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**From the Ministry of Industry and Trade:**

## **ORGANIZED INDUSTRIAL ZONES LAW**

**Law Number:** 4562

**Date of Acceptance:** April 12, 2000

### **SECTION ONE**

#### **Purpose, Scope, Definitions**

##### **Purpose**

**Article 1** – The purpose of this Law is to govern the principles concerning the establishment, construction, and operation of organized industrial zones.

##### **Scope**

**Article 2** – This Law covers the provisions governing the formation of organized industrial zones and their senior organizations, their bodies, operation, management, and supervision as well as the provisions determining the duties, authorities, and responsibilities of the persons and organizations related to such zones.

##### **Definitions and abbreviations**

##### **Article 3 – (Amended: 23/10/2008-5807/art. 1)**

The following terms included in this Law shall have the meanings written next to them:

- a) Ministry:** The Ministry of Industry and Commerce,
- b) Organized Industrial Zones (OIZs):** The good and service production zones, which are formed by allocating the land parcels, the borders of which are approved, for the industry in a planned manner and within the framework of certain systems by equipping such parcels with the necessary administrative, social, and technical infrastructure areas and repair, trade, education, and health areas as well as technology development regions within the ratios included in zoning plans and which are operated in compliance with the provisions of this Law in order to ensure that the industry gets structured in approved areas, to prevent unplanned industrialization and environmental problems, to guide urbanization, to utilize resources rationally, to benefit from information and informatics technologies, and to ensure that the types of industries are placed and developed within the framework of a certain plan,
- c) Approved boundary:** The OIZ areas, the boundaries of which are approved as a result of place selection and the areas that remain outside the OIZs, which are required for the activities of the OIZs and approved by the Ministry, where the facilities and connection lines concerning the technical infrastructure as well as the technical equipment areas are located
- d) Specialized OIZ:** The OIZs which include facilities that operate in the same sector group or in its sub-sectors and those OIZs that are established for logistic purposes,
- e) Organized Industrial Zones Senior Organization (OSBÜK):** The senior organization to be formed in order to enable the OIZs to help each other and solve their common problems,
- f) Participant:** Real persons or legal entities to whom parcels are allocated or sold for the establishment of an enterprise and those who make or undertake to make

production on the parcels owned by them and operate in line with the purpose of this Law,

- g) Tenant:** The real person or legal entity who rents the facility of the participant in compliance with the procedures and principles determined in the Regulation.

## **SECTION TWO**

### **Establishment and Qualities**

#### **Establishment**

**Article 4** – OIZs shall be established in places deemed appropriate based on the Place Selection Regulation with the approval of the Ministry.

The place selection for the OIZs shall be realized unanimously as a result of the onsite examination realized by the Place Selection Commission to be formed under the coordination of the Ministry and with the participation of the representatives of relevant institutions and organizations, by taking into consideration the 1/25,000 scaled environmental arrangement plan decisions, if any, and the OIZ shall then be announced. Areas which are required to be protected pursuant to the effective legislation and where establishment of industrial facilities is not allowed shall not be examined as places for the OIZ.

The health protection area required by the Ministry of Health shall be allocated within the boundaries of ownership. Following the finalization of the place selection, the planning of the areas that remain outside the boundaries of the OIZ shall be realized by the Ministry of Public Works and Settlement and the relevant municipality within no later than one year. The procedures and principles in this respect shall be jointly determined by the Ministry and the Ministry of Public Works and Settlement.

The zoning and parceling plans to be prepared within the boundaries of the OIZ and their amendments shall be prepared by the OIZ in compliance with the regulation and they shall become effective with the decision of the Provincial Administration Board after their approval by the Ministry. Approved OIZ zoning plans shall be sent to the relevant organizations for information.

**(Added paragraph: 23/10/2008-5807/art. 2)** The obligatory administrative, social, and technical infrastructure areas that are considered shared areas as well as the treatment facility and active green areas may not be less than 8% of the size of the zone and small manufacturing and repair, trade, education, and health service areas that operate within the zone with the capacity of participants and/or tenants may not be more than 10% of the size of the zone.

**(Amended paragraph: 3/7/2005-5393/art. 85)** Licenses and permissions concerning the use of land, project design, construction, and use of buildings and facilities according to the zoning plan that becomes effective as well as the business and operating licenses shall be granted and audited by the OIZ. Any charges concerning the business and operating licenses incurred during the granting of such licenses shall be collected by the OIZ and deposited to the account of the relevant municipality or special provincial administration.

