaining from the total sales amount of the sold illegal liquid fuel after deduction of taxes, or in case the liquid fuel has been allocated, its amount determined as per the provisions of the third paragraph -excluding taxes- shall be paid to the right holder from the budget of the relevant institution, after addition of the legal interest for the period between the seizure date and the date that the decision has become final. The necessary appropriation shall be transferred to the relevant institutions by the Ministry of Finance.
(5) The provisions of the Law No. 4734 shall not apply to any goods, instruments, equipment and services to be procured by the Ministry of Customs and Trade, the Ministry of Interior, the Ministry of Finance, the Energy Market Regulatory Authority, the provincial special administrations and revenue offices under this article or with regard to fighting against liquid fuel smuggling, and the provisions of the State Tender Law No. 2886 of 8/9/1983 shall not apply to illegal liquid fuel sales.
(6) The principles and procedures regarding implementation of this article shall be set forth in a regulation to be issued jointly by the Ministry of Customs and Trade, the Ministry of Interior and the Ministry of Finance, after receiving opinions of the Energy Market Regulatory Authority.

PART FOUR
Miscellaneous Provisions

Competent authorities
ARTICLE 17- (1) **(Repealed by: 28/3/2013-6455/art.66)**
(2) The cases, filed due to the offenses included in the scope of this Law, shall be heard before the criminal courts of first instance determined by the Supreme Council of Judges and Prosecutors upon proposal of the Ministry of Justice. However, in case the offense “forgery of official documents” is committed in connection with these offenses, the high criminal courts shall have jurisdiction.
Intervention in the case
ARTICLE 18- (1) In the cases filed due to the offenses defined in this Law, the courts shall forward a copy of the bill of indictment to the customs administrations as well. The relevant customs administration shall, upon its application, be considered as the intervening party to the case filed.
Those who are in charge of preventing, monitoring and researching smuggling
ARTICLE 19- (1) Local administrators, the staffs of the Undersecretariat of Customs and the staffs serving under the Turkish National Police, the Gendarmerie General Command and the Coast Guard Command shall be in charge of preventing, monitoring and researching the acts in respect of which sanctions are stipulated under this Law.
(2) Those, who are in charge of preventing, monitoring and researching smuggling, shall start to perform their tasks when they become aware of smuggling acts requiring operation and they shall also inform the local authority.
(3) Provided that the provisions related to right of defense are reserved, public and private institutions and organizations and real or legal persons have to fulfill completely any requests for information and documents in relation to the offenses included in the scope of this Law by those who are in charge of preventing, monitoring and researching smuggling.
(4) **(As amended by: 28/3/2013-6455/art.60)** The identities of the denouncers of offenses included in the scope of article 3 of this Law and the identities of the denouncers to whom payment of bonus is prescribed as per article 23 of this Law shall not be disclosed unless they grant consent or unless the denunciations, by their nature, constitute an offense about the denouncers. Witness protection-related provisions shall apply to these persons.
Records
ARTICLE 20- (1) It is necessary that the records related to monitoring of smuggling acts contain the following and that they are undersigned:
a) Date, place and the titles and names of the issuers, the date and number of the judge’s decision and the date and number of the order in case the activity is performed upon public prosecutor’s written order,
b) The occurrence and the relevant evidence, the types, scope, quantity and specifics -in details- of the objects and transportation vehicles associated with the offense (…) **(1)** and the locations where they are seized and the matter of how they are seized, and **(1)**
c) The concerned person’s identity, business/work and residence address and the concerned person’s statement if any.
(2) The parts of the record, which are related to the concerned persons present during the transaction, shall be read aloud before these persons or these parts shall be delivered to these persons so that these persons read those parts. This matter shall be written into the record, and the persons concerned shall undersign the record. In case they refuse to undersign, the reasons of the refusal shall be written into the record.

Controlled delivery
ARTICLE 21- The controlled delivery procedures to be performed within the framework of this Law shall be conducted by the Undersecretariat of Customs and the Turkish National Police, the Gendarmerie General Command and the Coast Guard Command pursuant to the provisions of articles 10, 11 and 13 contained in the Law No. 4208 of 13/11/1996.

(1) By article 66 of the Law No. 6455 of 28/3/2013, the wording "or misdemeanor", contained in this subparagraph, was removed from the text of the article.

Power to use gun
ARTICLE 22- (1) It is prohibited to enter into, exit from or otherwise pass through customs region via other gates and ways than those specified in accordance with the Customs Law No. 4458. In the case that any persons intend to enter into, exit from or otherwise pass through customs region via those gates and ways and that these persons do not stop despite the "Halt" warning, the warning shall be repeated by firing into the sky. However, where gunfire is attempted to be answered back and in the case of being in the position of self-defense, authorized officials may fire guns directly at the target, proportionately to neutralize the attack. If legal prosecution or investigation is lodged against officials for using guns, an attorney shall be provided and attorney fees shall be paid by the institution under which they serve.
(2) Those, who are in charge of preventing, monitoring and researching smuggling, are empowered to approach all kinds sea vehicles in customs region and examine their loads and documents. Any sea vehicles, which do not allow the officials to approach and escape or attempt to escape, shall be warned to stop by means of radio, flag, Morse code and similar signs according to international maritime signs. A warning gunfire shall be made for sea vehicles not complying with this warning. If they do not comply with this and continue escaping, guns shall be fired at them so as to force them to stop.
Bonuses
ARTICLE 23- (1) In case objects are caught under the suspicion for smuggling, the denouncers and seizers shall be paid bonuses as per the following principles and procedures.
a) As regards the guns and bullets caught due to violation of article 12 of the Law No. 6136 of 10/7/1953 on Firearms, Knives and Other Tools, and the materials caught due to violation of article 174 of the Turkish Criminal Code; their values determined every year by the Ministry of National Defense according to the date of the occurrence shall be taken into consideration; and if they are caught with their owners, twenty-five percent of their value shall be paid within three months following the filing of the criminal case, and seventy-five percent of their value shall be paid within three months following the finalization of the confiscation order or the conviction judgment; and if they are caught without their owners, fifty percent of their value shall be paid within three months following the finalization of the confiscation order;
b) **(As amended by: 28/3/2013-6455/art.61)** In cases where drugs are caught and where plants, grown in order to obtain drugs, are caught, the value of any kind of such drug shall be calculated in result of multiplying a constant to be fixed by the President of the Republic -taking as basis the surface area of the field in which the plants from which the drug is obtained is planted and the unit quantity of the drug- by the civil servant salary coefficient; and in case they are caught within the context of the eighteenth and nineteenth paragraphs of article 3, such value shall be calculated in result of multiplying the civil servant salary coefficient by the constants to be fixed on package, kilogram and liter basis by the President of the Republic and then, if they are caught with their owner, half of their value shall be paid within three months following the filing of the criminal case, and the other half of their value shall be paid within three months following the finalization of the confiscation order or the conviction judgment; and if they are caught without their owners, the whole value shall be paid within three months following the finalization of the confiscation order; **(1)**

(1) By article 180 of the Decree Law No. 700 of 2/7/2018, the wordings "by the Council of Ministers", contained in this subparagraph, were amended as "by the President of the Republic".
(2) By article 33 of the Law No. 7148 of 18/10/2018, the wording "seizers", contained in this paragraph, was amended as "those who become entitled to seizure bonus".

c) In the bonus payments for the circumstances other than those mentioned in the paragraphs (a) and (b) of this article, FOB value of the objects which are smuggled in exit, and CIF value of the objects, which are smuggled in entrance shall be taken into consideration. The value of the objects caught without an owner shall be determined by a committee composed of three persons, namely the representatives of Ministry of Finance, the Undersecretariat for Customs and chamber of commerce and industry, who shall be assigned by the local authority. If the smuggled objects are caught with their owners, fifty percent of their value, and if they are caught without their owners, twenty-five percent of their value shall be paid within three months following the finalization of the decision "confiscation of the object" (…) **(1)** or the decision "the criminal case shall not be filed" in the event of effective repentance or the conviction judgment, **(1)** which payments shall be made from the relevant allocation in the budget of the institution under which those -who become entitled to seizure bonus- serve. **(2)**
(2) **(As amended by: 18/10/2018-7148/art.33)** Fifty percent of the bonus shall be paid to the denouncers, and the other fifty percent shall be paid to the seizers. In the cases of caught without denunciation, the whole bonus shall be paid to those who become entitled to seizure bonus. Those, who are in charge of preventing, monitoring and researching

smuggling, shall not be paid denouncer bonus. Among those who are in charge of preventing, monitoring and researching smuggling; the persons who personally and actually take part in the action performed to catch smuggled objects and the persons who provide contribution by taking part in the measures "detection of communications, interception of communications, recording of communications, confidential investigator, surveillance by technical means" under the investigation carried out, or by taking part in the information gathering, analysis, evaluation, physical surveillance or planning or management and direction works or studies shall become entitled to seizure bonus.
(3) The bonuses payable as per this article shall not be subject to taxes, levies and charges, with the exception of stamp tax.
(4) **(As amended by: 28/3/2013-6455/art.61)** The amount of the bonus payable to those who become entitled to seizure bonus as per this article shall not exceed the amount to be found in result of multiplying the indicator figure (30000) per occurrence by the civil servant salary coefficient on the finalization date of the decision "confiscation of the object" or the decision "the criminal case shall be filed" or the conviction judgment. However, the annual amount of the bonus payable in one year shall not exceed the amount to be found in result of multiplying the indicator figure (120000) by the civil servant salary coefficient. The provision of this paragraph shall not apply to the bonus payments to be made within the scope of the sixth paragraph of this article. **(2)**
(5) **(As amended by: 28/3/2013-6455/art.61)** The principles and procedures for determination of bonus payments and of the unit prices to be taken as basis for bonus payments in joint operations and controlled delivery practices as well as other matters related to the implementation of this article, with the exception of the sixth paragraph, shall be set forth in a regulation to be issued jointly by the Ministry of Interior and the Ministry of Customs and Trade, after receiving the opinions of the Ministry of Finance and the Ministry of National Defense.
(6) **(Added by: 28/3/2013-6455/art.61)** In case illegal liquid fuel is caught, the denouncers and the civil servants who have caught the illegal liquid fuel shall be paid bonuses in accordance with the following principles and procedures:
a) In case illegal liquid fuel is caught with its owner in result of a denunciation, ten percent of the sum which will be calculated depending on the amount to be found as per the subparagraph (d) shall be paid to the denouncer and ten percent shall be paid to those who become entitled to seizure bonus, within three months following the filing of the criminal case. As an extra bonus, fifteen percent of the sum which will be calculated depending on the amount to be found as per the subparagraph (d) shall be paid to the denouncer and fifteen percent shall be paid to the civil servants who personally and actually take part in the action performed to catch the illegal liquid fuel, within three months following the finalization of the illegal liquid fuel-related conviction judgment or confiscation order. **(2)**
b) In case illegal liquid fuel is caught with its owner but without a denunciation, ten percent of the sum which will be calculated depending on the amount to be found as per the subparagraph (d) shall be paid to those who become entitled to seizure bonus, within three months following the filing of the criminal case. As an extra bonus, fifteen percent of the sum which will be calculated depending on the amount to be found as per the subparagraph (d) shall be paid to the civil servants who personally and actually take part in the action performed to catch the illegal liquid fuel, within three months following the finalization of the illegal liquid fuel-related conviction judgment or confiscation order. **(2)**

(1) By article 61 of the Law No. 6455 of 28/3/2013, the wording "or transfer of ownership to the public", contained in this subparagraph, was removed from the text of the article.
(2) By article 33 of the Law No. 7148 of 18/10/2018, the wording "seizers", contained in the first paragraph, was amended as "those who become entitled to seizure bonus" and the wording "seizers", contained in the fourth paragraph, was amended as "those who become entitled to seizure bonus" and the wording "civil servants who personally and actually take part in the action performed to catch smuggled objects", contained in the subparagraphs (a) and (b) of the sixth paragraph, was amended as "those who become entitled to seizure bonus".

c) In case the illegal liquid fuel, which has been caught, does not have an owner; the bonuses, payable to those who become entitled to seizure bonus and the denouncers under this paragraph, shall be paid fifty percent less. **(2)**
ç) The bonuses, payable under this paragraph, shall be covered from the budgets of the relevant institutions. The required appropriation shall be transferred to the relevant institutions by the Ministry of Finance.
d) The principles and procedures for the bonus payments to be made under this paragraph, the amounts to be taken as basis for the payments as well as other matters related to the implementation of this paragraph shall be set forth in a regulation to be issued jointly by the Ministry of Interior and the Ministry of Customs and Trade, after receiving the opinions of the Ministry of Finance.
(7) **(Added by: 17/4/2017-Decree Law-690/art.12; Exactly adopted: 1/2/2018-7077/art.11)** The staffs of the Turkish Land Forces Command's border units (including the units assigned to support these units/assigned to the order of these units) commissioned pursuant to the Law No. 3497 of 10/11/1988 on the Protection and Security of the Land Borders and the staffs of the Turkish Naval Forces Command who are commissioned to fight against smuggling, if military support is demanded, shall also be paid bonuses as per the principles and procedures set forth in this article.
(8) **(Added by: 18/10/2018-7148/art.33)** In case drugs or stimulants are caught in such a quantity not exceeding the unit quantity to be fixed by the President of the Republic, following the filing of the criminal case and on the basis of the number of the bills of indictment adopted, in organized offenses, the denouncers and those who become entitled to

seizure bonus, however, in personal offenses, only those who become entitled to seizure bonus shall be paid bonus in one go, in such amount corresponding to the value that will be found through multiplication of the civil servant salary coefficient by the constants to be fixed by the President of the Republic. In this case, an extra bonus shall not be paid under the subparagraph (b) of the first paragraph.
(9) **(Added by: 18/10/2013/7148/art.33)** In the payments of the bonuses referred to in the first paragraph of this article, in case the amount of the bonus, payable to the denouncers and those who become entitled to seizure bonus, is less than the amount that will be found through multiplication of the indicator figure 3000 by the civil servant salary coefficient on the date of the occurrence, files shall not be prepared for those bonus claims.

Criminal laboratory

ARTICLE 24- (1) The Undersecretariat of Customs shall establish criminal laboratories to serve within the framework of preventing, monitoring and researching smuggling acts. The working principles and procedures pertaining to these laboratories shall be determined in a regulation to be issued by the Undersecretariat of Customs.

PART FIVE
Temporary and Final Provisions

Provisions repealed

ARTICLE 25- (1) The Anti-Smuggling Law No. 4926 of 10/7/2003 is hereby repealed.

TEMPORARY ARTICLE 1- (1) As contained in the other laws, the references made to the Law No. 1918 of 7/1/1932 on the Prohibition and Monitoring of Smuggling and to the Anti-Smuggling Law repealed by this Law shall be deemed to have been made to this Law.

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(1) By article 71 of the Law No. 5911 of 18/6/2009, the date "1/1/2009", contained in this paragraph, was amended as "1/1/2012; and the amendment was interested into the text.
(2) By article 7148 of the Law No. 7148 of 18/10/2018, the wording "civil servants who personally and actually take part in the action performed to catch illegal liquid fuel", contained in the subparagraph (c) of the sixth paragraph, was amended as "those who become entitled to seizure bonus".

TEMPORARY ARTICLE 2- (1) In case adjournment of the trial is adjudged as per the Law No. 4616 of 21/12/2000 on the Conditional Release and the Suspension of Trials and Sentences for the Offenses Committed Prior to 23 April 1999, the seized object shall immediately be liquidated regardless of whether the probation period has expired.

