

LEGISLATIVE DECREE

**LEGISLATIVE DECREE ON ORGANIZATION AND DUTIES OF THE MINISTRY OF
TRANSPORT, MARITIME AFFAIRS AND COMMUNICATION**

Decision No: KHK/655

Foundation of the Ministry of Transport, Maritime Affairs and Communication was decided by the Council of Ministers on 26/9/2011 basing on the power granted by the Law No. 6223, dated 6/4/2011.

**SECTION ONE
Objective, Scope and Duties**

Objective and Scope

ARTICLE 1 – (1) The objective of this Legislative Decree is to regulate organization, duties, powers and responsibilities of the Ministry of Transport, Maritime Affairs and Communication.

Duties

ARTICLE 2 – (1) The duties of the Ministry of Transport, Maritime Affairs and Communication are as follows:

a) Determining, implementing and updating, when required, national policy, strategy and objectives on the issues of transport, maritime affairs, communication, improving postal business and postal services, establishing, having others establish, managing and having others manage these in coordination with relevant organizations and institutions.

b) Determining, implementing and updating, when required, national aviation industry and space technology policies, strategies and objectives in the matters of improving aviation industry and space technologies, establishing, having others establish, managing and having others manage these and developing aviation industry and astronomy along with acquiring abilities with regards to astronomy in coordination with relevant organizations and institutions.

c) Deciding whether to use the rights in the scope of national sovereignty with respect to space; specifying principles and procedures for administration and allowing these rights to be exercised, and fulfilling requirements of national liabilities in relation to these rights.

d) Planning, establishing, having others establish, managing, having others manage and improving infrastructure, network, systems and services related with transport and maritime affairs and services according to commercial and social requirements and technical developments.

e) Providing an environment of free, fair and sustainable competition where services and works of transport, maritime affairs, communication and postal services can be provided in a fast, economical, convenient, secure and qualified way by promoting public benefit and in a way to cause least harm to the environment.

f) Determining universal service policies considering social, cultural, economical and technological conditions of the country within the scope of relevant provisions of laws, and specifying principles which enable

universal services to be carried out, and also monitoring their implementation and approving net calculations that are about the costs of such services.

g) In the scope of information society policies, objectives and strategies, determining the scope, principles and procedures on the operation of e-State services through required collaboration and coordination with relevant public organizations and institutions, preparing action plan for these services, conducting coordination and monitoring activities, making required regulations and coordinating related activities in this scope.

h) Producing and having others produce, mounting and having others mount, managing and having others manage and improving any kind of products, technologies, systems, devices and materials including satellite and air platform design and test centres, satellite, launch vehicle and systems, air platforms, simulators and space platforms; carrying out studies, making planning and project activities in order to provide these to be designed, produced, integrated and tested, as required, in the country; providing support with incentives to achieve these objectives, specifying principles and procedures about these kind of incentives and providing required collaboration and coordination among related commercial, industrial and educational organizations and public organizations and institutions.

i) Maintaining international relations that are necessitated by transport, maritime affairs, communication, postal services, aviation and space technologies works and services, and signing treaties and providing legislative alignment when such an action is required by the international legislation in this field.

h) Performing other duties and services assigned for the Ministry by the legislation.

SECTION TWO

Organization of the Ministry

Organization

ARTICLE 3 – (1) The Ministry is composed of central organization and provincial organization. Central organization and provincial organization are illustrated on attached Table (I) and Table (II) respectively.

Minister

ARTICLE 4 – (1) The minister who is the chief of the Ministry is accountable to the Prime Minister for his practices, and operations and activities carried out by his inferiors; he has the following powers and responsibilities:

a) Administrating the Ministry in compliance with the Constitution, law, government program and with policies and strategies specified by the Council of Ministers.

b) Creating policies and strategies on the issues that falls within the office domain of the Ministry, determining annual goals and objectives in compliance with these and specifying performance criteria; preparing the budget of the Ministry, carrying out necessary legal and administrative regulation studies, coordinating, monitoring and evaluating implementation in parallel with determined strategies, objectives and performance criteria.

c) Supervising activities and operations of the Ministry, reviewing administrative systems, observing organizational structure and efficiency of administration processes, and taking action for improving administration.

d) Providing coordination and collaboration among other ministries and public organizations and institutions in the matters within his office domain.

Undersecretary and Deputies of Undersecretary

ARTICLE 5 – (1) Undersecretary is the highest public official subordinate to the Minister and he/she regulates and enforces the services of the Ministry on Minister's behalf and according to his/her directives and instructions in compliance with provision of legislation, objectives and policies of the Ministry and its strategic plan. For this purpose, he/she issues required orders to the departments of the Ministry, observes and provides compliance with such orders. The undersecretary is accountable to the Minister for execution of these services.

(2) Five deputies can be appointed to assist to the Undersecretary.

SECTION THREE

Service Departments

Service Departments

ARTICLE 6 – (1) Service departments of the Ministry are:

- a) General Directorate of Road Transport Regulation.
- b) General Directorate of Railway Transport Regulation.
- c) General Directorate of Maritime Affairs and Inland Waters Regulation.
- d) General Directorate of Transport of Dangerous Goods and Combined Transport Regulation.
- e) General Directorate of Maritime Trade.
- f) General Directorate of Shipyards and Coastal Facilities.
- g) General Directorate of Communications.
- h) General Directorate of Aviation and Space Technologies.
- i) General Directorate of Infrastructure Investments.
- j) General Directorate for Foreign Relations and European Union.
- k) Directorate of Supervision Services.
- l) Directorate of Strategy Development.
- m) Department of Transport, Maritime Affairs and Communication Researches Centre.
- n) Legal Consultancy Department.
- o) General Directorate of Circulating Capital Administration.
- p) Department of Personnel and Training.
- q) Department of Information Processing.
- r) Department of Support Services.
- s) Consultancy of Press and Public Relations.
- t) Principal Clerk's Office.

General Directorate of Road Transport Regulation

ARTICLE 7 – (1) The duties of General Directorate of Road Transport Regulation are as follows:

a) Providing an environment of free, fair and sustainable competition where activities of road transport can be provided in a fast, economical, convenient, secure, qualified way depending on commercial, economical and social needs and technical developments by promoting public benefit and in a way to cause least harm to the environment, and providing these services with other types of transport and as mutually complementary.

b) Specifying service principles, financial standing and good repute conditions of those who are hauliers, organizers, agents, commissioners, logistic operators, terminal operators in road transport business and who deal with similar activities; and authorizing and supervising them.

c) Defining rights, liabilities and responsibilities of those who produce services in road transport business and those who use such services.

- d) Defining principles and procedures concerning public service liabilities in the field of road transport.
- e) Defining professional competence conditions of those who are hauliers, organizers, agents, commissioners, logistic operators, terminal operators and who deal with similar activities, particularly the drivers; providing the related training or having it done, holding examinations or having them done; authorizing and supervising them.
- f) Defining minimum qualities of cargo and passenger terminals and similar constructions that are used in road transport activities; and supervising them.
- g) Defining minimum criteria for all kind of vehicles that are used in road transport activities in terms of their type, capacity, ownership, age and similar properties.
- h) Defining principles and procedures related with periodic technical inspection of road vehicles as well as minimum criteria for those who will carry out periodic technical inspection; and authorizing such agents and supervising them.
- i) On condition that it is limited to the purpose of improving road transport and creating a competition environment which is free, fair and sustainable; determining minimum and maximum fees, when required, for any kind of highway, bridges and tunnels, using of which are subject to fee, as well as of the charges collected for using terminal and for transport fees; and supervising their implementation.
- j) Providing coordination in eliminating the negative effects of transport on environment.
- k) Carrying out the international relation works, signing agreements and executing joint committee meeting studies required for road transport services,
- l) Performing similar duties assigned by the Minister

General Directorate of Railway Transport Regulation

ARTICLE 8 – (1) The duties of General Directorate of Railway Transport Regulation are as follows:

- a) Providing an environment of free, fair and sustainable competition where activities of railway transport can be provided in a fast, economical, convenient, secure, qualified way depending on commercial, economical and social needs and technical developments by promoting public benefit and in a way to cause least harm to the environment, and providing these services with other types of transport and as mutually complementary.
- b) Specifying service principles, financial capacity and professional respectability conditions of those who are railway infrastructure managers, railway undertakings and organizers, agents, commissioners, railway terminal and station operators in railway transport business and who deal with similar activities; and authorizing these people and supervising them.
- c) Defining rights, liabilities and responsibilities of those who produce services in railway transport business and those who use such services.
- d) Specifying principles and procedures in railway transport that are related with public service liabilities.
- e) Specifying professional competency conditions of those who are railway infrastructure managers and railway undertakings and organizers, agents, commissioners, railway terminal and station operators and who deal with similar business and especially train drivers in railway transport business; providing those necessary

education or having others provide it, testing them or having others test; authorizing these people and supervising them.

f) Registering any kind of rolling stock, specifying principles and procedures on keeping their records, registering them.

g) Specifying minimum safety limits and conditions for use of railway infrastructure, rolling stock, and supervising these.

h) Granting relevant safety certificates to railway infrastructure managers and railway undertakings or authorizing those who are capable of doing this, and supervising them.

i) Taking decision for settling disputes between railway infrastructure managers and railway undertakings arising from use of railway infrastructure, its allocation, access to it and charging.

j) Specifying minimum qualities of freight and passenger stations or terminal and similar platforms that are used in railway transport activities, and supervising these.

k) Specifying and planning location, capacity and similar qualities of freight village, centres or bases; specifying principles and procedures about establishment of such and permitting this, land allocation for these and coordinating related organizations on establishing necessary infrastructure and monitoring its implementation and supervising it.

l) Specifying principles and procedures related with periodic technical inspection of any kind of rolling stock in terms of qualities such as type, capacity, title, age and similar aspects.

m) Specifying principles and procedures related with the minimum qualifications of those who are to carry out periodic technical inspection of any kind of rolling stock used by railway undertakings; authorizing such people and supervising them.

n) On condition that it is limited to the purpose of improving railway transport and creating a competition environment which is free, fair and sustainable; determining minimum and maximum fees, when required, for infrastructure use and transport fees; and supervising implementation of these determinations.

o) Maintaining international relations which are necessitated by railway transport, making agreements and carrying out joint commission studies.

p) Performing similar duties assigned by the Minister.