In the event that the places are selected from the lands belonging to the Treasury or public agencies or organizations and if requested and there are no objections in this respect, such places may be transferred free of charge to the OIZs in provinces that are covered within the scope of sub-clause (b) of article 2 of the Law numbered 5084 and dated January 29, 2004 or sold for cash or by installments based on their values subject to charge as specified in article 63 of the Charges Law numbered 492 in other provinces. Principles and procedures with this regard shall be determined jointly by the Ministry and the Ministry of Finance. When stock lands that are owned by the General Directorate of Building Land Office are transferred to the OIZ legal entity in the title deed registry in

compliance with the relevant procedure, on the other hand, the annotation specified in article 11 of the Building Land Office Law shall not be placed in the title deed records.

If there are privately owned areas within the selected region, these lands shall be acquired by purchasing by consent or expropriation. Provisions of the Expropriation Law numbered 2942 shall apply for lands in this nature.

**(Amended paragraph: 23/10/2008-5807/art. 2)** The OIZ shall gain legal personality upon the approval by the Ministry and registration of the establishment protocol containing the approval of the governor and signed by the representatives of at least one of the chambers of industry, chambers of trade and industry, or chambers of trade depending on their presence in the place where the OIZ is projected to be established, and if requested, by those of the special provincial administration or the municipality of the province, administrative district or sub-district in which the OIZ shall be located, and the metropolitan municipality in metropolises.

In specialized OIZs, representatives of the professional organizations and institutions shall be included in the enterprising committee upon their request.

Principles and procedures related to this article shall be determined with regulation.

### **Qualities**

**Article 5** – The OIZ is a private law entity that may realize or cause others to realize expropriation in its name based on grounds of public benefit.

The public benefit decision shall be taken by the Ministry upon the application of the enterprising committee of the OIZ. Any expenses made in acquiring the ownership of the land and the obligation to pay the price of the land shall belong to the OIZ legal entity.

## **SECTION THREE**

### **Bodies**

#### **Bodies**

**Article 6** – Bodies of the OIZ shall be as follows:

- a) Enterprising committee (general assembly at the stage of operation),
- b) Board of directors,
- c) Board of auditors,
- d) Zone directorate.

#### **Enterprising committee**

**Article 7** – The enterprising committee shall comprise of the members to be determined by the authorized bodies of the institutions and organizations that participate in the formation of the OIZ from among their members. The number of members to constitute the enterprising committee shall not exceed fifteen permanent and fifteen substitute members.

The number of the members who shall represent the institutions and organizations that participate in the formation of the OIZ shall be determined in the establishment protocol by taking the ratios of their participation into consideration.

The members of the enterprising committee shall be elected for a period of two years and their membership shall terminate after they complete their terms of office in the institutions and organizations represented by them. The first substitute member in the institution or organization represented by the member, whose membership is terminated or who leaves membership, shall replace such member. The member, who joins in this manner, shall complete the term of office of the member replaced by him/her.

If the Governor is the chairman during the first meeting, the enterprising committee shall elect a deputy chairman from among the members other than the representatives of the special provincial

administration and the municipality from the organizations listed in the seventh paragraph of article 4, otherwise it shall elect a chairman and a deputy chairman.

The enterprising committee shall convene at least 3 times a month under the presidency or the chairman or the deputy chairman in the absence of the chairman with the absolute majority of its members. The decisions shall be taken with the absolute majority of those present at the meeting. If there is a tie of votes, then the chairman's vote shall prevail.

Members assigned in the enterprising committee shall be deemed to withdraw from membership if they do not participate in three successive meetings without a valid excuse or one more than half the meetings held within one year, even if they have an excuse.

The enterprising committee shall be obliged and assigned to take the necessary resolutions and measures in order to realize the purpose of establishment of the OIZ, to fulfill the matters specified in the place selection report, to perform the duties assigned to it by the law, regulation, establishment protocol, and similar regulations, to release the works and accounts of the boards of directors and auditors, and to use the monies and other resources belonging to the OIZ in line with its purpose of establishment.

The principles and procedures concerning the appointment of enterprising committee and boards of directors' and auditors' members, the form of the establishment protocol and the matters to be contained by it as well as the principles regarding their duties and works shall be determined with the regulation to be issued by the Ministry.