TEMPORARY ARTICLE 3- (1) For the preservation of the objects seized under the suspicion for smuggling and of the vehicles and means detained as required by the second paragraph of article 10, the customs administration shall establish smuggled object warehouses until 1/1/2012 or shall use existing warehouses by way of renting or purchasing. Sufficient amount of appropriation shall be transferred to the budget of the Undersecretariat of Customs, to cover the expenses necessary for the smuggled object warehouses. **(1)**
(2) Until such time as the warehouses and facilities referred to in the second paragraph of article 11 are provided; the objects seized under the suspicion for smuggling and all kinds of vehicles and means detained as required by the second paragraph of article 10 shall be delivered to the nearest customs administration or to the locations permitted by the customs administration, together with a record indicating the specifics such as the quantity, the type, kind, brand, model and serial number.
(3) If the quantity of the objects is excessive or if their storages require special facilities and installations; they shall, depending on their characteristics, be delivered either directly to the relevant administrations, or to a location to be found acceptable by the local authority-if this is not possible, as per the principles and procedures to be determined by the Ministry of Interior and the Undersecretariat of Customs. **(1)**
(4) As regards the amount being kept in the safekeeping account in order to be spent by the Undersecretariat of Customs as per the subparagraph (g) of article 35 of the Anti-Smuggling Law repealed by this Law, this amount shall be recorded as appropriation into the relevant allocations in the budget of the Undersecretariat of Customs and as revenue into the list (B) of the budget in order to be spent in line with the purposes specified in article 11.
(5) Until 31/12/2011, the fifty percent of the amount shall, following collection of the judicial and administrative fines related the smuggling acts falling outside the circumstances referred to in the subparagraphs (a) and (b) of the first paragraph of article 23 of this Law, be recorded as appropriation into the relevant allocations in the budget of the Undersecretariat of Customs and as revenue into the list (B) of the budget in order to be spent in line with the purposes specified in article 11 and for provision of the devices and consumables of the criminal laboratories to be established by the Undersecretariat of Customs and for the analysis and expertise works conducted in the course of monitoring, defending and investigations in the legal proceedings.

TEMPORARY ARTICLE 4- (1) As regards the liquid fuels which are being kept at the public institutions and authorities and the local administrations after they are passed to the State as per the Customs Law or which are seized under the suspicion for smuggling as per the repealed Law on the Prohibition and Monitoring of Smuggling and the Anti-Smuggling Law repealed by this Law, those liquid fuels which have not been liquidated by the effective date of this Law shall be deemed to have been allocated free of charge to the public institutions and authorities and the local administrations which preserve those liquid fuels. No taxes and levies shall be collected from the liquid fuels allocated in this way.

(2) Among the liquid fuels seized under the suspicion for smuggling, the cost of the liquid fuels ordered to be returned to their owners by the courts shall be covered from the Treasury.

TEMPORARY ARTICLE 5- (Added by: 13/2/2011-6111/art.188)

(1) The provisions of article 16 in this Law shall apply to the transportation vehicles seized or detained by the reason that they are used for transportation of smuggled objects, prior to 31/3/2007.

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(1) By article 8 of the Law No. 5622 of 5/4/2007, the wording "to be determined by the Ministry of Interior, the Undersecretariat of Customs and the Ministry of Finance the Directorate General for Revolving Fund Establishments Liquidation Affairs", contained in this paragraph, was amended as "to be determined by the Ministry of Interior and the Undersecretariat of Customs"; and the amended was inserted into the text.

TEMPORARY ARTICLE 6- (Added by: 28/3/2013-6455/art.62)

(1) The tobacco products, ethyl alcohol, methanol and alcoholic beverages, which have been delivered to the customs administration prior to the publication date of this article and on whose packages, there is no banderole, label, hologram, stamp, official seal or a similar sign applied by the public institutions, shall be destroyed immediately by the customs administration after taking samples.

(2) The tobacco products, ethyl alcohol, methanol and alcoholic beverages, which have not been delivered to the customs administration prior to the publication date of this article and on whose packages, there is no banderole, label, hologram, stamp, official seal or a similar sign applied by the public institutions, shall be destroyed immediately pursuant to the fifth paragraph of article 11.

(3) The necessary fact-finding procedures shall, within three months as from the publication of this article, be carried out on the objects, seized under the suspicion of smuggling, falling outside the first and second paragraphs and the illegal liquid fuels prior to the publication date of this article, and the judge -in the investigation phase" and the court -in the prosecution phase- shall order liquidation. In case the judicial decision is not rendered within these periods of time, the object shall immediately be liquidated. In cases where it is, prior to the liquidation, possible to take samples from the object to be liquidated under this paragraph, the samples shall be taken; however, in cases where it is not possible to take samples, all kinds of distinctive characteristics of the object shall be determined.

TEMPORARY ARTICLE 7- (Added by: 28/3/2013-6455/art.63)

(1) The regulations, referred to in the sixth paragraph of article 16/A and in the fifth and sixth paragraphs of article 23, shall be put into force within six months.

TEMPORARY ARTICLE 8- (Added by: 28/3/2013-6455/art.64)

(1) As regards the offenses constituting a violation of the Petroleum Market Law No. 5015 of 4/12/2003, and the Law No. 4733 of 3/1/2002 of the Organization and Duties of the Tobacco and Alcohol Market Regulatory Authority, committed prior to the publication date of this Law; the procedure "enforcement of the provisions in favor" shall be carried out as per the relevant provision contained in article 9 of the Law No. 5252 of 4/11/2004 on the Enforcement and Application Method of the Turkish Criminal Code.

(2) As regards the misdemeanors constituting a violation of this Law, committed prior to the publication date of this Law; the procedure "enforcement of the provisions in favor" shall be carried out as per the relevant provision contained in article 9 of the Law No. 5252.

TEMPORARY ARTICLE 9- (Added by: 28/3/2013-6455/art.65) All kinds of facilities, storages, tools, instruments and all other technical equipment, which are used for the liquidation of illegal fuel and are under the ownership of the provincial special administrations whose legal personalities have been revoked by the Law No. 6360 of 12/11/2012 on the Establishment of Fourteen Metropolitan Municipalities and Twenty-Seven Districts and Amendments to Certain Laws and Decree Laws, shall be deemed to have been transferred to the revenue office at their location as of the date that the legal personality has been revoked, without the requirement to carry out any transactions and procedures.

TEMPORARY ARTICLE 10- (Added by: 18/1/2017-6770/art.31)

(1) In the criminal cases filed due to underpayment of the customs duties, pursuant to the second paragraph of article 3 of this Law, as regards the land vehicles which have seized prior to the effective date of this article and for which confiscation order has not been issued; in case the following two conditions have taken place together, namely:

a) In case the liquidation of the vehicle has not been completed, and

b) In the case that the application is filed with the relevant customs administration by the end of the sixth month following the effective date of this article and that the amount, corresponding to 25% of the special consumption tax payable in the first acquisition of the vehicle, is paid to the relevant collection authority within one month of the application date, the seizure order shall be revoked and it shall be ordered that the seized vehicle be returned to its owner.

(2) In the criminal cases referred to in the first paragraph, the court shall order payment of the cleared value of the object, instead of confiscation of the object.
(3) The Ministry of Justice, the Ministry of Customs and Trade and the Ministry of Finance are jointly authorized to determine the principles and procedures regarding implementation of the first paragraph.

TEMPORARY ARTICLE 11- (Added by: 17/7/2019-7186/art.21)

(1) As regards the land vehicles for which a confiscation order has not been issued and which are included in the scope of an investigation or a prosecution initiated due to underpayment of the customs duties, pursuant to the second paragraph of article 3 of this Law; in case the following two conditions have taken place together, namely:
a) In case the liquidation of the vehicle has not been completed, and
b) In the case that the application is filed with the relevant customs administration until 31/12/2019 and that the amount, corresponding to 25% of the special consumption tax payable in the first acquisition of the vehicle, is paid to the relevant collection authority within one month of the date that the relevant notification is served on the applicant, no seizure and confiscation order shall be issued about the vehicle, the existing seizure order shall be revoked and it shall be ordered that the seized vehicle be returned to its owner. The costs, related to the preservation of the means of transport whose return is requested, shall be paid by those vehicle owners. The President of the Republic is authorized to extend the period of the application referred to in this paragraph, up to six months.
(2) No seizure or confiscation order shall be issued about the vehicles returned under the temporary article 10 of the Law No. 4458.
(3) In the circumstances referred to in the first and second paragraphs, the payment of the cleared value of the object shall be ordered, instead of the confiscation of the object.
(4) The Ministry of Justice, the Ministry of Trade and the Ministry of Treasury and Finance are jointly authorized to determine the principles and procedures regarding implementation of the first paragraph.

Effectiveness

ARTICLE 26- (1) This Law shall become effective on the date of its publication.

Execution

ARTICLE 27- (1) The provisions of this Law shall be executed by the Council of Ministers.

TABLE INDICATING THE EFFECTIVE DATES OF THE LEGISLATION AMENDING AND SUPPLEMENTING THE LAW NO. 5607 OR OF THE PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT

No. of the Amending Law/Decree Law/Constitutional Court Annulment Judgment	Articles of the Law No. 5607, which were amended or annulled	Effective Date
5622	Temporary Article 3	17/4/2007
5911	3, 8, 12, Temporary Article 3	7/10/2009
6111	Temporary Article 5	25/2/2011
6455	2, 3, 4, 5, 6, 7, 8, 11, 14, 15, 16, 16/A, 17, 19, 20, 23, Temporary Article 7, Temporary Article 8, Temporary Article 9	11/4/2013
6545	3	28/6/2014
6770	Temporary Article 10	27/1/2017
DECREE LAW/690	23	29/4/2017
7061	3	1/7/2018
7077	23	8/3/2018
DECREE LAW/700	23	In result of the elections held both for the President of the Republic and the members of the Grand National Assembly of Turkey on 24/6/2018, on the date that the President of the Republic was administered an oath and came into office (9/7/2018)
7148	23	26/10/2018
7161	16/A	18/1/2019
7186	Temporary Article 11	19/7/2019

TURKISH PETROLEUM LAW

Law Number: 6491
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PART ONE
Objective, Scope, Definitions and Ownership

Objective and scope
ARTICLE 1- (1) The objective of this Law is to ensure that the petroleum resources of the Republic of Turkey are rapidly, continuously and effectively explored, developed and produced in compliance with the national interests.
(2) This Law covers the principles and procedures for the regulation, management, encouragement and inspection of petroleum exploration and production activities in Turkey as well as the compilation, assessment and provision of the information and data necessary for exploration and production.
Definitions
ARTICLE 2- (1) In the implementation of this Law; the following terms shall have the following meanings:
a) Open Area: Area declared to be open for exploration, production or applications for these activities as per the provisions of this Law;
b) Exploration: Activities of investigation, exploratory drilling and appraisal drilling;
c) Exploration expenses: Expenses incurred for exploration activities, with the exception of the expenses of the materials and facilities whose utilization life is more than one year;
ç) Exploration license: Permit which allows for exploration in the area determined under this Law;
d) Exploratory drilling: Drilling of wells in order to discover petroleum;
e) Investigator: Holder of an investigation permit;
f) Geological investigation: Investigation of a land from the ground or air by means of topographical, geological, geophysical, geo-chemical, or similar methods to gather data, and the drilling activities performed to obtain geological information, with the exception of exploratory drilling;
g) Investigation permit: Permit granted by the General Directorate for the conduct of investigation in a specified area;
ğ) Explorer: Holder of an exploration license;
h) Minister: Minister of Energy and Natural Resources;
ı) Ministry: Ministry of Energy and Natural Resources;
i) Royalty: Share to be given to the State on the basis of the petroleum produced;
j) Natural gas: Natural hydrocarbons in gaseous state, which are produced or producible from the ground;
k) Development: Drilling of the required number of wells and establishment of surface facilities, transportation lines and storage in order to develop a petroleum field;
l) General Manager: General Manager of Petroleum Affairs;
m) General Directorate: General Directorate of Petroleum Affairs;
n) Crude Oil: Natural hydrocarbons in liquid and solid state, which are produced or producible from the ground;
o) Operator: Holder of operating license;
ö) Operating license: Permit allowing for production activities to be performed in the area determined under this Law;
p) Discovery: Finding a petroleum accumulation which is convenient for production;
r) Utilization right: Leasing of a field and establishment of possible usufruct and servitude on that field;
s) Material: All products, including petroleum, oil, either crude, in process or finished; equipment, instruments, tools and machinery; means of transportation and all other means and spare parts thereof, which will be used for petroleum operations;
ş) Joint representative: Representative determined jointly by petroleum right holders, in case there is more than one sharer on a petroleum right;
t) Petroleum: Crude oil and natural gas;
u) Petroleum finding: Determination of existence of petroleum in the course of drilling exploration activities;
ü) Petroleum unit: 158,984 liters (one barrel) of crude oil measured at 15.5°C under 1 atmospheric pressure or 1 cubic meter of natural gas measured at 15.5°C under 1 atmospheric pressure;
v) Petroleum right: Any of the rights arising from an investigation permit, an exploration license or an operating license;

y) Petroleum operation: Exploration, production and sales of the petroleum produced within the Country; construction, establishment, and operation of energy and water facilities, and pipelines necessary for transportation of the produced petroleum within the field or to a main transmission line or to a refinery close by or necessary for the transportation of natural gas to eligible consumers; the relevant housing, camping and all other facilities and equipment necessary for any of the operations referred to above; and administrative, commercial and financial activities related to these operations;
z) Petroleum field: Piece of land where it is found that there is petroleum in a quantity convenient for operating;
aa) Capital assets: Assets included in the economic operations pursuant to the valuation criteria provided in the Tax Procedure Law No. 213 of 4/01/1961, and those exploration expenses, drilling accessory costs and the expenses for drilling wells unproductive for the national economy, which the petroleum right holder transfers to the capital accounts as an asset as required by the same Law;
bb) Capital asset basis: Value of the capital asset allocated by the petroleum right holder for use in connection with its petroleum operations in Turkey, as calculated in accordance with the Law No. 213;
cc) Drilling accessory costs: All expenses for labor, fuel, repair and maintenance, haulage, supply, leasing and materials for and accessory to drilling, cleaning, deepening or completing wells or any preparations thereof, with the exception of the expenses for installations or materials having a physical life longer than one year, which have not been installed or used yet, or which have a utilization life longer than one year or a salvage value at the end of one year after being installed or put into use;
çç) Dangerous act: Act or negligence exhibited during the conduct of a petroleum operation, which endangers or is likely to endanger the life, physical integrity or health of a person within the field, or which gives rise to environmental pollution, destruction or depredation of properties or places under the Law No. 2863 of 21/7/1983 on the Conservation of Cultural and Natural Properties;
dd) Appraisal drilling: Limited number of drilling of wells, which are performed in order to determine the capacity of a petroleum field;
ee) Land of Turkey: Territory, inland waters and territorial waters of the Republic of Turkey and furthermore, continental shelf and exclusive economic zones, the borders of which are determined under the international law;
ff) Costs of drilling and abandonment of wells unproductive for the national economy: Expenses incurred for any physical economic value used or necessary for the drilling of wells that do not produce petroleum in economic quantities and drilling accessory costs, with the exception of drilling equipment and similar equipment;
gg) Production: Work of production drilling and development, extraction of petroleum, pre-processing of petroleum, storage of petroleum in the field or in the vicinity of a field, transportation of petroleum to these storages, a transmission line or to a refinery via pipelines or by other means;
ğğ) Enhanced recovery method: Achievement of additional production by means of enhanced recovery methods in order to enhance the fluidity of petroleum in the reservoir and/or to increase the decreasing reservoir energy in the production field;
hh) Production field: Petroleum field in the operating license; and
ıı) Production drilling: Drilling of wells for production in the petroleum field.

Ownership

ARTICLE3- (1) The petroleum resources in Turkey shall be governed by and shall be at the disposal of the State.

PART TWO
Districts and Open Fields, and Investigation Permit

Districts and open fields

ARTICLE 4- (1) In accordance with this Law, Turkey is divided into two districts as onshore and offshore districts. The coastline shall constitute a border for the onshore and offshore districts. Offshore district is divided into two parts as inner territorial waters and outer territorial waters. Grant of investigation permits, exploration licenses and production leases, their transfers and time extensions in the outer territorial waters shall be subject to the approval of the President of the Republic, provided that they are not less favorable than the rights determined under article 5, 6 and 8. Those districts may partially or entirely be closed to exploration and production, modified or re-opened by the relevant Presidential Decree. **(1)**
(2) Any decision made in accordance with this article shall violate any vested rights.
(3) The opinions of the relevant public institutions and organizations shall be received before conduct of any operation is allowed in military restricted zones or security zones.