General Directorate of Maritime Affairs and Inland Waters Regulation

ARTICLE 9 – (1) The duties of General Directorate of Maritime Affairs and Inland Waters Regulation are as follows:

a) Providing an environment of free, fair and sustainable competition where activities of sea and inland water transport can be provided in a fast, economical, convenient, secure, qualified way depending on commercial, economical and social needs and technical developments by promoting public benefit and in a way to cause least harm to the environment, and providing these services with other types of transport and as mutually complementary.

b) Specifying service principles, financial capability and professional respectability conditions of those who run ports, landing stages or coastal structures and ships and who are organizers, agents, commissioners and deal with similar business; and authorizing these people and supervising them.

c) Defining rights, liabilities and responsibilities of those who produce services in sea and inland water transport business and those who use such services.

d) Specifying principles and procedures in sea and inland water transport that are related with public service liabilities.

e) Specifying professional competency conditions of those who run ports, landing stages or coastal structures and ships and who are organizers, agents, commissioners and deal with similar activities in sea and inland water transport and people who work in this business, especially seamen; providing those necessary training or having others provide it, testing them or having others test; authorizing these people and supervising them.

f) Registering any kind of vessels and similar sea and inland water carriage; and specifying principles and procedures on keeping their records and registering them.

g) Specifying principles and procedures on registering seamen and registering them.

h) Specifying minimum safety limits and conditions for any kind of vessels and inland water carriage which are used in sea and inland water transport, and supervising these.

i) Specifying minimum safety limits and conditions for vessels and similar water carriage which have the capability to move on the sea and which are assigned for a commercial purpose but whose assignment does not necessitate navigation, and supervising these.

j) Granting relevant safety certificates to any kind of vessels and similar sea and inland water carriage used in sea and inland water transport or authorizing those who are capable of doing this, and supervising them.

k) Specifying principles and procedures related with periodic technical inspection and seaworthiness permit of any kind of vessels and similar sea and inland water carriage used at sea and inland water transport, in terms of minimum qualities such as type, capacity, title, age and similar properties.

l) Specifying principles and procedures related with the minimum qualifications of those who are to carry out periodic technical inspection and those to issue seaworthiness permit for any kind of vessels and similar sea and inland water carriage used at sea and inland water transport; authorizing such people and supervising them.

m) Establishing, having others establish required technical infrastructure in order to follow up any kind of communication, including danger signal, which the vessels and other water carriage conduct among themselves or with land facilities at national and international waters, managing these infrastructure or having others manage them; supervising these, and specifying procedures and principles about this service.

n) Specifying procedures and principles on pilotage and towage services which will be provided to the vessels which will approach to the ports, landing stages or coastal structures on Turkish coasts and to the vessels which will use Turkish straits; providing these services or authorizing those who can provide these services; and supervising these providers.

o) Specifying procedures and principles on life boat service, rescue and assistance operations together with emergency response for accidents happened on Turkish seacoasts where any kind of vessels and similar sea carriages are involved in; providing these services or authorizing those who can provide them; and supervising these providers.

p) Specifying procedures and principles on prevention of sea pollution arising from any kind of vessels and similar water carriage which navigate at Turkish territorial and inland waters or operate at these waters; and supervising these vessels.

q) Providing services of any kind of maps, books, similar publications and notices which are requirements of navigation activities or having others provide these services.

r) Specifying procedures and principles on any kind of amateur maritime activities; authorizing those who are to carry out these activities and supervising them.

s) On condition that it is limited to the purpose of improving sea and inland water transport and creating a competition environment which is free, fair and sustainable, determining minimum and maximum fees, when required, for port, landing stage and coastal structures use and fees related with transport activities; and supervising implementation of these determinations.

t) Taking measures to prevent sea and inland water pollution caused by any kind of vessel, and carrying out necessary monitoring and supervision activities and providing cooperation with other organizations in this point.

u) Maintaining international relations which are necessitated by sea and inland water transport, making agreements and carrying out joint commission studies.

v) Performing similar duties assigned by the Minister.

General Directorate of Transport of Dangerous Goods and Combined Transport Regulation

ARTICLE 10 – (1) The duties of General Directorate of Transport of Dangerous Goods and Combined Transport Regulation are as follows:

a) Providing an environment of free, fair and sustainable competition where activities of dangerous good transport by highway, railway, airway and seaway can be provided in a fast, economical, convenient, secure, qualified way in compliance with international conventions, standards and legislation by promoting public benefit and in a way to cause least harm to the environment, and providing these services to be compatible with other types of transport activities.

b) Providing an environment of free, fair and sustainable competition where activities of dangerous good transport can be provided in a fast, economical, convenient, secure way and, in a way to cause least harm to the environment, depending on commercial, economical and social needs and technical developments by promoting public benefit.

c) Defining rights, liabilities and responsibilities of those who produce services in dangerous good transport business and those who use such services.

d) Defining rights, liabilities and responsibilities of those who produce services in combined transport business and those who use such services.

e) Specifying professional competency conditions of those who work in dangerous good transport business and particularly chauffeurs, machinists and concerned personnel of air and sea vehicles; providing those necessary education or having others provide it, testing them or having others test; authorizing these people and supervising them.

f) Specifying minimum qualities of terminals, storage facilities and similar structures which are used in dangerous good transport, and supervising them.

g) Specifying minimum qualities of any kind of highway, railway, seaway and airway vehicles in terms of type, capacity, title, age and similar properties which are used in dangerous good transport, also specifying principles and procedures related with periodic technical inspection of these vehicles.

h) Specifying minimum qualifications of those who are to make periodic technical inspection of any kind of highway, railway, seaway and airway vehicles used in dangerous good transport, and authorizing these and supervising them.

i) Maintaining international relations which are necessitated by dangerous good transport and combined transport, making agreements and carrying out joint commission studies.

j) Performing similar duties assigned by the Minister.

General Directorate of Maritime Trade

ARTICLE 11 – (1) The duties of General Directorate of Maritime Trade are as follows:

a) Specifying principles and procedures of policies, strategies, objectives and practices related with national maritime and maritime trade.

b) Taking necessary measures in order to boost Turkish maritime trade and tourism fleet, to renew it, to increase its market share and to provide it gain an international competitive power.

c) Following the statistics about sea and inland water transport and merchant fleet on the world, reporting development trends by observing them, and in this framework preparing strategies and short, medium and long term plans for Turkish merchant marine fleet and implementing these.

d) Keeping statistics of ports, landing stages and similar coastal structure at sea and inland waters in the country along with statistics of sea traffic at Turkish straits, evaluating these statistics and publishing them.

e) Within the framework of provision of the subparagraphs above, preparing reports or having others prepare about location, capacity and other properties of new ports, landing stages and similar coastal structures which the country may need.

f) Considering demands of raising Turkish and foreign flags in chartering, and giving permission in accordance with relevant legislation.

g) Specifying principles and procedures of scheduled sea transport, authorizing those who deal with this business and supervising them.

h) Taking measures in order to improve maritime insurance and to allow it operate efficiently; and providing required coordination with relevant organizations and institutions.

i) Specifying principles and procedures for registration and keeping records of vessels and similar water carriage which have the capability to move on the sea and which are assigned for a commercial purpose but whose assignment does not necessitate navigation; and registering such vessels and keeping their records.

j) Taking necessary measures in order to provide Turkish merchant fleet and ports gain more share in export, import, third country and transit transports; and coordinating relevant organizations and institutions.

k) Carrying out activities and taking precautions in order to prevent human trafficking, piracy and any kind of similar crimes and activities which negatively affect sea transport and trade; coordinating relevant organization in case of such incidents.

l) Specifying principles and procedures for purchasing, selling and renting any kind of vessels and similar water carriage.

m) Specifying principles and procedures on surveillance services required by maritime trade; authorizing those who are to provide these services and supervising them.

n) Easing transition among transport types, and supporting and improving combined transport which include transport types more than one.

o) Maintaining international relations which are necessitated by maritime law and trade, making agreements and carrying out joint commission studies.

p) Performing similar duties assigned by the Minister.