#### **Board of directors**

**Article 8** – The board of directors shall comprise of five permanent and five substitute members to be elected by the enterprising committee, provided that four of these members are elected from among their members. Board of directors' members shall be elected for a term of duty of two years.

The board of directors shall elect a chairman and a deputy chairman from among their members. The board of directors shall convene at least twice a year and the meetings shall be held with absolute majority. Members who do not participate in three successive meetings without a valid excuse or at least half of the meetings held within six months, even if s/he has an excuse, shall be deemed to withdraw from membership. Resolutions shall be taken with the absolute majority of votes. In case of tie of votes, the chairman's vote shall prevail.

The board of directors shall be assigned with the duty of carrying out the management and administration of the OIZ within the framework of the law, regulation, establishment protocol and similar regulations as well as the resolutions of the enterprising committee.

#### **Board of auditors**

**Article 9** – The board of auditors shall comprise of two permanent and two substitute members to be elected by the enterprising committee from among their members. Board of auditors' members shall be elected for a term of duty of two years.

The board of auditors shall be assigned with the duty of auditing the spending and implementation of the budget, drawing up a general audit report once in a year and interim reports at least every three months, and submitting these reports to the enterprising committee.

#### **Zone directorate**

**Article 10** – The zone directorate shall comprise of the regional director and a sufficient number of administrative and technical personnel. The organization chart of and positions in the directorate in OIZs that use credit shall be created and amended with the approval of the Ministry.

The zone director shall be appointed by the enterprising committee. The regional director shall be obliged to carry out the management and administration of the OIZ and perform other duties in line with the resolutions and instructions of the board of directors.

The qualifications of the zone director and the qualifications and numbers of the other personnel to be employed in OIZs that use credit shall be determined with a regulation to be issued by the Ministry.

**Representing and binding**      **Article 11** – OIZs shall be represented by the chairman or deputy chairman of the board of directors. Any letters that shall have a binding effect on the OIZ shall be signed by the chairman or deputy chairman of the board of directors and a member of the board of directors or the authorized zone director of the OIZ. Thus, they shall be perfected with two signatures.

## **SECTION FOUR Financial Matters**

### **Revenues**

**Article 12** – Revenues of the OIZ shall be as follows:

- a) Participation shares paid by the institutions and organizations that participate in the enterprising committee.
- b) Dues and land and infrastructure participation shares as well as service remunerations paid by the participants, to whom lands are allocated or sold and who operate and shall operate in the OIZ.
- c) Sales prices of the files prepared for the tenders of the OIZ infrastructure and social facilities as well as the approval and endorsement fees for the projects of the enterprises to be established in the zone.
- d) Management due.
- e) Water, electricity, natural gas, social facility, treatment facility and similar operating revenues and participation revenues.
- f) Revenues obtained from the sale of lands.
- g) Donations.
- h) Rental and service revenues of the shared properties of the zone.
- i) Bank interests.
- j) Default interests.
- k) Announcement and advertisement revenues.
- l) Other revenues.

### **Participation Shares**

**Article 13** – The institutions and organizations that participate in the formation of the OIZ shall undertake before the Ministry to contribute to the establishment costs to be determined by the Ministry. This undertaking shall also apply before the OIZ starting with the acquisition of legal personality.

Payment methods and terms for the participation shares shall be determined in the establishment protocol. Any disputes in this respect shall be resolved in court of first instance.

**Credits**      **Article 14** – Authorized bodies of the OIZ may request credit from the Ministry for the estimated cost of the project and general administrative expenses. The amount of this credit shall be limited with the guarantees provided. The type contract concerning the credit shall be prepared by the Ministry.

The procedures and principles related to the credit request and its repayment shall be determined with the regulation to be issued by the Ministry.

The Ministry shall supervise whether or not the credit is used in line with its intended purpose. OIZs may also use credit from other internal or external sources if additionally required.

Land credits shall also be granted to the OIZs to be established in priority regions for development and to specialized OIZs that require advanced technology.

Credit shall be extended pursuant to the terms to be determined by the Ministry for the infrastructure of the OIZs that are established for the first time in developed and normal regions. In subsequent sections, which shall be constructed as a new project or extension, on the other hand, interest rates shall be applied by being increased in the amounts to be determined by the Ministry.