(1) By article 201 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers", contained in this article, was amended as "the President of the Republic", and the wording "by the relevant decree of the Council of Ministers", contained in this article, was amended as "the relevant Presidential Decree".

Investigation Permit

ARTICLE 5- (1) If the General Directorate finds that an application for an investigation permit is acceptable, it shall grant the required investigation permit within sixty days. In case another investigation permit, an exploration license or an operating license has been granted for a part of the field for which the permit is requested, this shall not constitute an impediment against the grant of investigation permit. However, the investigator shall not, without the consent of the other petroleum right holder who carries out petroleum operations, enter in the drilling sites or locations where similar field studies are being performed. Investigation permit holders are obliged to pay 50 Kurus fee per hectare of the investigation field for once only and the payment methods shall be determined by a regulation. The fee amounts shall be re-determined every year by considering the revaluation rate set determined every year in accordance with the Law No. 213 for the preceding year. The information obtained in result of the investigation shall also be submitted to the General Directorate, and the General Directorate shall keep this information confidential for eight years. Other matters, agreed between the General Directorate and the applicant, provided they are not in violation of the provisions contained in this Law, shall constitute an annex to the investigation permit. The relevant principles and procedures shall be set forth in a regulation.

PART THREE
Exploration License, Application and Licensing Procedure, and Operating License

Exploration license

ARTICLE 6 - (1) In accordance with the provisions of this Law, exploration license shall be issued for the purpose of performing exploration activities within the licensed area and of performing investigations around the licensed area and of developing the area where petroleum is found and of producing petroleum in this area and of making an application of discovery.

(2) The exploration license shall be based on map sections with scale of 1/50.000 for territorial borders and territorial waters. The largest land of license shall be a complete map section with scale of 1/50.000. The smallest land of license shall be a complete map section with scale of 1/25.000, provided that it is included in the same map section with scale of 1/50.000. Land of license shall not exceed the map section with scale of 1/50.000 and shall consist of map sections with scale of 1/25.000.

(3) Licensing within the boundaries of exclusive economic zones shall be performed on the basis of one-degree land between the lines of one complete degree of latitude and one complete degree of longitude. The largest land of license shall be the land of one degree. The smallest land of license shall be a complete map section with scale of 1/100.000, provided that it is included in the land of one degree. Land of license shall not exceed the land of one degree and shall consist of map sections with scale of 1/100.000.

(4) Exploration fields shall be surrounded by straight lines in north-south and east-west directions, and the map section borders except for shore, territorial waters or exclusive economic zones and coastal lines. The principles and procedures for determination of the borders of these fields, their contiguity to other fields, and their convergence shall be set forth in a regulation.

(5) The duration of exploration license shall be five years for onshore and eight years for offshore.

(6) Provided that license holder has fulfilled the work program and submits his work and investment program including at least one drilling and gives a security corresponding to two percent of the work and investment program, the duration of the exploration license may be extended for up to two years for onshore and for up to three years for offshore.

(7) In case the petroleum right holder, who has completed the drilling program within the first extension period, submits a new drilling and investment program and gives the corresponding bond at an amount equal to 2 percent of the drilling and investment program, the duration of his/her exploration license may be extended for up to two years for onshore and for up to three years for offshore.

(8) Under the provisions of this Law, the duration of an exploration license, including extensions made after its initial effective date, shall not exceed nine years for onshore and fourteen years for offshore. However, when the exploration license expires, an additional term up to two years may be granted in order that the commercial evaluation of petroleum discovery can be made for the lands on which petroleum is discovered.

(9) If it is likely that the operation period, necessary to complete the drilling of an exploration well to be opened in an exploration field or to carry out production tests -if any-, will exceed the exploration license duration, an additional extension for up to six months may be granted upon the request of the petroleum right holder.

(10) An explorer is obliged to develop the field and start production activities after the discovery made within the scope of the exploration license. In this case, with regard to the petroleum produced, an explorer shall be subject to all the rights and obligations of an operator.

(11) The lands determined by the General Directorate and which are open to the exploration may be made the subject of an exploration license by closing them to the applications in the licensing procedure set forth in article 7 and by organizing a public auction. Unless these closed areas are re-opened by the General Directorate, license applications shall not be made for these areas. The terms and procedures of the public auction, the rate of investment security to be received, return of this security and terms and sanctions regarding the petroleum operation shall be stated in a specification prior to the public auction.

Application and licensing procedure

ARTICLE 7- (1) In evaluating an application made for acquisition of petroleum right, the conformity of the application with the legislation, the financial ability of the applicant, and the feature "the accomplishment, by the committed business and investment program, of the objective of this Law earlier than other applications" shall be taken into consideration. The principles and procedures regarding the evaluation of financial ability and business and investment program shall be set forth in a regulation.

(2) Applications for an exploration license shall be made to the General Directorate in compliance with the provisions of the regulation. The area, which is covered by the first exploration license application for a field available for petroleum exploration, shall be announced. The contents of the first application and the subsequent applications shall be kept confidential for ninety days following the announcement date. The applications, which are made within this period and fully cover the same piece of land, shall be evaluated together within the framework of the first paragraph. The applications for exploration license which are made during this period and partially cover the same land and the applications made for the same land after the expiration of the ninety days' period shall not be taken under evaluation. The above provisions shall also apply to applications to be made for a rejected exploration license application field or abandoned or cancelled exploration field, made after the decision of rejection, abandonment or cancellation has become final and has been published in the Official Gazette. The applications, taken under evaluation at the end of the ninety days' period shall be concluded by the General Directorate within sixty days at the latest.

(3) For the license application and the requests for time extension, the applicant shall provide a security corresponding to 2 percent of the financial investment necessary for the work program submitted. This rate shall apply as 1 percent for the offshore. The amount of the security, corresponding to the annually realized rate of the committed work program, shall be returned to the petroleum right holder. The principles and procedures regarding this security shall be set forth in a regulation.

(4) The securities shall be submitted to the General Directorate within thirty days following the final decision for the grant or extension of the license. Otherwise, the license shall be cancelled.

(5) The Ministry is authorized to determine whether or not the securities will be submitted for fields where no petroleum finding could be detected or for fields where unconventional methods will be implemented; and if the securities will be submitted, to determine on the security rate, provided that it does not exceed the rates specified in the third paragraph.

Operating license

ARTICLE 8 - (1) In case of discovery in the course the exploration, an operating license shall be issued for the exploration and production and for the sales of the produced petroleum within the license duration. Operating license shall contain the same terms applicable on the date when the exploration lease has been granted.

(2) Applications for an operating license shall be made to the General Directorate in compliance with the provisions of the regulation. The exploration license for the field remaining after the grant of an operating license shall remain valid by the end of its duration.

(3) Operating license shall be granted for a duration of twenty years as of its effective date, depending on the applicant's request, by taking into account the work and financial investment programs to be undertaken as per the regulation. It is a principle that the productions are initiated and the activities are carried out in compliance with the program, with the exception of force majeure. Otherwise, the administrative sanctions provided for in article 24 shall be imposed. Operating license duration may be extended twice for periods not exceeding ten years at a time, in case the production program submitted as enclosed with the request for extension is found acceptable.

(4) With the approval of the Minister, auctions may be organized for the fields whose durations pertaining to the operating right have expired, in order for grant of operating license. However, before the auction is organized, the Ministry shall issue a letter -with a time limit- to the Turkish Petroleum Corporation, asking whether or not the Turkish Petroleum Corporation has an operating license request for this field. At the request of the Turkish Petroleum Corporation, an auction shall not be organized for the field. All or part of an operating field whose operating license was auctioned previously may be excluded from the auction, with the approval of the Minister. Petroleum right holder or holders, whose operating licenses were cancelled in consequence of result of an administrative sanction, shall not become entitled again for the same operating license.

(5) No exploration license and operating license may be granted for a field that is subject to an auction, unless the decision for auction is revoked. In case the auction is organized for a field, this shall not require the award of the field to the bidder who submitted the highest bid or the acceptance of any bid. The principles and procedures of the auction shall be set forth in a regulation.

(6) Upon its request, the operating license holder may be granted the permit to construct pipelines in order to transmit the petroleum produced.

(7) The operators, whose production fields are partially or entirely located in the same petroleum field, may combine their petroleum operations.

(8) **(Added by: 4/6/2016-6719/art.27)** The methane gas, which is in the mines requiring underground operation and is referred to in the subparagraph (b) of the Group IV pertaining to article 2 of the Mining Law No. 3213 of 4/6/1985, shall be produced from the earth's surface or from inside the pit. Provided that the produced methane gas remains within the boundaries of the mine operating license, an operating license shall be granted to the mine owner within the scope of this Law. However, in the grant of such operating license, it is required, as a condition, that the quantity of methane

gas within the body of these mines is minimum five cubic meters per ton. The produced methane gas may be associated with an activity in the market, provided that it is licensed under the Natural Gas Market Law No. 4646 of 18/4/2001. A Royalty, at the rate specified in article 9, shall be collected from the methane gas that will be produced. The President of the Republic is authorized to increase this rate up to four folds or decrease down to one half. (1)

PART FOUR
Royalty, and Surface and Water Rights

Royalty

ARTICLE 9 - (1) An explorer or operator is obliged pay, as Royalty, 1/8 of the petroleum produced.

(2) No Royalty shall be collected from the petroleum utilized in petroleum operations performed in relation to exploration or operating licenses.

(3) The carbon dioxide gas produced in petroleum fields may be used in the production increasing method.

(4) Petroleum reservoirs to be utilized as underground storage shall not be utilized unless depleted actually or on account and unless the assent of the General Directorate is received. The operator shall be given priority, if the field deemed suitable for underground storage area is under the responsibility of that operator. No Royalty shall be collected from the petroleum that is not producible in the field determined to be necessary for storage. This petroleum may be produced only if permission is obtained from the General Directorate and the Royalty is paid.

(5) The fields which allow for storage, other energy activities and petroleum production activities to be technically performed collectively may be made the subject of both petroleum production activities and storage and other energy activities. In cases where it is not possible to perform these activities collectively, the priority shall be determined by the Ministry taking into consideration the vested rights, if any.

(6) The Royalty payable by a petroleum producer shall be calculated per barrel, for crude oil produced on a unit of petroleum, based on the market price for domestic crude oil as regulated in article 10 of Petroleum Market Law No. 5015 of 4/12/2003, and for natural gas based on the sales price applied to distribution companies or eligible consumers.

(7) The Royalty shall be accrued by declaration to the General Directorate until the evening of the twentieth day of the month following the production date, and shall be paid by the end of the month to the tax office with which the related party is registered for income or corporate tax. In case the declaration of Royalty is not submitted or is submitted incompletely, the Royalty shall be levied on the basis of the differences determined as based upon the legal criteria or concrete evidence. The levied Royalty shall be collected 100 percent more. However, in the event that the portion of the incompletely declared Royalty is declared by the related party on its own motion within two months following the date when the Royalty should have been declared completely, the Royalty shall be levied 50 percent more. The Royalty, which is not declared in time or is not declared in a timely manner and is levied by increase upon the declaration submitted by the related party on its own motion or upon it is determined by the General Directorate, shall be notified to the related party and be paid within the one month following the notification date. For the period of time between the last day that the Royalty should have been declared and the accrual date of the Royalty, an interest at the rate of the late fee to be calculated as per article 51 of the Law No. 6183 of 21/7/1953 on the Collection Procedure of Public Receivables shall be charged to the Royalty which is not declared in a timely manner. The Royalty, which is not paid in a timely manner, shall be pursued and collected through the channel of the related tax offices as per the provisions of the Law No. 6183 upon the notification made by the General Directorate. The principles and procedures regarding the declaration, levying, accrual, payment and assessment of Royalty shall be set forth in a regulation.

(8) The operators, who combined their operations as per the seventh paragraph of article 8, may pay one single Royalty.

(9) Upon the request of the Ministry, the Royalty may also be paid in kind. The relevant principles and procedures shall be set forth in a regulation.

Surface and water rights

ARTICLE 10- (1) A petroleum right holder may obtain the utilization rights of a land in its exploration or operating license or in the vicinity, which is necessary for petroleum operations, by contracting if the land is privately owned, by expropriation in case of disagreement or by renting or acquiring usufruct rights from the Ministry of Finance and registering it in its license if the land is owned by the Treasury or is governed by and at the disposal of the State. If the utilization right based on the contract lasts for a period longer than three years, the land owner or petroleum right holder may request for the expropriation of the field under private ownership.

(2) A decision to expropriate for public interest shall be taken by the Ministry upon request. The process shall take place within the framework of the Expropriation Law No. 2942 of 4/11/1983. Expedited expropriation may take place as per the provisions contained in article 27 of the same Law. In the case of an expropriation, the Treasury shall own the expropriated land and the utilization right shall belong to the petroleum right holder who has paid the expropriation fee. In this case, the Ministry of Finance shall grant usufruct right in favor of the petroleum right holder free of charge, for the duration of the license. The utilization rights, acquired within the framework of this article, shall continue remaining

(1) By article 201 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers upon the Ministry's proposal", contained in this paragraph, was amended as "the President of the Republic".

effective for the license duration as a part of the exploration or operating license. If the exploration or operating license is cancelled, the expropriation fee shall not be reimbursed.
(3) Provided that it complies with the with the provisions of other laws and that it acquires the utilization rights, an explorer or an operator shall have the right to search for water in the land included in its exploration or operating license or in its vicinity, through various methods, including drilling, and to use the water found and to use the existing water, to the extent needed in its operations, without violating the others' rights on that water.
(4) The operator is obligated to make all kinds of survey investigation and research projects and take and implement necessary measures, for the protection of surface, ground, coastline and sea waters in terms of quality and quantity during the petroleum exploration and drilling activities.
(5) Petroleum exploration and operating activities may be performed in areas which are considered as forest under the Forestry Law No. 6831 of 31/8/1956 and subject to permit and license, provided that the permissions are obtained in as per the related legislation and that the costs are paid.
(6) In cases where an exploration or operating license, on the basis of which the explorer or operator holds petroleum right, is in a neighboring position with another exploration or operating license, the principles and procedures regarding the distance to the border of neighboring field up to which petroleum operations can be performed shall be set forth in a regulation.

PART FIVE
Abandonment, Additions to Fields and Removal and Transfer of Facilities

Abandonment, additions to fields, removal and transfer of facilities
ARTICLE 11- (1) A petroleum right holder may partially or entirely abandon its investigation permit and exploration license and its operating license, provided that the right holder makes the relevant application to the General Directorate and informs the public institution or organization related with to field, if any, in advance of minimum one month (for its investigation permit and exploration license) and provided that the right holder does the same in advance of minimum three months (for its operating license). Any rights arising from the exploration or operating license shall terminate on the date of application, for the part abandoned. However, the work and financial investment programs guaranteed for the whole license shall exactly apply for the part not abandoned. If the petroleum right holder has fulfilled its obligations accrued by that date, its responsibilities shall terminate.
(2) The General Directorate may make additions to the exploration and operating licenses within the framework of this Law, upon the relevant application. In this case, a new work program shall be required in addition to the current program.
(3) The ownership of any movable or immovable property that is not removed from the land by the petroleum right holder within six months as from the termination of the exploration license and the utilization right of the operating license, whose production has finished in economic terms, shall pass to the land owner. In case the land owner does not accept the transfer of any property on the land, the provisions of the third and fourth paragraphs in article 22 shall apply.
(4) In the case of transfer, to a new operator, of the operating license under which production is ongoing, however, utilization right has expired; the matter "transfer of the surface facilities on the field" shall be determined in an agreement to be concluded between the transferor and the transferee in advance of three months to the expiration of the utilization right. If the parties fail to reach such agreement, all surface and underground facilities included in the license shall be transferred to the Ministry free of charge, provided that no obligations are imposed as from the expiration date of the license duration. The principles and procedures regarding the transfer shall be set forth in a regulation.