General Directorate of Shipyards and Coastal Structures

ARTICLE 12 – (1) The duties of General Directorate of Shipyards and Coastal Structures are as follows:

a) By considering the principle of protecting environment, sea and coastline; specifying and planning location, capacity and similar qualities of shipyards, ship recycling facilities, ports, wharfs and similar coastal structures along with pipes, cables, channels and similar structures associated with coastal structures; specifying principles and procedures on establishing such, and permitting establishment, coordinating related institutions in the matter of land assignment and infrastructure establishment, observing implementation(s) and inspecting activities with regards to these.

b) Giving permission to expanding investments towards boosting or modernizing capacities of shipyards, ship recycling facilities, ports, wharfs and similar coastal structures along with associated pipes, cables, channels and similar structures; and supervising these.

c) Taking measures to ensure that shipyards and ship recycling facilities can carry out modern production, management and marketing activities; monitoring implementation of these and providing coordination with relevant institutions.

d) Taking necessary measures in order to improve building, maintenance, repair, outfitting, recycling of ships and other sea vehicles and to improve sub-industry.

e) Examining, having others examine and approving projects of shipyards, ships and other sea vehicles; permitting their construction, supervising with regards to compliance with the projects, and certificating these activities.

f) Specifying professional competencies of those who work in shipyards and ship recycling facilities.

g) Specifying minimum qualities of life-saving, safety, loading, unloading equipments and similar equipments and materials which are used in ships and other sea vehicles; and ensuring the implementation of these specifications.

h) Collaborating with national and foreign classification societies; authorizing and inspecting these when required.

i) Specifying principles and procedures along with minimum safety conditions of operation of building, maintenance, repair, outfitting, recycling facilities of ships and other sea vehicles; and inspecting these.

j) Taking measures to develop and promote ships and other sea vehicles industry; providing necessary coordination among relevant institutions.

k) Maintaining international relations, making agreements and carrying out joint commission studies which are necessitated by building, maintenance, repair, equipment, recycling of ships and other sea vehicles, and by management operations of ports, wharfs and similar coastal structures;.

l) Performing similar duties assigned by the Minister.

General Directorate of Communications

ARTICLE 13 – (1) The duties of General Directorate of Communications are as follows:

a) Determining policies, strategies and goals on communication and postal services, and universal services related with these along with emergency communication and following the implementation of these determinations.

b) Determining policies on universal services related to communications and postal services and emergency communications and execution principles and following the implementation of these determinations.

c) Planning, establishing, having third parties to establish, managing, having third parties to manage and improving infrastructures and services on universal services related to communications and postal services and emergency communications; and determining principles for different options in this field to be carried out as mutually complementary, and supervising them.

d) Preparing principles and procedures on the scope and operation of e-State service by providing required collaboration and coordination among relevant public organizations and institutions within the framework of information society policies, objectives and strategies and action plans for these services, carrying out coordination and monitoring activities, preparing required regulations, and coordinating related activities in this scope.

e) Determining universal service providers related with communication and postal services along with the net costs of universal service obligations; buying services for this purpose when required.

f) Supervising universal service providers on whether net costs of universal service obligations have occurred or not; and paying net costs to universal service providers that have occurred.

g) Determining services to be provided to those socially vulnerable to meet their private needs in the scope of universal service, and determining principles and procedures which will enable execution of these services.

h) To ensure the use of determined standards in communication and postal sector across the country.

i) Being limited to the purpose of improving communication and postal services and providing an environment of free, fair and sustainable competition; determining price floor and cap of these services when required, and supervising implementation of these determinations.

j) Determining principles and procedures concerning the right of way on passing any kind of cables and similar material used in fixed and mobile communication infrastructure or networks of this infrastructure in/on premises; and determining and supervising tariffs to be implemented for passing these on/in premises.

k) Determining principles and procedures on installation of any kind of base station, antennas, towers, waveguides, containers and similar materials and devices in fixed and mobile communication infrastructure or networks and on mounting these on premises; and determining and supervising tariffs to be implemented for mounting these on premises.

l) Maintaining international relations which are necessitated by communication, postal services and universal services related to these; and making agreements and carrying out joint commission studies.

m) Performing duties that are assigned to the Ministry by Electronic Communication Law No. 5809, dated 5/11/2008.

n) Performing similar duties assigned by the Minister.

General Directorate of Aviation and Space Technologies

ARTICLE 14 – (1) The duties of General Directorate of Aviation and Space Technologies are as follows:

a) Developing aviation industry and space technologies, establishing, having others establish, managing them and having others manage; preparing proposals about space strategies, objectives and policies related with national aviation and space technologies in coordination with relevant organizations and institutions in order to improve aviation industry and astronomy and to gains skills in space issues.

b) Deciding whether to use the rights in the scope of national sovereignty with respect to space; specifying principles and procedures for administration and allowing these rights to be exercised, and carrying out works and services to fulfil requirements of national liabilities in relation to these rights.

c) Preparing implementation program in parallel with national aviation and space technology strategies along with space policies, strategies and objectives; carrying out necessary activities to execute this program and providing required collaboration and coordination with relevant organizations and institutions for that purpose.

d) Making regulations on space technologies and systems and aviation industry; setting standards, managing control, approval, certification and authorizing services.

e) Manufacturing, having others manufacture, managing, having others manage and improving any kind of products, technologies, systems, facilities, devices and materials related with space and aviation including design and testing centres of satellite and air platforms, satellite, launch vehicles and systems, air platforms, simulators and space platforms; making plans, projects and studies or having others make in order to provide these to be designed, manufactured, integrated and tested as required, in the country; providing support with incentives to achieve this objective, and preparing principles and procedures related with these incentives, carrying out required coordination and collaboration studies among related trade and industrial organizations, education organizations , public organizations and institutions.

f) Through utilizing space environment and technologies, making or having others make studies in order to protect human health and environment, to diminish damages of natural disasters by forecasting, to utilize natural resources and to develop the country.

g) Providing coordinated use of all space technologies among related organizations and institutions in case of state of emergency, martial rule, mobilization and wars.

h) Carrying out or having others carry out studies about aviation and astronomy technologies and practices along with aviation and space law and also carrying out works in finance, management, marketing and similar fields related with the studies.

i) Maintaining international relations which are necessitated by the services related with its office; and making agreements and carrying out joint commission studies.

j) Performing similar duties assigned by the Minister.

General Directorate of Infrastructure Investments

ARTICLE 15 – (1) The duties of General Directorate of Infrastructure Investments are as follows:

a) Preparing or having others prepare and approving plans and projects of railway infrastructure, ports, fishing ports, coastal structures and airports which are to be built by the state.

b) Building the transport infrastructures mentioned in subparagraph (a) or having others build them, and passing them to the relevant organization when they are completed.

c) Examining or having others examine and approving projects and specifications of transport infrastructures mentioned in subparagraph (a) which are to be built by public organizations and institutions, municipalities, special provincial administrations, real and legal persons.

d) Evaluating demands of public organizations and institutions, municipalities and special provincial administrations for establishing metro and urban railway transport system; and submitting the appropriate ones for authorization of the Council of Ministers.

e) Examining or having others examine and approving projects and specifications of metro and urban railway transport systems which are to be built by public organizations and institutions, municipalities and special provincial administrations.

f) Specifying the standards of transport infrastructures mentioned in subparagraph (a) along with metro and urban railway transport systems; and determining unit prices for these.

g) Preparing, having others prepare, examining and having others examine plans, projects and programs of metro and urban railway transport systems and related facilities, which have been decided to be contracted by the Council of Ministers, by collaborating with related organizations; approving these, building them or having others build.

h) Planning infrastructure projects by developing construction and operation models which provide undersea transport and communication; preparing, having others prepare, examining and having others examine projects and specifications about these infrastructures; approving, building and having others build them; passing completed ones to the relevant organization and specifying operation principles of them.

i) Planning infrastructure projects which will serve as waterway by joining seas, lakes and rivers through developing construction and operation models; preparing and having others prepare projects and specifications about these infrastructures; examining and having others examine these; and approving the projects, and building and having others build them; passing completed ones to the relevant organization and specifying operation principles of them.

j) Establishing, having others establish, managing and having others manage any kind of physical and technical infrastructures and facilities in order to carry out or having others carry out supervision; and supervising these infrastructures and facilities.

k) Performing similar duties assigned by the Minister.

(2) After the completion of construction of metro and urban railway transport systems by the Ministry, in the scope of subparagraph (g) of first paragraph; the transfer of ownership of these by means of cost value to an organization, other than subsidiary, associated or related organization to the Ministry, are made via protocols to be prepared after obtaining approval of the Undersecretary of Treasury. The organization which takes over the ownership, transfers all gross incomes gained from the project to the accounts assigned by Undersecretary of Treasury until the date when projects costs, which were funded by central administration budget, are met. The amount which is calculated depending on the rate determined with protocol is transferred to the accounts of the Undersecretary of Treasury by the bank which holds this account. The Council of Ministers is entitled to determine the rate in question. If the organization which takes over the ownership is a subsidiary administration

to municipality, a company holding 50% of the capital of a subsidiary administration to municipality and/or of municipality, and if it terminates its operations because of any reason, all the liabilities to be fulfilled by relevant organization in the scope of this subparagraph are deemed to be assumed by relevant municipality.