The amount of credit to be extended for expropriation shall be determined by the Ministry.

**(Last paragraph abolished: 29/1/2004 – 5084/ art. 10)**

### **Land sales**

**Article 15** – Sales of lands shall be realized within the framework of the principles to be determined by the enterprising committee with the authority and responsibility of the board of directors and the Ministry shall be informed about the situation. In OIZs that use credit, these sales notified to the relevant bank by the Ministry shall be monitored by the bank until the credit debt is repaid and it shall ensure that the amounts obtained from allocations and sales as well as the installments of the credit are paid in due time.

If it is discovered that the board of directors has not deposited the amount obtained from land allocations and sales, the Bank shall apply, in favor of the Ministry, a default interest at the rates specified in article 51 of the Law numbered 6183 on the Procedures for the Collection of Public Receivables for the period starting from the date of the sales contract if the subject amount is the down payment and from the date of maturity if it is an installment, until the date of payment and it shall record such interest as revenue in the General Budget following its collection.

**(Amended third paragraph: 23/10/2008-5807/art. 3)** In case of foreclosure sales of the immovable properties that are provided as guarantee by the OIZ and therefore decided to be sold or decided to be sold due to the debt of the participants; such properties shall be sold to the buyers with the qualities stipulated in the establishment protocol of the OIZ or to the creditor organization, provided that the receivables of the Ministry and the OIZ are paid in priority. Sales announcement shall also include the participant qualities specified in the establishment protocol.

**(Added paragraph: 23/10/2008-5807/art. 3)** If the immovable properties are sold to the creditor organization, the creditor organization shall be obliged to sell the immovable property it purchases only to those real persons or legal entities with the qualities stipulated in the establishment protocol of the OIZ within no later than two years or to rent the property only to real persons or legal entities with the same qualities.

### **Management dues**

**Article 16** – The management dues and remunerations for services shall be determined by the enterprising committee according to parcel sizes, excluding treatment facility operating costs. The participation shares in the operating expenses of the treatment facility, on the other hand, shall be determined by the board of directors by taking the waste water flow rates and pollution parameters into consideration. All costs concerning the infrastructure and shared services of the zone, which are specified in the annual budget of the board of directors, shall be borne by the participants by taking the final account belonging to the previous year into consideration as well. Abstinence from the

payment of management dues shall not be permitted on grounds that the participants do not benefit from the specified services.

The resolutions of the enterprising committee related to the management due shall have the effect of a judgment and they shall be monitored with the proceedings concerning the execution of judgments.

**Monetary and personal rights**

**Article 17** – An attendance fee per meeting may be paid to the members of the enterprising committee, the board of directors and the chairman, and the members of board of auditors, who are public officers, and an attendance fee or monthly wages may be paid to other members. The subject payments shall be made from own funds of the OIZ other than the credit received by the enterprising committee from the Ministry. Attendance fees and the monthly amount of the wages to be paid shall be determined by the enterprising committee every year.

The zone director and the other personnel shall be employed pursuant to the provisions of the Labor Law numbered 1475. The minimum and maximum amounts of the monetary and personal rights of the personnel employed in OIZs that use credit shall be determined by the Ministry.

## **SECTION FIVE**

### **Miscellaneous Provisions**

#### **Land allocations**

**Article 18** – Allocation of lands to participants shall be realized by the enterprising committee pursuant to the provisions of the Regulation to be issued by the Ministry.

If it deems necessary, the Ministry may determine in the establishment protocol the basic qualifications and fields of occupations of the private or legal entities, to which places shall be allocated in the OIZ.

The lands that are allocated or sold to the participants may not, by any means, be used for any purposes other than the purpose of allocation. These lands may not be sold, transferred, or assigned before the debt is paid in full by the participants or their inheritors or the facility starts production. This matter shall be placed as an annotation in the title deed records. If the land allocation or sale is made to participants that are in company status, the Ministry shall be authorized to take any measures to prevent the sale of the land or transfer of ownership through transactions with speculative purposes before its debt is paid and the facility starts production.

However, in case of the dissolution of the firm, to which a land was allocated or sold, it shall be possible to transfer the allocation right to the partner(s) of the firm, who bear the capacity of participant. The Ministry shall be authorized to investigate whether or not the transactions with this regard are collusive and to take the necessary measures according to the result of the subject investigation.