PART SIX
Taxation, Import, Export and Transfers

Taxation
ARTICLE 12 - (1) The sum of the income tax deductions that the petroleum right holder is liable to pay on its net income and the income tax the petroleum right holder should withhold on behalf of its shareholders shall not exceed the rate "55 percent".
(2) In accordance with the subparagraph (b) of the first paragraph contained in article 30 of the Corporate Tax Law No. 5520 of 13/6/2006, the withholding at the rate of 5 percent shall apply to the corporations taxed under the "limited liability to tax" basis, on their self-employed income payments made for petroleum exploration operations as per the provisions of this Law
(3) As regards the petroleum right holders performing petroleum operations defined under this Law as well as other activities subject to general provisions, their petroleum operations shall be monitored on accounting records and taxed separately from their other activities. Two or more than two petroleum right holders, whose main field of activity is the conduct of petroleum operations under this Law, shall be subject to taxation separately even if a partnership is established among them.
(4) The bracketed provision, contained in the subparagraph (a) of the third paragraph of article 3 in the Law No. 5520, shall not apply to the revenues and profits obtained from petroleum operations.

(5) With the exception of Royalty, a petroleum right holder's revenues generated from production in return for the capital corresponding to its investments made for the petroleum operations shall be deemed to be amortized pursuant to the provisions of Law No. 213 until the recovery of the capital calculated on the current exchange rate for foreign companies which are subject to "the limited liability to tax" basis and until the investment amount is turned into an expense through amortization for national companies taxed under "full obligation" basis. This rule shall also apply to the amounts remaining from capital, which a petroleum right holder has imported in foreign currency in the past years pursuant to the Petroleum Law No. 6326 of 7/3/1954 repealed by this Law, however, has not yet been remitted yet.
(6) Capitalization shall be voluntary for exploration expenses, drilling accessory costs and expenses for the abandonment and drilling of wells not productive in economical quantities, approved by the Ministry. In this context, other than exploration expenses, drilling accessory costs and expenses for the abandonment and drilling of wells not productive in economical quantities, which the petroleum right holder incurred; the expenses pertaining to the economic values and the expenses pertaining to the attainment of such economic value and establishment of the installations thereon shall be reimbursed by amortization depending on the preference of the petroleum right holder either by being recorded as expense or by capitalization. The amortization ratios to be applied to these expenses capitalized by being included into capital account, shall be determined separately for each petroleum field in comparison with article 316 of the Law No. 213, however, jointly by the Ministry and the Ministry of Finance by taking into account the reserve conditions as well. However, the cost or the value of the petroleum field's portion assigned to a purpose other than petroleum production and the residual value that the petroleum right holder is entitled to on the ending date of the petroleum operation, shall be deducted from the amortization ratio.

Import and Export

ARTICLE 13 - (1) Import or receipt, within the Country, of all the materials, equipment, fuel, and land, sea and air transportation vehicles approved by the General Directorate -with the exception of the materials pertaining to the construction, erection and operation of its building facilities and equipment and its administrative activities for its petroleum operations in Turkey- by a petroleum right holder itself, its representative or its contractor admitted by the General Directorate and on his behalf, shall be exempt from customs duty, and the conducted transactions shall be exempt from charges and the issued papers shall be exempt from stamp duty. However, the President of the Republic may decide and determine, by issuing a list indicating which of the articles shall be subject to customs duty or other import taxes and levies, a detailed itemized list of articles produced or manufactured in Turkey, the quality, the quantity and the availability of which are similar to imported articles. The lists shall become effective on the date of publication date in the Official Gazette. However; the materials, whose imports were requested in application letter submitted to the General Directorate prior to the publication date of the list, shall benefit from the exemption if they are imported within one year following the effective date of the list. Drilling towers and equipment, obtained within this scope, may be used for geothermal activities falling outside the scope of this Law, upon the petroleum right holder's application and the Ministry's approval. **(1)**
(2) A conformity assessment of Turkish Standards Institute shall not be required for the materials imported by a petroleum right holder in order to use in petroleum operations, which imports are approved by the General Directorate.
(3) The exemption shall remain applicable in case of transfer of such materials, upon the permission of the General Directorate, from a petroleum right holder to another petroleum right holder to be used in its petroleum operations. In case these materials are transferred for an activity not considered as petroleum operation, for use or sale within Turkey; they shall be subject to all taxes, charges and levies applicable during the importation or internal usage, which are effective on the transfer date. With the exception of the consumables having an economic life shorter than one year, the transfer of other materials shall be made on the basis of their values determined by value assessment at the time of transfer or exportation.
(4) When ten years has elapsed as of the date of entry into Turkey of materials imported exempt from customs and other import taxes and levies, the petroleum right holder who imported or took over these materials shall have all possessory rights on these materials exempt from customs and other import taxes and levies.
(5) Materials, imported for petroleum operations, may be exported upon the General Directorate's permission.

Transfers

ARTICLE 14 - (1) Registration transactions of the materials imported for use in petroleum operations, cash funds and other properties shall be carried out by the General Directorate. A petroleum right holder may, upon application to the General Directorate, transfer abroad, tax free, either in cash or in kind, its cash funds and rights relevant thereto, and other economic assets included in the capital assets basis, with the exception of the amounts required for the payment of any taxes, charges, levies and Royalties owing but unpaid to the State.
(2) A petroleum right holder may at all times request for a transfer, to be set off against its capital. Upon completion of transfer of its capital, it may transfer other transferable net assets at the end of quarterly periods within the current year. For set off transactions, it shall submit a transfer declaration following the submission of the corporate tax declaration.

(1) By article 201 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers", contained in this paragraph, was amended as "the President of the Republic".

(3) A petroleum right holder may keep abroad the foreign exchange generated from the petroleum it exported. This amount shall be offset against the capital imported into Turkey and the transfer of net assets exceeding this.
(4) The principles and procedures, regarding the inclusion of the revenues -generated by the petroleum right holder through activities other than petroleum operations- into its capital, the requests for transfer and the allocation of foreign exchange to be taken abroad in this context, shall be set forth in a regulation.

PART SEVEN
Employment of Foreign Personnel, Force Majeure and Permissions to Be Obtained from Other Entities

Employment of foreign personnel

ARTICLE 15 - (1) A petroleum right holder may employ personnel necessary for its petroleum operations, for a maximum period of six months, without being bound by the provisions of the Law No. 4817 of 27/2/2003 on Foreigners' Work Permits, provided that the foreigners and the employer fulfil the obligations arising from other laws and without prejudice to the provisions determined in special laws, with the assent of the Ministry and the residence permit for work purposes to be issued by the Ministry of Interior. In case the period of employment exceeds six months, the relevant permit shall be obtained as per the provisions of the Law No. 4817.

Force Majeure

ARTICLE 16 - (1) Natural disasters or state of war shall, for equal periods, postpone the rights and obligations of the petroleum right holder, to the extent its petroleum operations are affected thereby.

Permissions to be obtained from other entities

ARTICLE 17- (1) If an application made to the General Directorate contains a matter included in the realm of authority of other public institutions and organizations, the permission of the relevant public institution and organization shall be obtained before the decision on the application. The relevant public institutions and organizations shall evaluate and conclude these requests primarily and urgently within thirty days.

PART EIGHT
Notification, Records, Reports, Notices, Monitoring and Inspection, Objection and Litigation

Notification

ARTICLE 18 - (1) The persons that request for a right as per this Law have to declare their addresses in Turkey. No investigation permit, exploration and operating license shall be granted to those who have not indicated their addresses.
(2) The investigator, explorer and operator have to inform the General Directorate of the resident (in Turkey) representative or the joint representative and their residence addresses in Turkey as well as any changes in their legal addresses and replacements of these representatives, within thirty days following the grant of the investigation permit, exploration and operating license. These matters shall be recorded into registered with the petroleum register. Any notifications served upon the resident representative and/or the joint representative at the address registered in the petroleum register shall be deemed have been made to petroleum right holder. Notifications shall be made in accordance with the Notifications Law No. 7201 of 11/02/1959.

Records, reports, notices, monitoring and inspection

ARTICLE 19 - (1) The petroleum right holder shall keep and submit to the General Directorate all kinds of records, accounts, information, documents and samples related to the petroleum operations in line with the period, form and quality determined by the regulation.
(2) The Ministry shall inspect petroleum operations by means of its own personnel or by means of the other public institutions' and organizations' personnel when necessary. The petroleum right holder is obliged to provide assistance to those officials while they are exercising their powers as required by this paragraph. The relevant principles and procedures shall be set forth in a regulation.
(3) An explorer has to inform the General Directorate about any petroleum findings or discovery it has accomplished. The timing and form of this notification shall be set forth in a regulation.
(4) The data and information about the wells that were drilled within the exploration license field, and geophysical, detailed geological and laboratory information and data shall become accessible at the expiration of the license duration and the data and information about the appraisal wells that were drilled within the operating license field shall become accessible at the end of five years following the effective date of this license and the information obtained within the scope of the investigation permit shall become accessible at the end of the eighth year. Special provisions of contained in the Law No. 213 are reserved. General technical, financial and geological information, well locations, drilling cross-sections, protection pipe records and general production and sales figures shall not be considered as confidential.
(5) The General Directorate shall carry out the domestic and international marketing and sales of the petroleum operations-related information and data that became accessible as per the fourth paragraph. The relevant principles and procedures shall be set forth in a regulation.

(6) The General Directorate shall procure the necessary services it needs for the matters related to the storage, submission to relevant persons, promotion and marketing of the data obtained from the petroleum operation. For this purpose, the revenues to be generated from the marketing of petroleum data shall be deposited into the account of central accountancy unit of Ministry in order to be recorded as revenue into the general budget.

Objection and litigation

ARTICLE 20- (1) The objections, related to the disagreements to occur between applicants or right holders regarding all the rights acquired or to be acquired as per the provisions of this Law, shall be concluded by Ministry.

(2) The cases, which will be filed against the decisions that have an impact on the rights arising from the investigation permits, exploration and operating licenses, applications received by Ministry, shall be heard before the Council of State as the court of first instance.

PART NINE
Registration and Announcement

Registration and announcement

ARTICLE 21 - (1) The General Directorate shall keep a petroleum register. The following shall be recorded into the petroleum register within the framework of the provisions contained in the regulation:

a) All applications filed in compliance with this Law in order to obtain investigation permit, exploration license and operating license,

b) Grant of any investigation permit, exploration license and operating license, and amendments thereto, the expiration and termination of these licenses and investigation permits in any way,

c) Any rights to be established on exploration licenses, operating licenses or any petroleum rights arising therefrom, and the operator designated under the agreement to be concluded by and between the companies which are jointly the holders of the petroleum right in exploration license or operating license and to be approved by the General Directorate as well,

ç) Any transfers of exploration licenses, operating licenses or the petroleum rights arising therefrom, or any conditions or restrictions on any of the following, and

d) Other matters as indicated in the regulation that they shall be recorded into the petroleum register.

(2) The applications for approval and registration of the matters referred to in the subparagraphs (c) and (ç) of the first paragraph shall primarily be evaluated by the General Directorate and resolved within sixty days as from the application date. Registration and registry-related provisions of other laws shall not apply to the matters necessary to be recorded into the petroleum register. The matters such as the procedures for the applications to be filed in order to become a petroleum right holder, the specifics and scope of the documents to be enclosed with the applications, and the way how the petroleum register records shall be kept, modified and deleted, shall be set forth in a regulation. An application, report or document that is not compliance with regulation shall not provide any rights to the party who submitted it.

(3) The General Directorate shall announce in the Official Gazette any determinations or modifications of petroleum districts, declarations, modifications and closing of open areas, decisions about applications with the exception of decisions about investigation permits, grant, amendment, transfer, termination of an exploration license or operating license, other rights and restrictions on exploration licenses or operating licenses, and any other matters necessary to be announced as per the legislation. Such announcements made in the Official Gazette shall be deemed to notification (service) in legal terms; however, the provisions of the Law and of the regulation, which impose specific requirements for service, are reserved. It is mandatory that the final decisions about petroleum right are announced in the Official Gazette within fifteen days.

(4) The date of publication of any matter announced in the Official Gazette, unless otherwise specified therein, shall be deemed to be the effective date of that matter. The commencement, extension, modification, transfer or termination dates for exploration or operating licenses, as published in the Official Gazette, shall also be effective on the date of their publication, for those who have not been notified otherwise.

(5) Exploration and operating licenses and petroleum rights arising therefrom and any one of those petroleum rights corresponding to any part of an exploration or operating license may, upon registration with the petroleum register, be subject to agreements on the sales and pledge and similar contracts over immovable properties within the framework of the conditions stipulated in this Law.

(6) The holder of a right which is granted registration as per this Law and requires the exercise of a petroleum right, shall enjoy the rights and have the obligations of a petroleum right holder in proportion to its own right. The sharers of an exploration or operating license or any of the petroleum rights arising therefrom shall enjoy the rights granted and have the obligations imposed by this Law, in proportion to their shares.

(7) With the exception of attachments and preliminary injunctions; the rights and conditions referred to in the subparagraphs (c) and (ç) of the first paragraph shall not take effect against the General Directorate or third parties, unless they are approved and registered in the petroleum register by the General Directorate.

(8) The provisions regarding the effects on other right holders and sharers of a failure of any right holders, sharers or representatives mentioned in the sixth paragraph in fulfillment of their responsibilities and the petroleum rights to which the provisions contained the fifth and sixth paragraphs will be applicable shall be set forth in a regulation.

(9) All kinds of share transfer transactions, which may cause a change of the control in the capital of a petroleum right holder registered by the General Directorate, shall be subject to the preliminary approval of the Ministry. The relevant principles and procedures pertaining shall be set forth in a regulation.

PART TEN
Prohibitions, Special Provisions, Administrative Fines and Administrative Measures

Prohibitions and special provisions

ARTICLE 22 - (1) No petroleum operation shall be performed without obtaining an investigation permit, an exploration license or an operating license as per this Law.

(2) A right, obtained under another law, shall not grant its holder the right to perform a petroleum operation.

(3) The petroleum right holder who has concluded petroleum operations is obliged to return the land to its former condition. The relevant principles and procedures shall be set forth in a regulation.

(4) The petroleum right holder is obligated to compensate all the damages it has caused against the owner and the possessor of the land on which it performs operations, against the land and against facilities there, and pay any loss of product or the operational profits that the mentioned person is deprived of.

(5) Investigation permits, exploration licenses and operating licenses may be granted to capital companies or private law legal entities of capital company nature in accordance with the foreign states legislation, provided that they are in compliance with the principles in this Law.

(6) A right granted under this Law shall not entitle its holder to enter in or be present at a place where the entry or presence is prohibited as per another law.

(7) The petroleum right holder shall not create and shall not allow creation of a dangerous act directly or indirectly during its petroleum operation. The petroleum right holder may establish and install the necessary facilities and equipment for the petroleum operation under its license, provided that they do not disrupt the lives of local people, harm the environment and the nature and endanger them.

(8) Before the petroleum right is obtained, it is mandatory to submit a security to compensate any losses and damages that may arise during petroleum operations. The security amounts per hectare shall be 5 ten thousandth of the investigation permit fee for investigation permits, 1 thousandth of the exploration license fee for exploration licenses and 5 thousandth of the operating license fee for operating licenses. The President of the Republic is authorized to increase or decrease this rate by 50 percent. In this case, the petroleum right holder shall complete such remaining security amount within two months. **(1)**

(9) When the circumstances arise, which threaten a petroleum operation; the petroleum right holder shall immediately notify the General Directorate and other petroleum right holders whose operations may be affected thereby, and furnish information about the nature of the threat and the measures being taken to overcome the threat. In case the General Directorate considers the measures that have been taken or that are to be to be taken to be insufficient, it may request the petroleum right holder to take additional measures.

(10) Private law legal persons that will become a petroleum right holder are subject to the provisions of the Turkish Commercial Code No. 6102 of 13/1/2011. Private law legal persons, which will become a petroleum right holder in Turkey and are of capital company nature in accordance with the foreign state's legislation, shall be deemed to be domiciled in Turkey with regard to their activities in Turkey, as per the legislation on the protection of the value of Turkish currency.

(11) The matter "in which distance the petroleum operation may be performed at borders, military forbidden zones, historical sites and residential areas" shall be determined in a regulation.