General Directorate for Foreign Relations and European Union

ARTICLE 16 – (1) The duties of General Directorate for Foreign Relations and European Union are as follows:

a) Preparing opinion on Turkey's participating in multilateral agreements, contracts and organizations related with transport, maritime affairs, communication, postal services, aviation and space technologies.

b) Following and evaluating studies on environment, energy, greenhouse gases and climate change which are carried out by national and international organizations, institutions, platforms, foundations and similar organizations; participating in these studies when required as representative of the Ministry; informing the results of these studies to the relevant service departments and organization of the Ministry, and pursuing necessary action.

c) Assisting management of studies, meetings, visits and similar activities which the service departments and organizations of the Ministry will carry out in relation to foreign countries and international organizations; providing required coordination.

d) Preparing any kind of required protocol transactions and programs for studies, meetings, visits and similar activities which the Ministry will carry out in relation to foreign countries and international organization; following and executing them.

e) Assisting management of studies, meetings, visits and similar activities which the service departments and organizations of the Ministry will carry out in relation to European Union and European Union harmonization studies; and providing required coordination.

f) Within the framework of union acquis, international conventions and other relevant legislations, preparing transport operational program, choosing projects related with investment and activities that are to be supported in the scope of transport operational program, making tender and contracts for these, managing, controlling and observing them; and paying for the completed projects; and submitting information, documents and reports, on the projects and activities which are underway, to the relevant organizations and institutions.

g) Performing similar duties assigned by the Minister.

Directorate of Supervision Services

ARTICLE 17 – (1) The duties of Directorate of Supervision Services are as follows:

a) Preparing proposal in order to perform duties, services and objectives in a better way along with providing compliance with legislation, strategic plans and programs.

b) Carrying out examination and investigation operations about any kind of activities and transactions of the Ministry and Ministry's organizations.

c) Carrying out researches and examinations assigned by the Minister.

d) Performing similar duties assigned by the Minister and by the laws.

(2) Operating principles and procedures of Directorate of Supervision and their supervisors, accepting deputy supervisors into profession, their training, competition examinations, thesis preparation and proficiency examinations and other matters are regulated by the by-law.

Directorate of Strategy Development

ARTICLE 18 – (1) Following are the duties of Directorate of Strategy Development:

a) Performing duties assigned to directorates of strategy development and financial services by Public Finance Management and Control Law No. 5018 dated 10/12/2003, Article 15 of this Law dated 22/15/2005, numbered 5436 and by other legislation.

b) Providing coordination between the Ministry and organizations of the Ministry; observing activities of these organizations and carrying out required studies to provide compatible execution of these activities with strategic plans and objectives.

c) Gathering required statistics about office domain of service departments and organizations of the Ministry, evaluating them and publishing them.

d) Carrying out joint studies with service departments and organizations of the Ministry in order for the disabled to use transport and communication infrastructure easily and to benefit from these services sufficiently, and providing coordination among these departments and organizations.

e) Carrying out operations and works of organizations of the Ministry about service price tariffs to be approved in accordance with relevant legislation.

f) Gathering statistics about price tariff that organizations of the Ministry implement, evaluating them and carrying out joint studies with service departments and organizations of the Ministry towards establishing a price system which is compatible with the quality of the service and economical conditions of the country as well as being complementary.

g) Performing similar duties assigned by the Minister.

Department of Transport, Maritime Affairs and Communication Research Centre

ARTICLE 19 – (1) The duties of Department of Transport, Maritime Affairs and Communication Research Centre are as follows being limited and related to office domain and services of the Ministry and its organizations:

a) Carrying out research and development activities in collaboration with related service departments and organizations of the Ministry, preparing program to that effect and implementing it.

b) Having domestic, foreign and international research and development organizations carry out research and development activities in collaboration with related service departments and organizations of the Ministry, preparing program to that effect and implementing it.

c) Having domestic, foreign and international universities carry out research and development activities in collaboration with related service departments and organizations of the Ministry, preparing program to that effect and implementing it.

d) Signing technical and scientific collaboration protocols with domestic, foreign and international research and development organizations which also include expert exchange, and implementing these protocols.

e) Signing technical and scientific collaboration protocols with domestic, foreign and international education organizations and think tanks which also include expert exchange, and implementing these protocols.

f) Carrying out and having others carry out researches towards determining policies and strategies, and establishing data base.

g) Designing or having others design projects which ground on innovation in provision of services.

h) When required, providing or having others provide professional, technical and scientific training, related with the matter in question, for the personnel of the Ministry and its organizations which are open to the participation of native and foreign persons and representatives of the organizations.

i) When required, buying professional, technical and scientific training services from native and foreign persons and organizations for the personnel of the Ministry and its organizations which are open to participation of third persons related with the matter when required, preparing program to that effect and implementing it.

j) Carrying out or having others carry out researches towards assessing the effects of regulations, enforced by the Ministry, to the related sector and general economy.

k) Preparing programs for transferring the experiences of our country to the developing countries that we are in collaboration and particularly to the neighbouring countries, and implementing these programs.

l) Preparing training, technical assistance and collaboration programs for neighbouring and developing countries in order to assist their development efforts, and implementing these programs.

m) Making, having others make any kind of satisfaction and public opinion surveys, and sharing the results with relevant departments and pursuing necessary action.

n) Performing similar duties assigned by the Minister.

Legal Consultancy Department

ARTICLE 20 – (1) The duties of Legal Consultancy Department are as follows:

a) Representing the Ministry in administrative and judicial cases, arbitration trial and execution operations where the Ministry is a party, and following execution operations and taking legal measures on time in order to prevent disputes.

b) Examining legislation drafts which are prepared about services of the Ministry by other public organizations and institutions, and any kind of contract and specification drafts prepared by the Ministry and actions resulting from disputes between the Ministry and third persons and other actions asked by the departments of the Ministry; and expressing its legal opinion on these matters.

c) Specifying principles and procedures on litigation and execution proceedings which the Ministry arrange to be represented by the method of buying service; following, coordinating and supervising these.

d) Preparing necessary legal proposals in order to achieve the objectives of the Ministry in a better way, to provide its works to comply with legislation, plan and program; and submitting these proposals to the Minister.

e) Performing similar duties assigned by the Minister.

(2) Litigation and following up proceedings stated in first paragraph and other duties are performed by lawyers and Legal Consultants of the Ministry. When required, litigation and follow up proceedings are

performed by Treasury Solicitors or by attorneys or attorneys' corporations via an attorney agreement in accordance with direct provision method stipulated under Article 22 of Public Tender Law No. 4734, dated 4/1/2002 within the framework of principles and procedures determined by the Ministry.

(3) A list of Legal Consultants and lawyers who have the power of attorney in the trials are given to relevant public prosecutor's offices and presidencies of regional administrative courts by the Ministry. A copy of this list is sent to courts within criminal jurisdiction by chief public prosecutor's office and to courts within administrative jurisdiction by presidency of regional administrative courts. The names of those who are to exercise the power of attorney in hearings of supreme courts and regional criminal courts are informed to the related prosecutor's offices or presidencies of the courts. Legal Consultants and lawyers named in the list can exercise the authority to represent without registering in the Bar Association and without submitting a power of attorney. The names of those whose authority to represent expires are immediately informed to the above named authorities.

(4) About allocation of attorney fees, which are collected from the opposite party when litigation and execution proceedings are concluded in favour of the Ministry, to legal advisors and lawyers are applied through comparison with the provisions of Law on Attorney Fee to be paid to Lawyers and Others who Conclude State Litigations, numbered 1389, dated 2/2/1929.

General Directorate of Circulating Capital Administration

ARTICLE 21 – (1) The duties of General Directorate of Circulating Capital Administration are as follows:

- a) Managing Circulating Capital Administration in terms of administration and finance.
- b) Printing or having others print any kind of authorization certificate, business license, operating license, practice certificate, licence, concession right certificate, assignment certificate, registration certificate, warrant, safety certificate, vehicle documents and cards, pass certificates, roadworthiness certificate, seaworthiness certificate, noise certificate, any kind of professional competence certificate etc.; distributing these to the service departments to be given to those concerned, and collecting their prices.
- c) Collecting prices of services to be provided by service departments of the Ministry against payment such as any kind of technical test, control, report and similar services, research and development services, submarine scanning services, any kind of vessel survey and supervision services, consultancy services, professional and technical training services, courses, seminars etc.
- d) Performing the duties stated under Article 33 of Highway Transport Law No. 4925, dated 10/7/2003.
- e) In order provide services within the responsibility of the Ministry, hiring when required and buying goods and services.
- f) Performing similar duties assigned by the Minister.