(12) Petroleum right holders have the right to export, as crude or product, 35 percent for the onshore and 45 percent for the offshore, of the total crude oil or natural gas they produced in the fields discovered after 1 January 1980; the remaining portion and the total crude oil and natural gas produced in the fields discovered before 1 January 1980 as well as the petroleum products to be obtained therefrom shall be reserved for the needs of the Country. **(Last sentence annulled by: The judgment dated 3/7/2014 and no. E.: 2013/96, K.:2014/118 rendered by the Constitutional Court) (…)**

Administrative fines

ARTICLE 23- (1) If the acts, prohibited under this Law, do not require a heavier penalty; administrative fines shall be imposed on these acts as per the provisions of this article. The imposition of Administrative fines or administrative sanctions under this Law shall not constitute an impediment against the implementation of other provisions contained in this Law. The penalties to be imposed and the measures to be taken as per this Law shall not prevent the implementation of other laws.

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(1) By article 201 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers", contained in this paragraph, was amended as "the President of the Republic".

(2) Under this Law:
a) Those, who bring serious and irreparable damage due to a dangerous act, shall be punished with administrative fine of five hundred thousand Turkish Liras;
b) Those, who commit a dangerous act during petroleum operations, shall be punished with administrative fine of three hundred and fifty thousand Turkish Liras; and those, who do not take the relevant measures within the term granted, shall be punished with administrative fine of fifty thousand Turkish Liras for each day elapsed;
c) Those, who perform petroleum operations without obtaining an exploration license or an operating license, shall be punished with administrative fine of two hundred fifty thousand Turkish Liras;
ç) Those, who perform investigations without obtaining an investigation permit and exploration license, shall be punished with administrative fine of one hundred thousand Turkish Liras;
d) Those, who impede the exercise of a right granted or fulfillment of their duties by any persons appointed to implement the law, shall be punished with administrative fine of fifty thousand Turkish Liras;
e) Those, who make untrue declarations in the applications, shall be punished with administrative fine of fifty thousand Turkish Liras; and
f) Those who do not forward the required information and documents in time twice in one calendar year or those who forward such information and documents incompletely shall be punished with administrative fine of ten thousand Turkish Liras; and in case this circumstance occurs more than twice in one calendar year, administrative fine of ten thousand Turkish Liras for each repetition.
(3) The administrative fines imposed as per this Law shall be paid within one month after its notification.
(4) It is possible to file cases against the administrative fines imposed by the General Directorate, within thirty days before administrative courts.

Administrative Measures

ARTICLE 24- (1) The revenues generated and the petroleum obtained as a result of petroleum operations performed without obtaining an exploration and operating license shall be seized and their ownership shall be transferred to the public as per the provisions of the Law No. 5015 and the Misdemeanor Law No. 5326 of 30/3/2005.
(2) If the General Directorate finds that a dangerous act has been committed during petroleum operations or in connection with these operations, the petroleum operations shall be suspended with the exception of the works to be performed for petroleum sales and prevention of the dangerous act. If the dangerous act is not prevented within the term to be granted by the General Directorate, the General Directorate shall take measures to prevent dangerous act and shall have the damages repaired and compensated, at the cost and expense of the petroleum right holder. For these purposes, the security referred to in the eighth paragraph of article 22 shall be used firstly. This used portion of the security shall be completed by the petroleum right holder within two months. If this portion is not completed within two months, it shall be completed by making an increase at the rate of ten percent over the lacking amount, for each month elapsed. If the petroleum right holder does not complete the security at the end of one year, its investigation permit, exploration license or operating license shall be cancelled.
(3) If a petroleum right holder does not comply with this Law, the regulations and/or the terms and conditions contained in an investigation permit, an exploration license or an operating license, the petroleum right holder shall be notified to comply with the requirements. It shall be notified that, in case the petroleum right holder does not comply with the notification, its petroleum right will be terminated at the end of ninety days. If the General Directorate finds that the petroleum right holder needs a time extension in order to comply with the conditions at the end of ninety days, such time extension not longer than sixty days shall be granted. If the petroleum right holder fails to comply with the conditions at the end of this period, its permit or license shall be cancelled.
(4) In case it is found that the Royalty referred to in the first paragraph of article 9 is not paid to the relevant tax office successively two times, three times in total within one year, the exploration license or operating license shall be cancelled.
(5) In the following cases, namely:
a) In case the exploration license or operating license holder does not compensate the damages it has caused against the owner and the possessor of the land on which it performs operations, against the land and pay any loss of product or the operational profits that the mentioned person is deprived of;
b) In case the investigation permit, exploration license and operating license holder enters a place where entry or presence is prohibited under this Law or another law;
c) When the circumstances arise, which threaten a petroleum operation; in case the petroleum right holder does not immediately notify the General Directorate and other petroleum right holders whose operations may be affected thereby and furnish information about the nature of the threat and the measures being taken to overcome the threat;
depending on the nature of the act, the petroleum right holder shall be granted a term of ninety days and be notified that the petroleum operations may be suspended temporarily or its permit and license may be cancelled directly. If the petroleum right holder does not do the necessary within ninety days, the General Directorate may suspend the petroleum operations temporarily for a period between ninety days and one hundred eighty days or may terminate the petroleum right directly.

(6) With the exception of the force majeure referred to in this Law; the amount of the security submitted as required by the fourth paragraph of article 7, equal to the rate of investment amount, which corresponds to the yearly non-realized part of the work program, within the total investment amount, shall be recorded as revenue. In case the work program undertaken is not realized at all successively for two years, the security shall be recorded as revenue and the license shall be cancelled.
(7) With the exception of force majeure; in case no production is initiated under an operating license within one year or an initiated production is halted, the General Directorate shall request for the start of the production in compliance with the program within one hundred and eighty days. In case, at the end of this term, the operating license holder fails to state a reason acceptable to the General Directorate, a term of another one hundred and eighty days shall be granted to the operator. If production does not start at the end of this term, the license shall be cancelled.
(8) The decisions of cancellation of investigation permits, exploration licenses and operating licenses shall be taken by the Minister. On the cancellation date, the petroleum right holder's rights associated with the cancellation of the permit or license shall terminate.

PART ELEVEN
Miscellaneous Provisions

Regulation
ARTICLE 25- (1) The principles and procedures regarding the implementation of this Law shall be set forth in the regulations issued by the Ministry.
Incentives
ARTICLE 26- (1) The incentives to be provided for the investments to be realized by petroleum right holders shall be determined by the President of the Republic. **(1)**
Provisions amended or repealed
ARTICLE 27- (1) Of the Law No. 815 of 19/4/1926 regarding the Marine Shipping on Turkey's Coasts (Cabotage) and Doing Business and Trading within the Limits of Turkey's Ports and Territorial Waters,
a) the following sentence is hereby added into the first paragraph of article 3:
"However, petroleum right holders who are foreigners may also perform petroleum exploration and production facilities within Turkish territorial waters.", and
b) the wording "and of the sea vehicles used in petroleum exploration and production activities", after the wording "of the foreign rescue ships", is hereby added into the first paragraph of article 4.
(2) The Petroleum Law No. 6326 of 7/3/1954 is hereby repealed. The references, made to the Law No. 6326 in the other legislation, shall be deemed to have been made to this Law.
(3) The following paragraph is hereby added into the section entitled "IV-Papers Regarding Commercial and Civil Affairs" contained in the Table no. (2) annexed to the Stamp Tax Law No. 488 of 1/7/1964:
"42. The contracts prepared in relation to the petroleum exploration and production activities of petroleum right holders within the scope of the Turkish Petroleum Law."
(4) The following paragraph is hereby added after the fourth paragraph of the sub-clause (b) of the fourth paragraph of article 4 in the Natural Gas Market Law No. 4646 of 18/4/2001
"Petroleum right holder domestic and foreign companies producing natural gas and foreign companies' branch offices in Turkey shall, without requiring the condition "storage", be granted wholesale licenses to market and export -the natural gas they produced- to wholesales companies, exporter companies, distribution companies or eligible consumers."
(5) The following sub-clause is hereby added into the subparagraph (3) of the first paragraph of article 7 of the Special Consumption Tax Law No. 4760 of 06.06.2002:
"c) The initial acquisition of the materials referred to in the GTIP numbers 8701.20, 87.04, 87.05 and 87.09 in the list no (II), to be used exclusively for petroleum exploration activities,".

PART TWELVE
Temporary and Final Provisions

Vested Rights
TEMPORARY ARTICLE 1- (1) The rights and obligations regarding the exploration and operating licenses obtained prior to the effective date of this Law shall remain in force by the end of the license durations, and the rights and obligations contained in the current operating licenses held by the Turkish Petroleum Corporation shall remain in force by the end of the production.

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(1) By article 201 of the Decree Law No. 700 of 2/7/2018, the wording "the Council of Ministers", contained in this paragraph, was amended as "the President of the Republic".

(2) In case such request is made within one year as from the effective date of this Law, the borders of the current exploration licenses shall be adjusted as per the provisions of this Law and a new exploration license shall be granted to the right holder. The relevant principles and procedures shall be set forth in a regulation.
(3) The pipeline certificates obtained by petroleum right holders within the scope of the Law No. 6326 repealed by this Law, for transportation of their own petroleum, shall be made an annex to their operating licenses.
(4) Exploration license applications shall not be admitted for one year as from the publication date of this Law.

Operations not concluded

TEMPORARY ARTICLE 2- (1) The importation, exportation and expropriation rights shall continue to be effective until completion of the projects which have started prior to the effective date of this Law and which have been started or are ongoing in relation to a document or certificate obtained within the scope of the Law No. 6326 repealed by this Law.

Regulatory actions

TEMPORARY ARTICLE 3 - (1) The regulations referred to in article 25 of this Law shall be put into force within six months. The provisions of the current legal arrangements, which provisions are not contrary to this Law, shall continue to apply until such time are those regulations are put into force.

Training obligation

TEMPORARY ARTICLE 4- (1) The training obligations, determined by the General Directorate prior to the effective date of this Law, shall be fulfilled by the operators within five years as per the provisions of the Law No. 6326 repealed by this Law and of other legislation. The Ministry is authorized to extend this term.

Effectiveness

ARTICLE 28 - (1) This Law shall become effective on the date of its publication.

Execution

ARTICLE 29 - (1) The provisions of this Law shall be executed by the Council of Ministers.

TABLE INDICATING THE EFFECTIVE DATES OF THE LEGISLATION AMENDING AND SUPPLEMENTING THE LAW NO. 6491 OR OF THE PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT

No. of the Amending Law/Decree Law/Constitutional Court Annulment Judgment	Articles of the Law No. 6491, which were amended or annulled	Effective Date
The judgment dated 3/7/2014 and no. E.: 2013/96, K.:2014/118 rendered by the Constitutional Court	22	21/5/2015
6719	8	17/6/2016
7103	16	27/3/2018
DECREE LAW/700	4, 8, 13, 22, 26	In result of the elections held both for the President of the Republic and the members of the Grand National Assembly of Turkey on 24/6/2018, on the date that the President of the Republic was administered an oath and came into office (9/7/2018)

Official Gazette Date: 05.12.2018, Official Gazette Issue Number: 30616

From the Ministry of Environment and Urbanization:

REGULATION ON CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS FROM STORAGE AND DISTRIBUTION OF BENZINE AND NAPHTHA

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective

ARTICLE 1- (1) The objective of this Regulation is to fight against air pollution by reducing the volatile compounds released from tankers, facilities and operations performed/used at the time of fueling motor vehicles in liquid fuel stations and storage, filling and transportation of benzine and naphtha from a terminal to a liquid fuel station.

Scope

ARTICLE 2- (1) This Regulation covers the requirements for installation and operation of liquid fuel stations and further, the requirements for the tankers used for transportation of benzine and naphtha between terminals or from a terminal to a liquid fuel station as well as all kinds of mechanisms used for filling and storage of benzine and naphtha in terminals or in liquid fuel stations.

Legal basis

ARTICLE 3- This Regulation has been prepared on the basis of:

a) The Environmental Law No. 2872 of 9/8/1983,

b) The provisions of the Part 2 regulating the Organization and Duties of the Ministry of Environment and Urbanization in the Presidential Decree No. 1 on the Organization of the Presidency of the Republic, published in the Official Gazette dated 10/7/2018 and issue no. 30474, and

c) The European Parliament and Council Directives 94/63/EC and 2009/126/EC.

Definitions

ARTICLE 4- (1) The following terms, referred to in this Regulation, shall have the following meanings:

a) Liquid fuel station: Places established in conformity with the relevant legislation (technical, quality, safety) by distributors or vendors who have signed exclusive purchase contracts with those distributors, and are operated under the registered trademark of a liquid fuel distributor or distributors from a different sub-title, and are specifically serving to meet the liquid fuel, lube oil, auto-gas, LPG needs of the vehicles, offering the facilities of cleaning, facultative maintenance and other basic needs of the customers except for LPG in bottles;

b) Ministry: Ministry of Environment and Urbanization;

c) Benzine: Liquid fuel which is determined by the Energy Market Regulatory Authority pursuant to the legislation related thereto and is planned to be used as fuel for motor vehicles and corresponds to the article UN no. 1203 of the ADR Annex-A Part 3.2.1 Table A or RID Part 3.2 or ADN Part 3.2.1, conforming to the TS EN 228 standard;

ç) Vapor balancing system: Necessary connection system used to catch vapors displaced during filling of a storage tank or tanker;

d) Steam recovery (BGK) unit: Equipment for the recovery of benzine and naphtha vapors;

e) Steam: All kinds of gaseous volatile organic compounds evaporating from benzine and naphtha;

f) Steam/gas ratio: The ratio of the volume of the benzine passing through the Phase II steam recovery system in the liquid fuel stations at the atmospheric pressure and the volume of the benzine filled into the motor vehicle tanks,

g) Temporary storage of vapors: Storage of vapors in a fixed ceiling tank in a terminal for recovery;

ğ) Vapor collection efficiency: The percentage rate of the quantity of fuel vapor to be released into the atmosphere in the absence of BGK unit in fuel stations and the quantity of vapor to be retained by the vapor recovery unit;

h) Storage facility: All kinds of fixed tanks used for storage of benzine and naphtha in a terminal;

ı) Filling island: Any structure in which benzine and naphtha can be filled to a road tanker at any time in a terminal;

i) Phase I: Necessities for the control of volatile organic compound (VOC) emissions that will occur during storage, filling, distribution of benzine and naphtha from one terminal to another or from terminals to liquid fuel stations;

j) Phase II: Necessities for the control of volatile organic compound (VOC) emissions that will occur during supply of benzine and naphtha to motor vehicle fuel tanks in liquid fuel stations;

k) Operator: Real or legal person that operates the facilities, terminals, liquid fuel stations included in the scope of this Regulation and is licensed by the Energy Market Regulatory Authority in accordance with the provisions of the Petroleum Market Law No. 5015;

l) Existing: Railway tankers (tank wagons) and or road tankers manufactured prior to 31/12/2018 and liquid fuel stations, petroleum storage facilities licensed under the Petroleum Market Licensing Regulation published in the Official Gazette dated 17/6/2004 and issue no. 25495, prior to the effective date of this Regulation;

m) Naphtha: Liquid fuel which is determined by the Energy Market Regulatory Authority pursuant to the legislation related thereto and is planned to be used as fuel for motor vehicles and corresponds to the article UN no. 1203 of the ADR Annex-A Part 3.2.1 Table A or RID Part 3.2 or ADN Part 3.2.1;
n) Mass flow of organic substances: Quantity of volatile organic compounds in Total Organic Carbon (TOC) by mass, released for one hour;
o) Automatic monitoring control system: System that detects and transmits failures related to the operation of the Phase II BGK system;
ö) Industrial Air Pollution Control Regulation (SKHKK): Regulation published in the Official Gazette dated 3/7/2009 and issue no. 27277;
p) Tanker: All kinds of mobile tanks used to transport benzine and naphtha by road and rail from one terminal to another terminal or from one terminal to a liquid fuel station;
r) Terminal: Operation area where benzine and naphtha are stored and filled into road and railway tankers;
s) Volatile organic compound (VOC) emissions: Volatile organic compounds -other than methane- released by a facility;
ş) Product output quantity: Total yearly maximum benzine and naphtha quantity, filled from storage tanks in one terminal to tankers or from tankers to storage tanks in liquid fuel stations in the last three years;
t) New: Terminals, liquid fuel stations or tankers falling outside the definition of Current Asset;
u) Residential area: Locations, such as province, district, village or rural settlement consisting of several sparsely spaced houses, which are determined by means of administrative distribution and whose effects on the road traffic have been found and in which the structures and facilities -utilized by people for accommodation, working, settlement purposes- exist together and whose starting and end points of their borders are set by guideboards on the roads reaching them;
ü) Authorized Institution/Organization: Entity authorized by the Ministry of Environment and Urbanization, checking if the systems necessary to be established under this Regulation are properly in operating state; and
v) Loading facility: Any facility in a terminal containing one or more filling islands where benzine or naphtha can be loaded into a tanker.

PART TWO
Facility, Designing and Operating Requirements

Storage facilities in terminals

ARTICLE 5- (1) The outer walls and ceiling of aboveground storage tanks should be painted in color with a total radiation heat reflection level of 70% or more, by taking the RAL code as reference. The Ministry may introduce exemptions to this article, for the conservation of special or specific areas declared by the State.
(2) Storage tanks with fixed ceilings must be:
a) equipped with low-pressure nozzles and high-pressure nozzles to prevent damage to the tank; and
b) connected to the steam recovery units conforming to the requirements defined in article 6 of this Regulation and these facilities must provide the VOC emission limit values at the exist point of the steam recovery unit as mentioned in Table 1.
(3) Storage tanks with internal/external floating ceilings must be:
a) designed and documented to have a general steam holding capacity of 95% or more, compared to a fixed-ceiling tank without steam holding controls; and
b) equipped with suitable gaskets for this purpose.
(4) It is mandatory to fill the tankers from the bottom, which are certified by the authorized institutions/organizations that they fulfill the conditions for filling from the bottom as specified in Annex-1 of this Regulation. These tankers shall not be taken to open filling from the top.

Filling and unloading of tankers in terminals

ARTICLE 6- (1) The operator is obliged to direct the volatile organic vapors -released in the filling and unloading processes of benzine and naphtha into and from the tankers- through a leak-proof connection line to a steam recovery unit, and is obliged to ensure that the system is in operating state.
(2) The operator shall ensure that the benzine and naphtha flow is prevented by using an internal locking device and the flow is allowed only if the steam recovery system is connected, so that the steam recovery system and the devices connected to this system do not release steam into the atmosphere, except for emissions arising due to safety during steam recovery.
(3) The VOC emission at the exit point of the steam recovery unit shall not exceed the limit values in Table 1, in TOC.
Table 1. VOC emission limit values at the exit point of the steam recovery unit

Terminal Benzine and Naphtha Storage Capacity	VOC Emission
> 5.000 tons	10 g/Nm^3
< 5.000 tons	15 g/Nm^3

(4) In terminals, there must be filling islands enabling filling of the tankers from the bottom and these filling islands must be operated.

(5) The operator must have the equipment installed on the filling island to ensure that all filling processes on the filling island are stopped during a steam leak at the time of filling from the bottom, and shall ensure the stopping in case of a steam leak.
(6) During the transition periods when tankers are allowed to be filled from the top, the operator shall ensure that the filling arm outlet is kept close to the bottom of the tanker to prevent splashing during filling.

Tankers

ARTICLE 7- (1) Tankers shall be designed and operated in such a way as to ensure that residual vapors are kept in the tanker after the benzine/naphtha has been drained, to receive and retain vapors from storage tanks located in terminals and/or liquid fuel stations.
(2) Road tankers with filling from the bottom shall be examined -in order to check if these tankers have the feature "filling from the bottom" as specified in Annex-1 of this Regulation- and will be certified by the institution/organization authorized by the Ministry and carrying out inspection activities on road tankers within the scope of the international legislation on dangerous goods transportation.
(3) The provisions contained in Annex-1 of this Regulation shall not be required for the tankers which are used to transport benzine and naphtha and bear features in a higher technical level than the tank code prescribed in the international legislation on dangerous goods transportation and fulfill the features mentioned in the first paragraph of article 7 of this Regulation and are certified by the authorized institution/organization and are with filling from the bottom designed in accordance with closed filling.
(4) Railway tankers must be in conformity with the legislation on transportation of dangerous goods by railway.

Processes of filling into storage tanks in liquid fuel stations

ARTICLE 8- (1) During the transfer of benzine and naphtha from tankers to storage tanks in liquid fuel stations, the vapors -released between the tanker and the storage tank in liquid fuel station- must be returned to the tanker by means of a vapor-proof connection line.

Liquid fuel stations

ARTICLE 9- (1) Liquid fuel stations shall operate in such a way as to ensure that the vapor -displaced from the vehicle tank during supply of benzine and naphtha- is retained by means of the BGK system or that these vapors are returned to the storage tank of the liquid fuel station.
(2) The steam holding systems in liquid fuel stations shall have a certificate of conformity issued by the authorized institution/organization and stating that they have at least 85% efficiency as per the TS EN 16321 Standard. The certificate must be kept in the operation area and must be submitted to the Ministry upon request.

PART THREE
Monitoring, Control and Inspection

Measurement conditions

ARTICLE 10- (1) The undertaking/facility officials shall have the emission measurement locations in the facilities arranged in such a way as to ensure that they are in conformity with the Turkish Standards, the EPA, DIN or CEN norms and are convenient for performing measurement operations errorless in technical aspects and not posing a danger and are easily accessible and enable establishment of the connections necessary for measurements. The technical details pertaining to the emission measurement locations shall be determined by the Ministry.

Monitoring and control

ARTICLE 11- (1) As regards the conformity of the steam recovery unit (BGK) -together with the vapor balancing system as a whole- in accordance with the provisions contained in Annex-2 and pursuant to the articles 5, 6, 7 and 8 of this Regulation, the operator shall have the institution/organization -authorized and accredited through the TS EN 17020 standard- verify this conformity first before coming into operation and thereafter, every 5 years periodically.
(2) The operator shall ensure that the connection lines and pipe installations are regularly controlled against leakages.
(3) The operation is obliged to make the arrangements necessary for the monitoring and inspection of the conformity of the liquid fuel station pursuant to article 9 of this Regulation, provide information and deliver documents and provide all kinds of conveniences.

Emission measurements for steam recovery units

ARTICLE 12- (1) The operator shall have a measurement company -that has obtained competence certificate from the Ministry- measure the steam recovery unit output concentrations within six months of the date that the steam recovery unit comes into operation and thereafter, periodically every two years.
(2) The following provisions shall be observed in measuring the omissions pertaining to organic substances:
a) The measurements must be performed by means of appropriate monitoring instruments and the methods specified in national and/or international standards.
b) The total measurement error, occurred due to the equipment used, calibration gas and the method used, shall not exceed 10% of the value measured. The equipment, used in the measurements, must be capable to measure at least the 3 g/Nm3 value. The accuracy of the value measured must be in at least 95% confidence range.

Documents regarding inspections and reporting for steam recovery units

ARTICLE 13- (1) Within six months of the date that the steam recovery unit comes into operation and thereafter, periodically every two years, the operator must perform measurements and report them in compliance with the emission measurement report format contained in Annex-11 of the SKHKK. The operator should submit these reports in the course of an application for environmental permit, in the inspections and if requested by the Ministry.

(2) All the certificates and measurement and control reports, required under this Regulation, must be kept by the operator in the operation area for a period of five years.

(3) One copy, for the reports related to the facilities other than periodic measurements, must be submitted to the Ministry by the operator within 4 weeks of the date of the inspections or measurements performed. When it comes to tankers, the original or one copy of the relevant report shall be submitted to the Ministry upon request.

Inspection in liquid fuel stations

ARTICLE 14- (1) The operator must communicate to the Ministry the information about the new liquid fuel station, before the liquid fuel comes into operation.

(2) As regards the Phase II steam recovery system, the operator must have the authorized institution/organization approve the conformity of the system within the first 6 months after the system comes into operation and every 5 years.

(3) As regards the steam recovery system established for the recovery of the steams occurred at the time of supply of fuel to motor vehicles in liquid fuel stations pursuant to article 9 of this Regulation, the conformity of the system effectiveness tests and its verification with the TS EN 16321 Standards should be approved by the authorized institution/organization.

(4) In case the inspection reveals a nonconformity, the operator shall ensure the elimination of the nonconformity as soon as possible. Within 6 weeks following the inspection, the authorized institution/organization must repeat the inspection on the elimination of the nonconformity.

Reporting in liquid fuel stations

ARTICLE 15- (1) The reports, pertaining to the results of the inspections performed the authorized institution/organization in liquid fuel stations, must be submitted to the Ministry within 4 weeks following the inspection.

(2) All the certificates and measurement and control reports, required under this Regulation, must be kept by the operator in the operation area for a period of five years.

(3) In case of a failure in the system, the operator must ensure that such failures are repaired without giving rise to any delay and must communicate to the authorized institution/organization the results of the repairs and monitoring on the system.

PART FOUR
Miscellaneous and Final Provisions

Other requirements

ARTICLE 16- (1) The Ministry reserves its right to request a continuous measure or an additional arrangement from the facilities as per article 15 and Annex-9 of the Industrial Air Pollution Control Regulation and based on the Environmental Law, in case such arrangement or measure does not create a circumstance to the contrary as per the Regulation on Transportation of Dangerous Materials by Land published by the Ministry of Transport and Infrastructure in the Official Gazette dated 24/10/2013 and issue no. 28801 and the other related legislation. The Ministry shall grant a transitional period to the undertaking, for additional arrangements.

(2) The liquid fuel stations, in which petrol vapor recovery system is established, shall display -on the gasoline dispenser pumps or in the area where they are located- a sign, notification instrument (label) informing the consumers that a vapor recovery system is in use.

(3) Within the scope of this Regulation, the operators have to transmit reports to the Ministry through the “Control of Industrial Volatile Organic Compounds” application contained in the applications module on the web site of the Ministry. These reports shall be sent periodically every year, until 31 March of the next year, which shall start two years after this Regulation comes into force.

Exceptions

ARTICLE 17- (1) Article 6 and the subparagraph (b) of the second paragraph of article 5 of this Regulation shall not apply to the existing terminals with a product output quantity less than 10.000 tons/year and to the new terminals with a product output quantity less than 5.000 tons/year.

(2) The limit values in the Table 1 shall not apply to the terminals that have installed steam recovery unit to ensure maximum 35 g/Nm3 emission concentration prior to the publication date of this Regulation.

(3) The provisions and their limit values, falling outside the first paragraph of article 7 of this Regulation, shall not apply to the tankers which are with filling from the top and were manufactured prior to the publication date of this Regulation.

(4) Articles 8 and 9 of this Regulation shall not apply to the liquid fuel stations which are established in automotive facilities and used for manufacturing and delivery of new motor vehicles.

(5) The provisions and limit values set out in articles 8 and 9 of this Regulation shall not apply to the liquid fuel stations with a product output quantity not exceeding 100 m3.

Repealed provisions of the regulation

ARTICLE 18- The subclauses (1.2), (1.4) and (1.5), contained in Annex-5 Y.1 of the Industrial Air Pollution Control Regulation, are hereby repealed.

Administrative sanctions

ARTICLE 19- (1) Pursuant to the relevant articles of the Environmental Law, administrative sanctions shall be imposed on those who act in violation of this Regulation.

Effectiveness

ARTICLE 20- (1) The provisions and limit values, specified in articles 5 and 6 of this Regulation, shall come into force:
a) on the effective date of this Regulation (for the new terminals and new storage facilities in the existing terminals);
b) one year after the effective date of this Regulation (for the existing storage facilities of the terminals with a product output quantity more than 50.000 tons/year);
c) two years after the effective date of this Regulation (for the existing storage facilities of the terminals with a product output quantity between 25.000 and 50.000 tons/year);
ç) three years after the effective date of this Regulation (for the existing storage facilities of the terminals with a product output quantity less than 25.000 tons/year).
(2) The provisions and limit values, specified in article 7 of this Regulation, shall come into force on the effective date of this Regulation, for the new tankers and existing tankers with filling from the bottom.
(3) The provisions, specified in the first paragraph of article 7 of this Regulation, shall come into force:
a) on the effective date of this Regulation (for the existing road tankers with filling from the top);
b) three years after the effective date of this Regulation (for the new and existing railway tankers).
(4) The provisions, specified in article 8 of this Regulation, shall come into force:
a) on the effective date of this article (for the liquid fuel stations for which construction permit has been obtained, however, habitation permit has not been obtained yet);
b) one year after the effective date of this Regulation (for the existing liquid fuel stations which are located in residential areas and whose yearly product output quantity is more than 1.000 m3 or whose yearly production output quantity is over 100 m3);
c) two years after the effective date of this Regulation (for the existing liquid fuel stations with a yearly product output quantity between 500 m3 and 1.000 m3);
ç) three years after the effective date of this Regulation (for the existing liquid fuel stations with a yearly product output quantity between 100 m3 and 500 m3).
(5) The provisions, specified in article 9 of this Regulation, shall come into force:
a) on the effective date of this Regulation (for the new liquid fuel stations with a planned product output quantity more than 500 m3/year and the new liquid fuel stations which are located in residential areas and whose product output quantity is more than 100 m3/year);
b) two years after the effective date of this Regulation (for the existing liquid fuel stations with a product output quantity more than 3000 m3/year and the existing liquid fuel stations which are located in residential areas and whose product output quantity is more than 100 m3/year);
c) with the renovation that will be performed after the effective date of this Regulation (if it is planned to perform a major renovation in the existing liquid fuel stations with a product output quantity more than 3000 m3/year);
ç) three years after the effective date of this Regulation (for the other existing liquid fuel stations falling outside the subparagraphs a, b, and c of this paragraph.
(6) Article 18 of this Regulation shall become effective on the date of its publication, and the other provisions shall become effective two years after the date of their publication.

Execution

ARTICLE 21- (1) The provisions of this Regulation shall be executed by the Minister of Environment and Urbanization.

Annex-1 Technical Specifications for Filling from the Bottom, Vapor Collection and Excessive Filling of Road Tankers

1. Couplers

1.1. According to the definition given below, the liquid coupler on the filling island filling arm must be a female coupler that can match with the 4-inch API (101.6mm) male adapter on the vehicle.

-API Recommended Practice 1004- Seventh Edition, November 1988.

Filling from the bottom and steam recovery for MC-306 tank motor vehicles (Section 2.1.1.1- adapter type used for filling from the bottom).

1.2. According to the definition given below, the steam collecting coupler on the filling island steam collecting hose must be a groove coupler and a female cam that can match with a grooved (cam-and-groove) male adapter and 4-inch (101.6 mm) cam on the vehicle.

-API Recommended Practice 1004- Seventh Edition, November 1988.

Filling from the bottom and steam recovery for MC-306 tank motor vehicles (Section 4.1.1.2- Steam recovery adapter).

2. Filling conditions

2.1. The normal liquid filling rate must be 2.300 liters per minute (maximum 2.500 liters) per filling arm.

Tankers with base valves manufactured in accordance with TS EN 13308 and TS EN 13316 standards are considered to provide this feature.

2.2. When the terminal is operating at maximum demand, the vapor collection adapter of the filling island vapor collection system, including the vapor recovery unit, is allowed to create a maximum counter pressure of 55 millibars on the vehicle side.

2.3. When the maximum plant back pressure is 55 millibars as specified in 2.2, it shall be ensured that no steam is released through the chamber P (pressure) and V (vacuum) valves, while all the approved vehicles with filling from the bottom shall bear an identification plate indicating the maximum number of compartments/chambers that can be filled simultaneously.

EN TR 15120 ANNEX C may be used for the identification plate.

3. Vehicle Grounding Connection / Overfill Detection

The filling island must be equipped with an overfill detection control unit that will provide a safe permissive signal against failure, to allow filling when connected to the vehicle.

3.1. The vehicle must be connected to the control unit on the filling island via a 10-pin electrical connector. The male connector must be attached on the vehicle. And the female connector must be attached to a flying lead connected to the filling control unit.