(2) Revenues of circulation capital administration consist of;

- a) Incomes gained from the activities stated in first paragraph,
- b) Incomes from 50 % of the proportion rate 6,5 % which is to be collected from monthly gross proceeds gained by public organizations and private institutions which provide pilotage and towage services,
- c) Donations, monetary aids and other incomes.

(3) The proportion from gross proceeds gained by public organizations and private institutions which provide pilotage and towage services, is deposited into the accounts of accounting unit of circulating capital administration of the Ministry until the end of the month following collection month of the proceeds at the latest. 50% of the deposited amount is transferred to the Ministry's central accounting unit to be registered to the general budget as revenue until the twentieth day of the following month. The Council of Ministers is entitled to increase the proportion by 10% or decrease it by 3% which is to be collected from gross proceeds gained by public organizations and private institutions which provide pilotage and towage services.

(4) The capital of Circulating Capital Administration is 10.000.000 Turkish Liras. The Council of Ministers is authorized to increase the capital.

(5) Other issues on duties, revenue, expenses, operation and supervision of Circulating Capital Administration are governed by the by-law enforced by the Ministry upon approval of the Ministry of Finance.

Department of Personnel and Training

ARTICLE 22 – (1) The duties of Department of Personnel and Training are as follows:

a) Planning and improving workforce of the Ministry by taking necessary measures on time in terms of professional field, position title and age etc.

b) Carrying out studies in order to form success criteria for assessing personnel's success.

c) Managing appointment, transfer, promotion, retirement and similar personal operations of the personnel, and concluding appointment procedures of personnel which are in the scope of Law on Appointment Procedure in Ministries and their Affiliated Institutions dated 23/4/1981, numbered 2451.

d) Following and coordinating the studies of service departments and organizations of the Ministry on employee and employer relations.

e) Planning pre-service and in-service training, providing necessary training or having others provide it.

f) Performing similar duties assigned by the Minister.

Department of Information Processing

ARTICLE 23 – (1) Those are the duties of Department of Information Processing:

a) Carrying out or having others carry out any kind of investment, works, operations and services related with information technologies, informatics, information processing and information security, and submitting these to the use of central and provincial organizations of the Ministry.

b) Performing similar duties assigned by the Minister.

Department of Support Services

ARTICLE 24 – (1) The following are the duties of Department of Support Services:

a) Within the framework of Law No. 5018, managing hire-purchase operations, carrying out or having others carry out services of cleaning, lighting, heating, maintenance, repair and transport etc.

b) Regulating general documents and social services and managing them.

c) Planning and enforcing civil defence services.

d) Carrying out secretary services of permanent and temporary councils.

e) Printing or having others print written and visual documents, holding or having others hold domestic introductory meetings, ceremonies and similar studies in order to inform public and community about activities and projects which the service departments of the Ministry are carrying out, if departments make such a demand.

f) Performing similar duties assigned by the Minister.

Consultancy of Press and Public Relations

ARTICLE 25 – (1) The duties of Consultancy of Press and Public Relations are as follows:

a) Planning, coordinating and carrying out activities related with press and public relations.

b) Taking necessary measures in order to conclude information applications, made in accordance with Right of Information Act No. 4982, dated 9/20/2003, fast, efficiently and correctly.

c) Regulating and carrying out any kind of domestic ceremony, speech, press release, protocol and similar activities of the Ministry.

d) Following news on the media about the Ministry.

e) Performing similar duties assigned by the Minister.

Principal Clerk's Office

ARTICLE 26 – (1) The duties of the Principal Clerk's Office are as follows:

a) Carrying out Minister's official and private correspondence.

b) Arranging Minister's services about acceptance, invitation, welcoming, hospitality, farewell, national and religious holidays; and coordinating related service departments and organizations.

c) Performing similar duties assigned by the Minister.

Consultants of the Ministry

ARTICLE 27 – (1) Thirty consultants can be appointed to the Ministry in issues which have special importance and priority in order to assist the Minister.

Common duties and provisions

ARTICLE 28 – (1) Performing following duties about areas of responsibility of the service departments of the Ministry which are regulated under Article 7 to Article 14.

a) Providing the activities which are underway to be compatible with environment, and improving these activities.

b) Following international legislation and carrying out legislation harmonization studies when it is necessitated by international legislation.

c) Following commercial and technical developments and social needs, and preparing proposals about new policies and execution principles in parallel with these, when required.

d) Specifying prices, durations, scopes and forms of authorization certificates and other documents and services to be provided.

e) Preparing required administrative regulations.

f) Establishing, having others establish, managing and having other manage any kind of necessary physical and technical infrastructure with the purpose of conducting supervision or having others conduct it; and supervising these.

(2) In the administrative regulations prepared by the service departments of the Ministry related with their areas of responsibility which are regulated under Article 7 to Article 12 and which are then put into force by being published on the Official Newspaper;

a) With the condition that the circumstances to apply are clearly stated, imposing administrative sanctions such as warning, halting operation temporarily and cancellation of authorization about those who produce services which violate abovementioned regulations and about those who benefit from these services.

b) With the condition that the circumstances and amount to apply are clearly stated, prescribing administrative fine for the service department named under Article 7 up to five thousand Turkish Liras; the ones named under Articles 8 and 11 up to two hundred fifty thousand Turkish Liras; the one named under Article 12 up to five hundred thousand Turkish Liras; the ones named under 9 and 10 up to five million Turkish Liras; and preparing or having others prepare administrative fine decision report for violators in the prescribed amounts.

c) With the condition that the method and circumstances to apply and the limits are clearly stated; the consultants can grant Security General Directorate, Gendarmerie General Command, units of Ministry of Customs and Commerce on border crossings and supervision units of municipalities with the authority to supervise; and can conduct supervision via public personnel of these units and have them prepare violation or administrative fine decision reports.

SECTION FOUR

Permanent and Temporary Councils along with Study and Counselling Groups

Permanent and temporary councils

ARTICLE 29 – (1) The Ministry establishes the following permanent councils in order to carry out studies, make researches, examinations and evaluations within its office domain with the participation of representatives of ministry, organizations, institutions and non-governmental organizations and of the related experts.

a) Accident Investigation and Examination Council.

b) Railway Coordination Council.

c) Research Centre Monitoring and Directing Council.

d) Council Regulation Board

e) Internet Development Council

(2) The duties of Accident Investigation and Examination Council are as follows:

a) Carrying out investigations and examinations about severe accidents that happen in transport field, and preparing proposals in order to improve transport infrastructure and safety of transport activities according to the examinations when required, and submitting these proposals to the Minister.

b) Carrying out special investigation and examination on accidents and incidents which happen in a type of transport and which have a distinct effect in terms of transport safety regulations and safety management; preparing proposals related with safety encompassing all types of transport, and submitting these to the Minister.

c) Reporting accidents and incidents which have been investigated and examined, and submitting reports to the Minister; and sending them to related national and international organizations and institutions when required.

d) Publishing annual statistics about accidents and incidents which have been investigated and examined.

e) Performing similar duties assigned by the Minister.

(3) The duties of Railway Coordination Council are as follows:

a) Providing coordination and collaboration between railway infrastructure operators, railway operators and General Directorate of Railway Regulation; and taking necessary decisions for this purpose.

b) Developing railway policies and submitting them to the Minister.

c) Preparing proposals in order for railway sector to gain a sustainable structure to be monitored, and submitting these to the Minister.

d) Carrying out studies related with investment requirement of railway sector and submitting these to the Minister.

e) Performing similar duties assigned by the Minister.

(4) The duties of Research Centre Monitoring and Directing Council are as follows being limited and related to the activities of Department of Transport, Maritime Affairs and Communication Research Centre:

a) Evaluating and directing the activities that are to be carried out by Centre.

b) Evaluating, directing and approving programs and protocols prepared by the Centre.

c) Monitoring approved programs and protocols, evaluating their outcomes and submitting them to the Minister.

d) Evaluation outcomes of the activities that the Centre carries out, and submitting them to the Minister.

e) Performing similar duties assigned by the Minister.

(5) The duties of Council Regulation Board are as follows:

a) Regulating Transport, Maritime Affairs, Communication, Aviation and Space Technologies Council; determining objectives, scope and program of the Council.

b) Forming study groups related with the Council, monitoring their studies and concluding them.

c) Holding the Council.

d) Preparing or having others prepare reports about the Council.

e) Performing the duties assigned by the Minister in relation to the Council.

(6) The duties of Internet Development Council are as follows:

a) Preparing policies and strategies which promote efficient, common and easily accessible use of internet environment in economical, social and trade life along with its use in science, education and culture fields, and submitting them to the Minister.

b) Carrying out, having others carry out studies and preparing proposals in order for information on Turkish culture, Turkish history and Turkish world to appear more on the internet and to be publicised there; and submitting these proposals to the Minister.

c) Preparing proposals for more secure, free, liberal and favourable use of the internet to produce added value, and submitting these proposals to the Minister.

d) Performing similar duties assigned by the Minister.

(7) Temporary Councils whose terms of office is not more than a year can be established by the Ministry with the participation of experts who are not personnel of the Ministry along with representatives of active institutions in order to carry out studies, make researches, examinations and evaluations related with determining strategies and policies related with works, services and systems of new transport, maritime affairs, communication, postal services, aviation and space technologies resulting from technical and economical developments. The term of office of the temporary councils can be prolonged once and as one year at most, when required. At most, two temporary councils can be operated simultaneously. Temporary councils perform duties directly assigned by the Minister himself/herself.

(8) Member number of temporary and permanent councils can not be more than seven.

(9) Members of the permanent and temporary councils who are public personnel in some other organizations rather than in the Ministry and its organizations, are paid 25 % of the monthly wage by the Ministry which is paid to the members of management boards of state economic enterprise in the framework of provisions of the Legislative Decree numbered 399, dated 22/1/1990; other members are paid 50% of that monthly wage by the Ministry. If a person is a member of a permanent or temporary council more than one, he/she is only paid the money that is for a member of a single council.

(10) Travel expense of the members of permanent and temporary councils which they make in relation to council studies by airplane, bus and train are also paid to them against ticket they will submit.

(11) Permanent and temporary councils can buy services, when required, being limited to research, examination and consultancy via Circulating Capital Administration of the Ministry in relation to their studies.

(12) Expenses to be made by permanent and temporary councils and payments of the council members are met from the allowance in budget of Circulating Capital Administration of the Ministry which is placed in the budget with this purpose.

(13) From members of what service department, organization, institution, university, non-governmental organization or of what kind of specialized and competent persons in their fields, the permanent and temporary councils are going to be composed of, are specified by the by-law as well as the qualifications they need to have, and operation principle and procedures of the councils.

Study and counselling groups

ARTICLE 30 – (1) The Ministry can form study groups in order to carry out studies for the issues within its office domain with the participation of representatives of ministries, organizations, institutions and non-governmental organizations, private sector and of the related experts.

(2) Chief of service departments can form counselling groups among personnel. Counselling groups carry out activities to provide coordination among personnel to be determined by the service department chief.

SECTION FIVE

Responsibilities and Powers

Responsibilities of the managers

ARTICLE 31 – (1) Managers at all levels of the Ministry are accountable to senior levels for performing their duties in compliance with legislation, strategic plans and programs, success criteria and service quality standards.

Delegation of power

ARTICLE 32 – (1) The Minister, Undersecretary and Ministry managers in all levels can delegate some of their powers to lower levels on condition that the limits are clearly stated in writing. Delegation of power is announced to those concerned with suitable instruments.

Coordination and Collaboration

ARTICLE 33 – (1) The Ministry is entitled and responsible for specifying principles which other ministries, public organizations and institutions shall comply with in accordance with the legislation in relation to its duties and services including measures which will prevent waste of resources and provide coordination.

(2) The Ministry is responsible for consulting relevant ministries for its activities on the issues which are in the scope of services and activities of other ministries, and for providing collaboration and coordination.

The power to regulate

ARTICLE 34 – (1) The Ministry can make administrative regulations on the issues stipulated with law and which are within its office, authority and responsibility domain.

SECTION SIX

Provisions related with Personnel

Appointment

ARTICLE 35 – (1) Appointments of officers apart from the ones named on tables of Annex of Law No. 2451 are made by the Minister. The Minister can delegate this authority to lower levels.

Positions

ARTICLE 36 – (1) Determining, creating, using and abolishing positions, and other matters related with them are regulated according to the provisions of Legislative Decree on General Positions and Procedure, numbered 190, dated 13/12/1983.

Expertise of Transport, Communication, Aviation, Space Technologies and Maritime Affairs

ARTICLE 37 – (1) The Ministry employs Transport and Communication Expert, Aviation and Space Technologies Expert, Assistant Transport and Communication Expert and Assistant Aviation and Space Technologies Expert in its central organization; and Maritime Affairs Expert and Assistant Maritime Affairs Expert in its central and provincial organization to have them work in its office domain.

(2) In order to be appointed to the positions of Assistant Transport and Communication Expert, Assistant Aviation and Space Technologies Expert and Assistant Maritime Affairs Expert, those conditions below are sought in addition to the ones stated under Article 48 of State Personnel Law numbered 657, dated 14/7/1965:

a) To have graduated from the departments of higher education institutions which offer at least four-year education and which are specified by the by-law or from higher education institutions in the country or abroad whose accreditation is recognized by Council of Higher Education.

b) To be successful at least in one of the foreign languages whose success level and assessment criteria are specified by the by-law.

c) To be successful in competition examination which is going to be made.

d) Not to be over thirty five year- old by the first day of January of the year when the examination is made.

(3) Those who have been appointed to the positions of Assistant Transport and Communication Expert, Assistant Aviation and Space Technologies Expert and Assistant Maritime Affairs Expert are entitled to participate in the proficiency examination to be made only after they work for three years at least and their dissertations, whose subjects are determined by the department they were employed by, are accepted by thesis jury. Those who succeed in proficiency examinations are appointed to the positions of transport and Communication Expert, Aviation and Space Technologies Expert and Maritime Affairs Expert.

(4) Those whose dissertations are not accepted, who failed in the examinations or do not exercise the right to take the examination without having a valid excuse in spite of being entitled to do so, lose their titles of Assistant Transport and Communication Expert, Assistant Aviation and Space Technologies Expert and Assistant Maritime Affairs Expert and they are appointed to other positions suitable with their status.

(5) Accepting Transport and Communication Experts, Aviation and Space Technologies Experts and Maritime Affairs Experts, and Assistant Transport and Communication Experts, Assistant Aviation and Space Technologies Experts and Assistant Maritime Affairs Experts into profession, training them, thesis preparation, proficiency examinations and other matters are regulated by the by-law.

Personnel to be Commissioned Abroad

ARTICLE 38 – (1) Personnel of the Ministry are sent abroad to improve their professional knowledge and experience and to specialize in their fields in accordance with the general provisions.

Additional Payment

ARTICLE 39 – (1) From Ministry's circulating capital administration, upon approval of the Minister of Finance, monthly additional payment is made to personnel who serve in central and provincial organization in the Ministry and General Directorate of Highways and who are subject to Law No. 657 and subparagraph (B) of Article 4 of this Law, considering personnel's service class, position title, difficulty and responsibility of their offices and working conditions. The amounts of payments are determined by the Ministry and can not exceed 200 % of the highest level public officer's salary (including additional indicator). Provisions of Law No. 657 on salaries apply to the additional payments, and no tax can be collected from this amount or no other cuts can be made except stamp duty. The personnel who benefit from this payment can not be paid according to additional Article 3 of Legislative Decree No. 375, dated 27/6/1989.

(2) In the event that the revenues of circulating capital administration are not sufficient for the payments mentioned under first subparagraph, remaining amount is covered from central administration budget.

SECTION SEVEN

Various and Temporary Provisions

Supporting research and development activities

ARTICLE 40 – (1) Information Technologies and Communication Authority transfers, in accordance with Law No. 5018, 20% of remaining amount after meeting expenses every three months to the account of Ministry's central accounting unit to be registered to the general budget as research and development income in accordance with subparagraph (i) of first paragraph of Article 6 of Law No. 5809. The transfer is made until the fifteenth day of the following month before payment to be made to the general budget. The Authority then informs the transfer to the Ministry. The Minister is entitled to register allowance to the related arrangements with the purpose of supporting research and development activities in return for the transferred amount, and to register unspent amounts from this allowance during the year to following year's budget as allowance by transfer. The principles and procedures on use of allowances are specified by the Ministry. Information Technologies and Communication Authority express its opinion in the form of report to the Ministry until the 1st day of September every year on fields which it envisages to support in electronic communication sector primarily. The Ministry is entitled to demand any kind of information, which it deems necessary, from any public organization and institution in the scope of supporting research and development activities. The institutions which have been asked for this information are responsible for providing it as soon as possible.

(2) Research and developments about aviation and space technologies can be provided support from the allowance reserved for research and developments supports stated under first paragraph.

(3) Qualification of the experts who are going to be commissioned in evaluation and monitoring of the research and development to be supported, and principles and procedures about payments to be made to these experts are determined by the b-law prepared by the Ministry upon approval of the Ministry of Finance.

(4) The Minister is entitled to use remaining amounts from registered allowance for services in the scope of Universal Service Law numbered 5369, dated 16/6/2005 with the condition that it does not exceed 50 % of amount which is registered as revenue to the general budget.

(5) Payments, made to those who are detected to have been made unlawful payments by means of false document or in any other way, are collected back by relevant tax offices in accordance with provisions of Law on Collection Procedures of Assets No. 6183, dated 21/7/1953 upon informing of the Ministry.

Management of Sea Accidents

ARTICLE 41 – (1) The duties and powers of the Ministry includes providing navigation safety and protecting environmental pollution in case of accidents related with vessels, tankers and any kind of water carriage along with fires and accidents on coastal facilities as well as natural disasters at Turkish straits and our other shores; with the purpose of preventing damages and losses which these circumstances may cause on land, regulating, coordinating , deploying and managing activities of all public organizations and institutions along with private organizations all of which operate in planning of sea transport and planning port and shipyard services; handling these crisis circumstances from their occurrence up to time when the Ministry determines their results have disappeared.