3.2. The high-level detectors on the vehicle must either be 2-wire thermistor sensors, 2-wire optical sensors, 5-wire optical sensors, or a compatible equivalent, provided that they are fail-safe.

3.3. The filling island control unit must be suitable for both 2-wire and 5-wire vehicle systems.

3.4. The vehicle must be connected to the filling island by the common return cable of the over-filling sensors connected to the 10-pin male connector connected with the vehicle chassis. The female 10-pin connector must be connected to the control unit insert, which must be connected to the grounding of the filling island.

3.5. All the approved vehicles with filling from the bottom shall bear an identification plate (Annex-1 Article 2.3), which indicates the type of installed overfill detection sensor (e.g. 2-wire or 5-wire).

4. Locations of the connections

4.1. The design of liquid filling and vapor collection equipment on the filling island must be in accordance with the following vehicle connection restrictions.

4.1.1. The height of the center line of the liquid adapters must be maximum 1.4 meters (no load); should be a minimum of 0.5 meters (loaded), the preferred height is 0.7 to 1.0 meters.

4.1.2. The tilt range of the adapters must not be less than 0.25 meters (the minimum preferred range is 0.3 meters).

4.1.3. All the fluid adapters must be in a sheath not exceeding 2.5 meters in length.

4.2. The grounding/overfill connector must be located to the right of the fluid and vapor collection adapters, and its height must not exceed 1.5 meters (no load) and must be over 0.5 meters (loaded).

4.3. The above connections must only be on one side of the vehicle.

5. Safety Connections (Interlock)

5.1. Grounding / Overfill Detection

Filling must not be allowed unless a permissive signal is given by the combined grounding/overfilling control unit.

In the event of an overfill or vehicle grounding loss, the control unit on the filling island must close the filling control valve on the filling island.

5.2. Steam collection detection

Filling must not be allowed if the vapor collection hose is not connected to the vehicle and there is no free transition from the vehicle to the facility vapor collection system for displaced vapors.

Annex-2 Criteria regarding the control of vapor balancing system

1. Locking mechanism on tankers

The locking mechanism must be present on the tanker to ensure that the following conditions are met:

- Before the filling starts, the steam recovery system of the facility must be properly connected to the tanker (via the steam collection adapter on the tanker),

- Before the filling of the relevant tank compartment starts, the steam transmission valve must be open. The locking mechanisms must be connected to an overfill prevention system according to EN 139222 and must not provide a permissive signal without the above conditions being met.

2. Overfill

An overfill prevention sensor must be installed in each tank compartment and must be set according to CEN/TR 15120: 2013 ANNEX D to prevent liquid filling into the steam transmission valves.

3. Steam recovery unit

Within the scope of the inspection, the steam recovery system is controlled from the steam recovery coupling on the filling island, through the relevant lines, to the existing steam tank as well as the internal locking device components. This control includes the following control steps:

- Control of steam recovery connectors and components,
- Control of compliance with licenses, licensing provisions,
- As a part of the inspection, before the commissioning process, control of the tightness of the lines with an overpressure of 1 bar,
- As a part of regular inspections, leak testing of lines that can be dismantled at any time.

4. Tankers

4.1. Road tanker

In the course of the inspection, the following operations must be performed.

1. Visual inspection of all service equipment,
2. In the event of fluid contact of and grounding loss in the overfill sensors, the control by means of the tester that the malfunction signaling is via the 10-pin male connector,
3. Control by means of the tester that the steam collecting adapter gives a malfunction signal via a 10-pin male connector when it does not exactly match with the steam return hose.
4. When the safety button is not pulled on the control unit, control by means of the tester that the malfunction signal is given by means of a 10-pin male connector,
5. Control of the operation of the base valves and steam transmission valves when driven from the control button,
6. Leak test at 0.055 bar and 0.2 bar, including all the steam return lines,
7. Control of the pressure/vacuum valves and other safety valves, if any,
8. The mechanisms, for which it is not possible to inspect in the mounted position, must be separately tested.

4.2. Railway tankers

In the course of the inspection, the following operations must be performed.

1. Visual inspection of all service equipment,
2. Control of the operation of the base valves and steam transmission valves when driven from the control button,
3. Leak test at 0.055 bar and 0.2 bar, including all the steam return lines,
4. Control of the pressure/vacuum valves and other safety valves, if any,
5. The mechanisms, for which it is not possible to inspect in the mounted position, must be separately tested.

DELIVERY, PRESERVATION AND LIQUIDATION OF THE LIQUID FUELS SEIZED

Official Gazette Date: 26.03.2014, Official Gazette Issue Number: 28953

GOVERNING REGULATION ON THE DELIVERY, PRESERVATION AND LIQUIDATION OF AND THE EXPENSES INCURRED FOR THE LIQUID FUELS SEIZED AS PER THE ANTI-SMUGGLING LAW NO. 5607

PART ONE
Objective, Scope, Legal Basis and Definitions

Objective and scope
ARTICLE 1- (1) The objective of this Regulation is to determine the principles and procedures for the preservation, storage, loading, unloading, transportation and liquidation of the liquid fuels seized as per the Anti-Smuggling Law No. 5607 of 21/3/2007 and the principles and procedures regarding payment of the expenses for these activities.
Legal basis
ARTICLE 2- (1) The Regulation has been prepared on the basis of the provisions contained in the Law No. 5607 and the Petroleum Market Law No. 5015 of 4/12/2003.
Definitions
ARTICLE 3- (1) The following terms, referred to in this Regulation, shall have the following meanings:
a) Liquid fuel: Liquid fuel products such as benzine, gas oil, jet fuel, diesel oil, liquefied petroleum gases and natural gas, and petroleum derivatives utilized in substitution for liquid fuel, and their mixtures, and other products utilized in substation for liquid fuel;
b) Detention: Detention of a vehicle as per the second paragraph of article 10 of the Law No. 5607;
c) Storage location: Locations where the vehicles detained on the objects seized as per the Law No. 5607 are preserved;
ç) Seizure: Seizure of the liquid fuel caught as per article 9 of the Law No. 5607;
d) Administration/unit that seized/detained: Administration/unit which is in charge of preventing, monitoring and researching smuggling as per the Law No. 5607;
e) Customs administration: All the hierarchical administrative units in the central or provincial organization where the transactions and operations specified in the customs legislation are performed in whole or in part;
f) Customs legislation: The laws, by-laws, regulations and other administrative arrangements applicable by customs administration in relation to the customs procedures;
g) Illegal liquid fuel: Liquid fuel that is considered as being illegal in the sense of the provisions of the Law No. 5607;
ğ) Value of liquid fuel: Of the liquid fuel seized as per the Law No. 5607, the FOB value in case it is an exported good, the CIF value in case it is an imported good, or the value (if any) determined by a court;
h) Authority: Energy Market Regulatory Authority;
ı) Current value: Relevant ordinary purchase and sale value at the location and on the date that a good, a work or a service is procured;
i) Technical arrangement: All kinds of arrangements, including administrative provisions that are required to be observed, which cover any or several issues related with standards, measurements, characteristics, processing and production methods, related terminology, symbols, packaging, marking, labeling and conformity evaluation process regarding petroleum and mineral oil; and
j) National marker: Chemical product which has the quality not damaging the characteristics of the liquid fuel and which shall be added to the liquid fuel at the refinery exit point or at the customs entry point, or shall be added to the ethanol to be blended to benzine types or to the liquid fuel that is in conformity with the technical arrangements, from illegal liquid fuel disposed or produced as a by-product or in other forms in industry, which addition shall be made before putting into commercial use.

PART TWO
Procedures Regarding Identification of, Taking Samples from and Preservation of the Liquid Fuels Seized

Sample-taking and analysis
ARTICLE 4- (1) The Sample-Taking Record in Annex-1 shall be issued for the samples taken from the illegal liquid fuels seized at land, air and sea border gates in consequence of the inspections carried out by the Authority or by the other personnel authorized to carry out inspections. Of the samples, one sample shall be forwarded to the intervener customs administration and the analysis results shall be notified to the entity related to the liquidation.

(2) No samples shall be taken for the liquid fuels which are left or deemed to have been left in the customs. However, for identification of the type of the liquid fuel, being doubtful of its type, samples may be taken and analyses may be carried out as specified in the related standards determined by the Turkish Standards Institute.
(3) The samples shall be kept by the customs administration. During the period of keeping, for the samples about which the court does not order reanalysis or taking of measures, the court shall be requested to issue an order for the liquidation of the samples.

Delivery and preservation of liquid fuel

ARTICLE 5- (1) The petroleum products caught under the suspicion for smuggling shall, together with the Record for Finding and Seizure of Illegal Liquid Fuel (Annex-2) and in order to preserved under suitable conditions, be delivered by the law enforcement officers -who have caught the illegal petroleum products- to the provincial special administrations of the locations where they have been caught or to the revenue offices of the locations where there is no provincial special administration, which delivery shall be made at the locations where they have been caught. At the locations where there is no provincial special administration, the revenue offices shall confirm and countersign the relevant part of the copies of the records in the course of the delivery.
(2) Until the analysis results are received, the provincial special administrations and the revenue offices of the locations where there is no provincial special administration are obliged to keep and preserve the delivered products in such a way to ensure that their kinds and characteristics remain unchanged and that they are not mixed up with other products and that they do not lose their values and their characteristic of being evidence, and are obliged to take all kinds of measures for the accomplishment of these matters.
(3) The entities or persons that preserve the seized liquid fuel have to deliver the liquid fuel in the form and quantity same as the form and quantity at the time when they have taken delivery of the seized liquid fuel, with the exception of the samples to be taken by competent entities and of any ordinary wastage, loss and similar ones arising from its characteristics and preservation. In cases where a change occurs in the characteristics of the liquid fuel, the liquid fuel deteriorates or the liquid fuel disappears in whole or in part, due to similar reasons such as loss, theft, fire or flood apart from these; the circumstance shall, together with the official documents certifying the occurrence, be notified to the customs administration which is the intervening party to the relevant case.
(4) As regards the liquid fuels not possible to be delivered to the provincial special administrations and revenue offices and the liquid fuels whose preservations require specific facilities and equipment or the liquid fuels which exceed the storage capacities of these administrations; the deliveries of those liquid fuels shall, upon approval of the governors in provinces and of the district governors in the districts including metropolis, be taken by the provincial special administration or the revenue office from location where they have been caught and delivered, together with the record, to the storages of private persons and entities or of public institutions and organizations whose storages are physically suitable by the type and quantity.
(5) LPG shall be delivered to primarily provincial special administrations and to revenue offices at the locations where there is no provincial special administration. As regards the LPG not possible to be delivered to these venues due to incomplete preparations for storage, the preservation of that LPG shall, against record, be performed in the storages of the firms holding storage license.
(6) The liquid fuels, for which a suitable venue is not found as per the above paragraphs, shall be delivered to trustees.

Preservation after analysis

ARTICLE 6- (1) The preservation conditions of the liquid fuels preserved by special provincial administration or revenue offices may be re-determined depending on the laboratory results pertaining to the tests and analyses of the samples taken.
(2) If objections are raised against the results of national marker controls carried out by means of mobile control device and the laboratory report states that the national marker level is found sufficient, the product whose sample has been taken shall be preserved under separate conditions, to be delivered to its owner. The product owner has the right to take sample and carry out analysis before taking the delivery.
(3) Amongst the liquid fuel products whose national marker levels are not found sufficient; those, determined to be in conformity with the technical arrangements according to the laboratory results, shall continue to be preserved under separate conditions until the decision of liquidation is rendered. Amongst these products not possible to be preserved separately after the decision of liquidation is obtained, those whose types and characteristics are the same may be kept together (by combination) in such a way not to damage their technical-economic characteristics and not to cause a decrease in their market values and not to constitute an impediment against their acceptance by the recipients.
(4) The products, whose examination reports state that they are not in conformity with the technical arrangements, shall also continue to be preserved under separate conditions. After the decision of liquidation is rendered, these products may be preserved together (by combination) provided that they are the same in terms of type and characteristics and that their technical-economic characteristics are not damaged.
(5) The provisions of the fourth paragraph shall apply to the preservation of the illegal products whose samples have not be taken and which do not require laboratory report, until the decision of liquidation is rendered.

PART THREE
Procedures Regarding Payment of the Expenses to Be Incurred for the Liquid Fuels Seized

Payment of the expenses to be incurred for the liquid fuels seized

ARTICLE 7- (1) The expenses incurred for the preservation, storage, loading, unloading and transportation etc. of the liquid fuels seized, which expenses are incurred as from the moment when they are seized, shall be covered from the budget of the special provincial administration or the revenue office which is responsible for taking the delivery. The provisions of the Public Procurement Law No. 4734 of 4/1/2002 shall not apply to the procurements which will be carried out for all kinds of goods, vehicles, tools, equipment and services within this scope.

Preservation term and fee tariff for illegal liquid fuels

ARTICLE 8- (1) As from the date when the illegal fuel is delivered to the venue where it shall be preserved, the term to elapse:

a) until the thirtieth day (including the thirtieth day) as of the date when the decision is served on the liquid fuel owner, in case the court adjudges that the liquid fuel shall be returned to its owner, and

b) until the date of taking the delivery, in case the liquid fuel is liquidated,

shall constitute the term for the preservation of the illegal fuel.

(2) The preservation fee for the illegal liquid fuel shall apply:

a) as one per thousand (per day) on the basis of the value of the liquid fuel, and

b) as half of the fee referred to in the sub-clause (a), for the preservation term after six months.

(3) The date, when the preservation of the liquid fuel ends, shall not be taken into consideration in calculating the fee.

(4) The preservation fee shall not exceed thirty percent of the value of the illegal liquid fuel.

(5) The storage services shall be considered to be included in the preservation term.

(6) In delivery, to a trustee, of the liquid fuel; the preservation fee shall be determined and paid as per the principles and procedures specified above.

(7) No payment shall be made for the liquid fuel delivered to its owner as the trustee.

(8) In cases where there is no express legislation provision stating that the preservation fee shall be collected for the liquid fuels preserved at public institutions and organizations, no payment shall be made as the preservation fee.

Preservation fee for the liquid fuel liquidated

ARTICLE 9- (1) In case the liquid fuel is liquidated by way of sale, fifteen percent of the sale price shall be taken as the preservation fee and it shall be paid from the budget of the special provincial administration or the revenue office. This amount payable shall never exceed the maximum limit referred to in the fourth paragraph of article 8.

(2) In the case of assignment for the liquid fuel seized, the fees payable for the services provided by the persons or entities preserving the product shall be covered from the budget of the special provincial administration or the revenue office which is responsible for taking the delivery as per the provisions of this Regulation.

(3) In the event that the liquid fuel is preserved in different storage locations, this fee shall be divided for each storage location, taking into account the preservation periods.

Transportation, loading and unloading expenses

ARTICLE 10- (1) In cases where it is possible to transport the seized liquid fuel by the seized vehicle to the location where it will be preserved or there is a suitable vehicle belonging to the entity which will preserve the liquid fuel, these possibilities shall primarily be used.

(2) In case the transportation is not possible under the provisions of the first paragraph, for the transportation, loading and unloading expenses mandatory to be incurred until delivery of the seized illegal liquid fuel to the preservation location, the special provincial administration or the revenue office responsible for taking the delivery shall issue the "Record for Market Price Survey" referred to in the Regulation on Central Administration Expenditure Documents, published in the Official Gazette dated 31/12/2005 and issue no 26040 (third reiterated), as well as the "Expenditure Instructions". The "Record for Market Price Survey" shall be prepared by taking into consideration the tariffs of the public institutions or the public professional organizations performing activities in provinces or districts or, in the absence of these tariffs, by performing the relevant market price survey.

(3) The special provincial administration or the revenue office responsible for taking the delivery of the seized illegal liquid fuel shall carry out the procurement of the goods or services in compliance with the expenditure instructions. In the realization of these expenditures, the units which procure the goods or services shall be responsible for the compliance of these transactions with the legislation.