(2) In parallel with the duty and authority stated under first paragraph, in order to prevent the incidents which cause crisis, to eliminate such an incident when it occurs or to end it in way suitable to public benefit and national interests, the Ministry provides or has others provide staff, any kind of land, sea and air vehicles; determines the cost of goods and services to be bought and makes payments or has others pay for them without being subject to the provision of Laws numbered 5018 and 4734 in case of state of emergency management in accordance with provisions of Law on Organization and Duties of Disaster and Emergency Management Presidency numbered 5902, dated 29/5/2009.

Establishing vessel traffic management facilities at Turkish straits

ARTICLE 42 – (1) Real properties which are owned by the Treasury or by the state on the points located on the areas determined by the Council of Ministers are allocated to the use of the Ministry by the Ministry of Finance in order for the Ministry to establish facilities to take precautions against sea accidents and natural disasters on Turkish straits region which cause loss of life and property, sea and environmental pollution or harm cultural and natural properties; and to provide safe transitions through the straits. Zoning plans and any kind of projects about the allocation are ratified by the Ministry of Environment and Urban Planning, and building license for these facilities is granted by this Ministry.

(2) The provisions of Zoning Law, numbered 3194, dated 3/5/1985, Bosphorus Law numbered 2960, dated 18/11/1983, Law on Encouragement of Tourism numbered 2634, dated 12/3/1982 and Gallipoli Peninsula Historical National Parks Law numbered 4533, dated 17/2/2000 do not apply to the project designing and planning and construction of the facilities stated under first paragraph.

(3) Before ratification of allocation and zoning plans in the scope of this article, the approval of the Ministry of Culture and Tourism is sought.

Registry

ARTICLE 43 – (1) The owners and operators of commercial or private vessels, sea and inland water carriages, except the ones which are registered in Turkish International Vessel Registry and the ones which have to be registered in National Vessel Registry, have to register these vessels, sea and inland water carriages into registry.

(2) Principles and procedures of registrations in the registry, how and by whom proceedings are going to be managed are specified by the by-law.

Amended and abolished legislation and references

ARTICLE 44 – (1) Law on Organization and Duties of the Ministry of Transport numbered 3348, dated 9/4/1987 and Legislative Decree on Foundation and Organization of the Maritime Undersecretary numbered 491, dated 10/8/1993 have been abolished.

(2) The section on the Ministry of Transport and Maritime Affairs on table (I) of Annex of Legislative Decree on General Positions and Procedure numbered 190, dated 12/12/1983 has been omitted and the positions on attached list numbered (1) have been created and it has been added to table (I) of Annex of Legislative Decree No. 190 as the section on the Ministry of Transport, Maritime Affairs and Communication.

(3) The expression “21. The Ministry of Transport” on the table on the annex of Law No. 3046, dated 27/9/1984 has been changed as “21. The Ministry of Transport, Maritime Affairs and Communication”.

(4) 17th line of attached table (I) of Public Finance Management and Control Law No. 5018, dated 10/12/2003 has been changed as “The Ministry of Transport, Maritime Affairs and Communication” and line no “41) Undersecretary of Maritime Affairs” of the same table has been removed.

(5) The amendments in State Personnel Law numbered 657, dated 14/7/1965;

a) The expression “Assistant Aviation and Space Technologies Experts” has been added to subparagraph (11), paragraph (A) “Common Provisions” part of the Article 36 following the expression “Assistant Transport and Communication Experts”; and the expression “to Aviation and Space Technologies Expertise” has been added following the expression “to Transport and Communication Expertise”.

b) The expressions “Transport and Communication Experts” and “Maritime Affairs Experts” which are placed under subparagraph (i) of the part “A- Special Service Compensation” of section “II-Compensations” of Article 152 have been removed, and the inscriptions “Transport and Communication Experts”, “Aviation and Space Technologies Experts” and “Maritime Affairs Experts” have been added to subparagraph (h) of the above named part following “Social Security Experts”.

(c) In the part “I-General Administration Services Class” of the Additional Indicator Table of Annex (I);

1) The expression “President of Transport, Maritime Affairs and Communication Research Centre” has been added to the subparagraph (d) following “President of Development Research Centre”.

2) The expressions “Transport and Communication Experts” and “Maritime Affairs Experts” which were under subparagraph (h) have been removed, and expressions “Transport and Communication Experts”, “Aviation and Space Technologies Experts” and “Maritime Affairs Experts” have been added to subparagraph (g) of the above named part following “Social Security Experts”.

6) In the legislation;

a) The references made to Law on Organization and Duties of the Ministry of Transport numbered 3348, dated 9/4/1987 and Legislative Decree on Foundation and Organization of the Maritime Undersecretary numbered 491, dated 10/8/1993 are deemed to be made to this Legislative Decree,

b) The references made to Undersecretary of Transport and Maritime Affairs are deemed to be made to Ministry of Transport, Maritime Affairs and Communication,

c) The references made to the Minister of Transport or to the Minister to whom Undersecretary of Maritime Affairs is subordinate, are deemed to be made to the Minister of Transport, Maritime Affairs and Communication,

d) The references made to the Undersecretary of Ministry of Transport and to Undersecretary of Maritime Affairs are deemed to be made to the Undersecretary of Ministry of Transport, Maritime Affairs and Communication.

Delegation of rights, powers and personnel

TEMPORARY ARTICLE 1 – (1) On the date of publication of this Legislative Decree, any kind of property, movables, immovables, equipments, materials, fixtures and vehicles, and debts and receivables, records in written and on electronic environment and other documents together with personnel in all positions of central and provincial organization of the Ministry of Transport and the Undersecretary of Maritime Affairs are deemed to be delegated to the Ministry of Transport, Maritime Affairs and Communication without any kind of proceeding. Immovables whose title are held by the Treasury or which are state-owned and are allocated to Undersecretary of Maritime Affairs by the Ministry of Finance are deemed to be allocated to the Ministry of Transport, Maritime Affairs and Communication without any kind of proceeding to be used for the purpose of allocation.

(2) The expenses of the Ministry of Transport, Maritime Affairs and Communication in 2011 fiscal year are met from allowances of the 2011 budget of the Ministry of Transport and the Undersecretary of Maritime Affairs until a new regulation is made by the Ministry of Finance pursuant to Law on 2011 Central Administration Budget, numbered 6091.

(3) By this Legislative Decree any kind of property, movables, immovables, equipments, materials, fixtures and vehicles, and debts and receivables, records in written and on electronic environment and other documents along with personnel in all positions, with their titles, of central and provincial organization of Circulating Capital Administration which are managed and within organization of the Ministry of Transport and the Undersecretary of Maritime Affairs are deemed to be delegated to Circulating Capital Administration of the Ministry of Transport, Maritime Affairs and Communication without any need for proceedings; and it continues its operation as the Circulating Capital Administration of the Ministry of Transport, Maritime Affairs and Communication.

(4) The Minister is entitled to resolve the problems which may arise out of organization of the Ministry in relation to delegation of organization, assignment, position, personnel and fixture and in similar issues.

Transition Provisions

TEMPORARY ARTICLE 2 – (1) On the date of publication of this Legislative Decree, the personnel who serve as Experts in Vessel Survey Board are deemed to be appointed to Vessel Survey Expert position created for the Ministry; and those who serve as supervision chiefs and supervision officers are deemed to be appointed to chief and officer positions, created for the Ministry, respectively with their position levels without any need for further proceedings.

(2) In the central organization of the Ministry of Transport, commissions of those who serve in the positions of Undersecretary, Deputy Undersecretary, General Director of Land Transport, General Director of Communication, Head of Inspection Board, 1st Legal Advisor, Head of European Union Coordination Department, Head of Foreign Relations Department, Head of Administrative and Financial Affairs Department, Head of Personnel Department, Head of Training Department, Head of Tariff and Trade Department, Head of Affiliate and Related Organizations Department, Deputy General Director, Press and Public Relations Consultant and of those who are in positions as Head of Department, and of those who are in positions in provinces as Regional Directors expire on the date of publication of this Legislative Decree. In accordance with this paragraph, ones whose commission expires are deemed to be appointed to the positions, with their present position levels, in Consultancy of the Ministry which have been created for central organization with the attached list numbered (2).

(3) In the central organization of Undersecretary of Maritime Affairs commissions of those who serve in the positions of Undersecretary, Deputy Undersecretary, General Director of Sea Transport, General Director of Maritime Trade, General Director of Ship Construction and Shipyards, Head of Inspection Board, Head of Maritime Affairs, Head of Strategy Development Department, Head of Foreign Relations Department, Head of Personnel and Training Department, Head of Administrative and Financial Affairs Department, Head of Communications and Electronics, Deputy General Director, Consultant of Undersecretary and Head of Department, and of those who serve in the provincial organization as Regional Directors and Head of Vessel Survey Board expire on the date of publication of this Legislative Decree. In accordance with this paragraph, ones whose commissions expire are deemed to be appointed to the positions, with their present position levels, in Consultancy of the Ministry which have been created for central organization with the attached list numbered (2).

(4) In the event that any of the positions in Consultancy of the Ministry are vacated for any reason, they are deemed to be annulled without any need for proceedings. Consultants of the Ministry who are appointed in this way can be commissioned in departments of central or provincial organization by the approval of the Minister.

(5) The commissions of those who are in the position titled Research, Planning and Coordination Expert and Defence Secretary in the central organization of the Ministry of Transport expire on the date of publication of this Legislative Decree. In accordance with this paragraph, ones whose commissions expire are deemed to be appointed to Researcher positions, with their present position levels, which have been created for central organization with the attached list numbered (2).

(6) The commissions of those who are in the position titled Deputy Regional Director in provincial organization of the Ministry of Transport expire on the date of publication of this Legislative Decree. In accordance with this paragraph, ones whose commissions expire are deemed to be appointed to Researcher positions, with their present position levels, which have been created for provincial organization with the attached list numbered (2).

(7) The commissions of those who are in the positions titled Deputy Regional Director, and Head of Port in provincial organization of the Ministry of Transport expire on the date of publication of this Legislative Decree. In accordance with this paragraph, ones whose commissions expire are deemed to be appointed to Researcher positions, with their present position levels, which have been created for provincial organization with the attached list numbered (2).

(8) In the event that any of Researcher positions created in accordance with subparagraphs five, six and seven are vacated for any reason, they are deemed to be annulled without any need for proceedings. Researchers who are appointed in this way can be commissioned in departments of central or provincial organization by the approval of the Minister.

(9) Those in positions of the Ministry of Transport and the Undersecretary of Maritime Affairs on the publication date of this Legislative Decree who are not mentioned under subparagraphs one, two, three five, six and seven are deemed to be appointed with their present position levels to positions with same titles which have been created for the Ministry without any need for further proceeding.

(10) Except those mentioned under above paragraphs, the ones whose position title has changed or has been annulled are appointed in six months to another position within the Ministry which are compatible with their vested right salary levels. These persons are commissioned by the Ministry for studies to be done until appointment is made, and they continue to get salaries, additional indicators, any kind of increase and compensation and other financial rights of their previous positions until they are appointed to new ones.

(11) Contracted personnel who were employed in Ministry of Transport and the Undersecretary of Maritime Affairs in accordance with paragraph (B) of Article 4 of Law No. 657 and personnel who were employed in permanent employee positions in accordance with Law No. 4857 dated 22/5/2003 have been delegated to the Ministry together with their positions and staff. Vacant contracted personnel visa positions and permanent employee positions for Ministry of Transport and the Undersecretary of Maritime Affairs are deemed to be visaed on behalf of the Ministry without a need for further proceeding.

(12) In the event that total net amount (this amount is predicated on a fixed amount) of contract prices, salaries, additional indicator, bonuses (net amount corresponding to a month), any kind of increases and compensations, executive compensation, representation compensation, duty compensation, additional payments and any kind of similar additional payments (except overtime wage which is due to extra work according to the relevant legislation) which the personnel who are appointed or are deemed to be appointed have received in latest month in relation to their previous positions by the date when they are appointed or deemed to be appointed to their new positions, is more than the total net amount of contract prices, salaries, additional indicator, bonuses (net amount corresponding to a month), any kind of increases and compensations, executive compensation, representation compensation, duty compensation, additional payments and any kind of similar additional payments (except overtime wage which is due to extra work according to the relevant legislation) all of which are determined in relation to their new positions; the amount of difference between these two total net amounts is paid as compensation without being subject to any cuts until the difference between the two is made up. Those whose position titles, by their will, are changed from the position titles they have been appointed or deemed to be appointed, or who are appointed to other organizations, by their will, from the positions they have been appointed to or are deemed to be appointed are not paid difference compensation any more.

(13) The services that the personnel provide in Ministry of Transport and the Undersecretary of Maritime Affairs until the date when this Legislative Decree enters into force are deemed to be provided in the Ministry.

(14) Files related with litigation and execution proceedings represented by Treasury Solicitors within the responsibility of the Ministry of Finance on behalf of Ministry of Transport and the Undersecretary of Maritime Affairs are delegated to the Ministry within one year following publication of this Legislative Decree in accordance with principles determined by the Ministry and the Ministry of Finance jointly. Any kind of proceedings which have been carried out in relation to litigation and execution proceedings until the date of delegation are deemed to be made on behalf of the Ministry.

(15) Within six months following publication date of this Legislative Decree, the Minister is entitled to do first distribution of positions allocated for central and provincial organization. The first distribution done by the Minister is informed to the relevant Ministries and organization within one month. Following first distribution by the Minister, procedures related with position allocation and reduction are carried out within the framework of relevant legislation.

Carrying out present assignments

TEMPORARY ARTICLE 3 - (1) Until the Ministry of Transport, Maritime Affairs and Communication, which has been established with this Legislative Decree, is organized, assignments and services prescribed for departments of the Ministry in centre and provinces which have been changed or newly founded are kept on to be carried out by the present personnel of the Ministry of Transport and the Undersecretary of Maritime Affairs. The Ministry of Transport, Maritime Affairs and Communication adapts its organization and staff to this Legislative Decree in six months at the latest.

Change in positions

TEMPORARY ARTICLE 4 – (1) For a year as of publication date of this Legislative Decree, the Council of Ministers is entitled to make class, title and level changes in vacant positions and level changes in occupied positions notwithstanding the limitations under Article 9 of Legislative Decree numbered 190.

Metro and rail systems to be taken over

TEMPORARY ARTICLE 5 – (1) The Ministry can take over urban rail transport systems and metro projects of Metropolitan municipalities which are underway by the date 13/7/2010.

(2) To be valid for each of the projects decided to be taken over by the Ministry, the Ministry can decide to take over the projects with their current contracts on condition that the contractors agree in written to carry out the work in the same conditions with contracts which they contracted to the municipalities.

(3) Procedures of taking over and taking over the completed ones are performed with the protocols which will be prepared within the framework of provisions of subparagraph (g) of first paragraph and second paragraph of Article 15 of this Legislative Decree.

(4) For the purpose of taking over contracts made between municipalities and contractors through protocols to be made with municipalities; contracts to be made between the Ministry and contractors, and other proceedings related with these are exempt from stamp duty and charges.

The authority to register allowance

TEMPORARY ARTICLE 6 – (1) The Minister is entitled to register amounts to the budget of the Ministry as allowance which were transferred to the central accounting unit of the Ministry by Information Technologies and Communication Authority in the scope of Article 40 on the date of publication of this Legislative Decree.

Fees for renewal of authorization certificate

TEMPORARY ARTICLE 7 – (1) In the event that authorization certificates granted by the Ministry in relation to highway transport activities are renewed until 31/12/2013, the renewal fee is charged as 5% of the update full fee.

Regulatory acts, current administrative regulations and ones to be put into force

TEMPORARY ARTICLE 8- (1) Until administrative regulations to be put into force in accordance with this Legislative Decree enters into force, provisions of current legislation, by-law, communiqué and similar administrative regulations which are not against this Legislative Decree continue to be applied.

(2) Administrative regulations to be put into force for the first time in relation to the duties of service departments named under Articles 8, 10 and 14 of the Legislative Decree are put into force in eighteen months, and administrative regulations to be put into force for the first time in relation to the duties of other service departments are put into force in one year.

(3) The provisions on duties of General Directorate of Railway Regulation under Article 8 of this Legislative Decree related with liberalizing railway sector are implemented following entering into force of regulations which are for abolishing monopolized status of railway sector.

Effective Date

ARTICLE 45 – (1) This Legislative Decree enters into force on the date when it is published.

Enforcement

ARTICLE 46 – (1) Provisions of this Legislative Decree are enforced by the Council of Ministers.

Abdullah GÜL
PRESIDENT

Recep Tayyip ERDOĞAN
Prime Minister

B. ARINÇ
Vice Prime Minister

M. M. EKER
Acting Vice Prime Minister

B. ATALAY
Vice Prime Minister

B. BOZDAĞ
Vice Prime Minister

S. ERGİN
Minister of Justice

F. ŞAHİN
Minister of Family and Social Policies

E. BAĞIŞ
Minister of European Union

N. ERGÜN
Minister of Science, Industry and Technology

E. GÜNAY
Acting Minister of Labour and Social Security

E. BAYRAKTAR
Minister of Environment and Urbanization

H. YAZICI
Acting Foreign Minister

M. Z. ÇAĞLAYAN
Minister of Economy

T. YILDIZ
Minister of Energy and Natural Resources

S. KILIÇ
Minister of Youth and Sports

M. M. EKER
Minister of Food, Agriculture and Livestock

H. YAZICI
Minister of Customs and Trade

İ. N. ŞAHİN
Minister of Interior

R. AKDAĞ
Acting Minister of Development

E. GÜNAY
Minister of Culture and Tourism

M. ŞİMŞEK
Minister of Finance

Ö. DİNÇER
Minister of National Education

İ. YILMAZ
Minister of National Defence

V. EROĞLU
Ministry of Forestry and Hydraulic Works

R. AKDAĞ
Minister of Health

B. YILDIRIM
Minister of Transport