Procurement of goods and services without the conduct of market research

ARTICLE 11- (1) In the procurement of goods and services:

a) in case a committee which is composed of at least three persons and will be established by the chief of the needing unit determines that the need may be met only by one single real or legal person,

b) in case it is documented that only one single real or legal person has such exclusive right, or

c) in the case that, amongst the public institutions and organizations and the entities whose more than half of the capital is owned by the public, it is a legal entity which was established under special laws and to which public service is assigned under those special laws,
the goods and services may be procured from these venues without the conduct of market price survey.

Procedures regarding issuance of payment certificate

ARTICLE 12- (1) In relation to the subject matter of the expenditure in line with the expenditure instructions issued by the special provincial administration or the revenue office; the invoice or self-employment voucher considered as invoice, the expense note or the "Spending Bill" referred to in the Regulation on Central Administration Expenditure Documents for those who are not obliged to issue these documents as per the laws, the contract concluded (if any), the record and other documents shall be enclosed with the payment certificate and shall be submitted to the authorizing officer for approval and thus, the payment transactions shall be concluded.

Payment of other expenses to be incurred by the provincial special administrations and revenue offices

ARTICLE 13- (1) Within the scope of preservation, storage, loading, unloading and transportation of the illegal liquid fuels seized; in the making of tanks and construction of warehouses, their procurement and hiring, procurement of and hiring tools, materials and technical equipment and devices and in the procurement of security services, portage services, repair and maintenance services and similar mandatory services and in having these matters accomplished, the expenses shall be covered from the budget of the relevant entity, without applying the provisions of the Law No. 4734.

Payment of the expenses to be incurred for fighting against liquid fuel smuggling

ARTICLE 14- (1) With regard to article 16/A of the Law No. 5607 or fighting against liquid fuel smuggling, **(Wording amended by: O.G.-28/2/2020-31053)** in the procurements of all kinds of goods, tools, materials and equipment which will be carried out by the central and provincial administrations of the Ministry of Trade, the Ministry of Interior and **(Wording amended by: O.G.-28/2/2020-31053)** the Ministry of Treasury and Finance, the Energy Market Regulatory Authority and the provincial special administrations, the expenses shall be covered from the budget of the relevant entity, without applying the provisions of the Law No. 4734 of 4/1/2002.

PART FOUR
Procedures Regarding Liquidation of Illegal Liquid Fuels

Procurement of national marker for liquid fuel and addition of national market into liquid fuel

ARTICLE 15- (1) National marker shall not be added into the products blended with liquid fuel or into the liquid fuels to be liquidated through assignment free of charge to the utilization of public institutions and organizations and local administrations.

(2) It is necessary that those who purchase the liquid fuels liquidated by way of sales hold the relevant letters of conformity or refining undertaking, processing, lube oil, bunker delivery or distribution undertaking licenses granted by the Authority depending on the liquid fuel type. The national marker to be added into the liquid fuel sold shall be delivered to the purchasers in order to be added as per the principles and procedures to be determined by the Authority.

Assignment of illegal liquid fuel

ARTICLE 16- (1) An assignment committee, composed of at least three persons, shall be established by the provincial special administration or the revenue office responsible for taking delivery of the illegal liquid fuel seized. Public institutions and organizations and local administrations shall specify the type and quantity of the liquid fuel and request the administration -the administration responsible for taking delivery of the liquid fuel- to assign the liquid fuel free of charge.

(2) The committee shall take the decision of assignment, considering the matters "quantity of the liquid fuel conforming to the legal arrangements, which will be assigned", "the quantities assigned to the same venue previously" and "whether or not the delivery of the assigned liquid fuel has been taken in time". The decisions of assignment shall be approved by the general secretaries in provincial special administrations or their deputies to be appointed by the general secretaries.

(3) The seized illegal fuel shall be assigned free of charge for utilization purposes, by the following order of precedence:
a) To the entities or units fighting against liquid fuel smuggling,
b) To the local administrations or the public institutions and administrations at the location where the liquid fuel is preserved,
c) To the other local administrations or public institutions and administrations outside the province where the liquid fuel is preserved.

(4) The illegal liquid fuels seized at land, air and sea border gates shall be liquidated by assignments free of charge to the customs administrations. In case the liquid fuel is in such quantity surplus to requirement, it shall be liquidated by assignment -free of charge- to the utilizations of also local administrations and public institutions and organizations as per the provisions of the second paragraph.

(5) The unit, to which the liquid fuel is assigned, shall take delivery of the assigned liquid fuel from the relevant preservation location within fifteen days. In case the delivery of the liquid fuel is not taken within this term, the relevant decision of assignment shall be deemed to have been revoked and then, the liquid fuel shall be assigned to another unit.
(6) The Regulation on Portable Goods, entered into force by the Council of Ministers' Decree dated 28/12/2006 and no. 2006/11545, shall apply to the liquid fuels assigned.

Procedures for liquidation, by way of sales, of the illegal liquid fuel conforming to the technical arrangements

ARTICLE 17- (1) The liquidation of the liquid fuels whose sample analysis results state that they are in conformity with the technical arrangements and which have not been assigned as per the provisions of article 16 shall be carried out as follows, depending on their types:

a) Amongst the products defined in the context of illegal liquid fuel by the subparagraph (a) of the first paragraph of article 3 in this Regulation; those having the characteristics of liquid fuel shall be liquidated by the provincial special administrations or the revenue offices by taking as precedent the provisions between the articles 45 and 51 regulating the open tendering and negotiated tendering procedures as contained in the State Procurement Law No. 2886 of 8/9/1983. The provisions of the Law No. 2886, which are restrictive with regard to quantity, term, announcement and similar matters, shall not be taken into consideration. The announcement for liquidation shall, depending on the size of the quantity, be made in newspapers being published on local and/or country-wide basis and on the web page of the provincial special administration or of the revenue office. The estimated sale price shall not be determined in such an amount less than sixty-five percent of its portion remaining after deduction of taxes from the ex-refinery prices of similar products on the announcement date.

1) It is necessary that the bidders that will participate in the sale tender under open tendering or negotiated tendering procedures hold the relevant letters of conformity or refining undertaking, processing, lube oil, bunker delivery or distribution undertaking licenses granted by the Authority depending on the liquid fuel type.

2) The liquidation tender shall be realized within one month starting from the date when the sample analysis report has been received from the laboratory.

3) The purchaser licensee is obliged to add marker into the product -in case it is listed among the products into which the addition of national marker is made compulsory by the legislation- in compliance with the Regulation on Implementation of National Marker in the Petroleum Market, published in the Official Gazette dated 12/4/2006 and issue no. 26137 and provided that it is carried under seal.

b) The lube and base oils, asphalt, solvent, naphtha and similar petroleum derivatives and their mixtures and other products utilized in substitution for liquid fuel, which are referred to in the context of illegal liquid fuel by the subparagraph (a) of the first paragraph of article 3 and are kept or utilized for the purpose of conversion into liquid fuel, shall also be sold in accordance with the procedure specified in the subparagraph (a). However, only the holders of the letters of conformity, obtained for the import of similar products, may participate in the sale tender pertaining thereto. The estimated sales prices of these products shall not be determined in such an amount less than sixty-five percent of the similar ones' market value on the tender announcement date, and in such an amount less than forty percent of the market value of their original state prior to conversion (those for which conversion process has not been performed).

(2) The sales amounts shall be recorded as revenue into the general budget.

Delivery, to refineries, of the liquid fuels not conforming to the technical arrangements

ARTICLE 18- (1) The liquid fuels, whose sample analysis results state that they are not in conformity with the technical arrangements, shall be sold to the nearest refining undertaking by the provincial special administration or the revenue office. **(Sentence added by: O.G.-28/2/2020-31053)** The illegal liquid fuel, included in this scope, shall be delivered to the refining undertaking together with the sample analysis report. The refining undertaking is obliged to purchase these products. In these sales, the sales prices of the products shall not be in such an amount less than the crude oil/transfer cost prices occurred at the end of the preceding month in the refinery for benzine, diesel oil types, gas oil, jet fuel and naphtha and solvent types and in such an amount less than sixty percent for other products.

(2) In case the on-site national marker measurement results, pertaining to the illegal liquid fuels caught without their owners, are not in the condition and level determined by the Authority; those products shall, without the conduct of the relevant analysis, be deemed to be not in conformity with the technical arrangements and shall be liquidated by the provincial special administration or the revenue office through sales to the nearest refining undertaking.

(3) The sales prices shall be recorded as revenue into the general budget.

(4) **(Added by: R.G.-28/2/2020-31053)** In accordance with internationally accepted testing methods, the refining undertakings shall carry out the analysis to find whether or not the liquid fuel -whose sample analysis results are not in conformity with the technical arrangements- contains foreign substances exceeding the criteria determined and whether or that it will cause damage against the refinery production processes, or the refining undertakings shall have these analyzes performed. The laboratories that will perform these analyzes must have accreditation certificate. The analysis expenses shall be covered by the refining undertakings. The refining undertakings are obliged to take delivery of the illegal liquid fuel about which it is, in result of the analysis, proved that it will not cause damage against the production processes.

(5) **(Added by: R.G.-28/2/2020-31053)** The liquid fuel, about which it is, in result of the analysis referred to above, proved that it will not cause damage against the production processes, shall be sent to the provincial special administrations or the provincial directorates of environment and urbanization, together with the accredited laboratory's analysis report referred to in the fourth paragraph, in order to be disposed at the waste incineration and co-incineration facilities that have obtained Environmental License and/or Temporary Activity Certificate for disposal and/or energy recovery purposes. These entities are responsible for transformation of the liquid fuel -included in this scope- into waste and for the declaration procedures related to this waste and for the dispatch of the waste to the recovery/disposal facility in compliance with the legislation.

Liquidation of the liquid fuels which have been abandoned to or are deemed to have been abandoned to the customs administrations

ARTICLE 19- (1) Amongst the liquid fuels which have been abandoned to the customs under article 164 of the Customs Law No. 4458 or which are deemed to have been abandoned to the customs as per the customs legislation, the liquid fuels which are in conformity with the technical arrangements shall firstly be assigned to the use of customs administrations and the liquid fuels surplus to requirement shall be assigned to the use of public institutions and organizations and local administrations, on free-of-charge basis.

(2) The liquid fuels, which could not be assigned as per the first paragraph, shall be liquidated in accordance with the provisions of the Liquidation Regulation published in the Official Gazette dated 25/6/2013 and issue no. 28688.

Return to owner

ARTICLE 20- (1) As regards the liquid fuel whose amount has been recorded as revenue into the general budget after it was sold; in case, at the end of the judicial proceedings, the court orders the return of the liquid fuel to its owner, the amount remaining after deduction of taxes from the total sale amount shall be paid to the right holder from the budget of the relevant provincial special administration or revenue office after addition of legal interest for the period of time between the seizure date and the date when the order becomes final.

(2) In case the court orders the return to their owners at the end of the judicial proceedings pertaining to the liquid fuels assigned; for benzine, diesel oil types, gas oil, jet fuel and naphtha and solvent types, the amount remaining after deduction of taxes from the crude oil/transfer cost price occurred at the end of the preceding month in the refinery, and for other products, the amount remaining after deduction of taxes from the price to be calculated over the price of the sale to the refining undertaking in such an amount not less than sixty percent, shall be paid to the right holder from the budget of the relevant provincial special administration or revenue office after addition of legal interest for the period of time between the seizure date and the date when the order becomes final.

PART FIVE
Temporary and Final Provisions

Authorization

ARTICLE 21- (1) In the case of occurrence of unforeseen circumstances related to the arrangements made by this Regulation, **(Wording as amended by: 28/2/2020-31053)** the Ministry of Trade, the Ministry of Interior and **(Wording as amended by: 28/2/2020-31053)** the Ministry of Treasury and Finance shall, by the relevance of the issue, be authorized to examine and conclude these circumstances.

Procedures pertaining to the illegal liquid fuels caught

TEMPORARY ARTICLE 1- (1) The legislation provisions, effective on the seizure date, shall apply to the preservation, storage, loading, unloading, transportation and liquidation of the illegal liquid fuels seized prior to the effective date of the Law No. 6455 on Amendments to the Customs Law and Certain Laws and Decree Laws.

(2) In cases where there is a liquidation decision rendered previously about a liquid fuel included in the scope of the third paragraph of the temporary article 6 of the Anti-Smuggling Law No. 5607 or where the liquidation procedures have been started or where the decision has not been rendered within these terms, the liquid fuel shall immediately be liquidated as per the provisions of this Regulation. Samples shall be taken from the liquid fuel to be liquidated within the scope of this paragraph; and if it is not possible to take samples, all kinds of distinctive characteristics of the liquid fuel shall be identified.

Effectiveness

ARTICLE 22- (1) This Regulation, which has been prepared jointly by **(Wording as amended by: 28/2/2020-31053)** the Ministry of Trade, the Ministry of Interior and **(Wording as amended by: 28/2/2020-31053)** the Ministry of Treasury and Finance after receiving the opinions of the Energy Market Regulatory Authority, shall become effective on 1/4/2014.

Execution

ARTICLE 23- (**As amended by: 28/2/2020-31053)**

(1) The provisions of this Regulation shall be executed jointly by the Minister of Trade, the Minister of Treasury and Finance and the Minister of Interior.

	Of the Official Gazette in which the Regulation was published	
	Date	**Issue**
	26/3/2014	28953
	Of the Official Gazettes in which the Regulations amending the Regulation were published	
	Date	**Issue**
1.	28/2/2020	31053

ANNEX-1

SAMPLE-TAKING RECORD

Unit that has seized the illegal liquid fuel :
Occurrence date:
Name of the person and/or firm involved in the occurrence:
Type of the illegal liquid fuel :
Unit that has taken the sample :

OF THE SAMPLE

	TYPE	QUANTITY	DATE OF TAKING
1			
2			
3			
4			

The …….. sample, taken from the illegal fuel referred to above, has been labeled and then, it has been sealed by means of the lead clamp and/or seal no. …… and then, this record has been issued in order to determine the circumstance. One sample taken and one copy of this record have been delivered to the official/officer of ……

Place and Date

Of the person who has taken the sample:
Name and Surname **Title** **Employer Entity** **Signature**

Of the unit official/officer who has brought the illegal liquid fuel:
Name and Surname **Title** **Employer Entity** **Signature**

NOTES:
1- The samples shall be taken in compliance with the TS 900-1 EN ISO 3170 “Petroleum Liquids-Manual Sampling” standard.
2- The samples shall be put into the sample vessels conforming to the TS 13316 of December 2007 “Sample Containers-For Crude Oil, Liquid Fuel and Lube Oils-Utilized for the Preservation and Transportation of Sample” standard. LPG samples shall, in compliance with the TS EN ISO 4257 standard, be put into sample vessels having the characteristics specified in the standard.

ANNEX-2

RECORD FOR FINDING AND SEIZURE OF ILLEGAL LIQUID FUEL

INFORMATION PERTAINING TO THE PRODUCT

Name, surname, trade name and address of its owner/the person concerned	
License type and no.	
Type/kind, characteristics (content), GTIP No.	
Quantity of the product and the product's packaging type	
Location/vehicle where it has been found	
Date and Hour of the Fact-Finding	
For liquid fuel products, the result found by the national marker control device (the printouts obtained from the device shall be attached to the record.)	

MONITORING-RELATED INFORMATION

Judicial decision/local authority's or public prosecutor's/law enforcement chief's decision pertaining to the search/seizure (date-number)	
Type of the work carried out in order to reveal the occurrence (intelligence/denunciation) (denouncer's identity shall not be written)	
Evidence, pecuniary and non-pecuniary matters found in relation to the offense	

With this record issued at … on …/…/… in the presence of the product owner/the person concerned and those who have personally and actually taken part in the seizure operation, it is recorded that the illegal liquid fuel product whose product information and owner's/the concerned person's identity information are indicated above is hereby seized in order to be kept by the special provincial administration, in light of the monitoring-related information and the fact-findings.

DELIVERY-RELATED INFORMATION

Those who have issued the record, have actually taken part in the seizure/fact-finding operation	**Product owner/information**

INFORMATION REGARDING DELIVERY TO THE SPECIAL PROVINCIAL ADMINISTRATION/ THE REVENUE OFFICE

Product delivered by:	**Product received by:**