If contradiction with the prohibitions related to this matter is determined by courts, without any regard to under whose possession the land is, it shall be redeemed based on its price that was effective on the date of allocation or sale and it shall be allocated or sold to another participant.

**(Added paragraph: 23/10/2008-5807/art. 4)** If title deeds are granted to the participants by lifting the right of redemption annotation, an annotation stating that "Approval of the OIZ must be obtained in case the immovable property is transferred to third persons including foreclosure sales" shall be placed. In such a situation, the undertakings committed by the former participant shall be deemed to have been agreed to without any change by the new buyer.

Lands may be allocated to Small and Medium Enterprises Development Organization, the Social Insurances Institution, the Turkish Standards Institute, the General Directorate of Mail Administration, T. Telekomünikasyon A.Ş., and the Turkish Patent Institute as well as the institutions and organizations represented in the enterprising committee, provided that the ownership remains with the OIZ, in order to provide services for the shared benefits of the industrial organizations that shall be included in OIZs.

#### **Shared places**

**Article 19** – The expenses of the areas allocated for the shared benefit of the participants from the lands of the OIZ shall be met from the OIZ budget.

The sections that are not transferred or assigned to the participants from the OIZ area as well as the roads and recreation areas remaining within the boundaries of the OIZ shall be at the disposal of the OIZ. This matter shall be recorded in the title deed records at the stage of arrangement.

Additional rights of way and/or usufruct shall not be established on the industrial parcels of the OIZ through which the infrastructure or general service facilities pass or shall pass.

#### **Right of establishing, using, and operating infrastructure facilities**

**Article 20** –The right and responsibility to establish and operate the infrastructure, and general service facilities, such as electricity, water, sewerage, natural gas networks, wastewater treatment facilities, roads, communication networks, and sports facilities; to realize their distribution and sales by buying them from public and private agencies; and to establish and operate production

facilities with the aim of meeting the requirements of OIZs shall exclusively belong to OIZs. However, pre-treatment facilities must be constructed severally in order to reduce the standards of waste waters to those acceptable by the shared wastewater facility

The organizations included in OIZs shall be obliged to meet their infrastructure needs from the facilities of the OIZ. Infrastructure needs may not be met from another facility without the permission of the OIZ and facilities may not be severally established with this aim. These organizations may not transfer, assign, or allocate the right to use infrastructure facilities allocated to them to other organizations. Other matters concerning the application of this article shall be governed with the regulation to be issued by the Ministry.

### **Exemption**

**Article 21** – The legal entity of the OIZ shall be exempt from all sorts of taxes, duties, and charges applied to transactions related to the implementation of this Law.

Municipalities shall not collect wastewater treatment fees from the zones that operate wastewater treatment facilities.

### **Liability**

**Article 22** – Members of the enterprising committee, the boards of directors and auditors as well as the zone director and the other personnel shall be liable for any damages that might arise due to their own faults. They shall be punished as public officers for any crimes they might commit related to the monies and negotiable instruments and commercial papers of the OIZ as well as its balance sheet, minutes, reports, books, and documents.

### **Authorities of the Ministry**

**Article 23** – The establishment protocol of the OIZ shall be prepared by enterprising committees and approved by the Ministry.

The Ministry shall be authorized to inspect any and all accounts and transactions of the OIZ and to take measures whenever it deems necessary or upon complaint.

In the tenders to be held for the infrastructure, social service facility, and projects of the zones that use credits through the channel of the Ministry, all processes concerning the tender including the formation of the tender commission, shall be carried out and finalized by the OIZ management within the framework of the procedures and principles to be determined by the Ministry. The matters related to the tender procedures as well as the formation of commissions and drawing up and approval of progress payments shall be governed with a regulation to be issued.

The enterprising committee shall be authorized and responsible for carrying out and finalizing the tender processes in OIZs that do not benefit from the subject credit.

Credit requests of enterprising committees that do not fulfill the requirement of the first paragraph of provisional article 1 of this Law as well as the OIZs, the bodies of which are determined not to perform the duties assigned to them with this Law, shall not be accepted. Any credits extended to them shall become due.

### **Audit**

**Article 24** – All sorts of accounts and transactions of the OIZ shall be assigned to be inspected by a certified public accountant by the OIZ management on an annual basis, in the January of the following year, and whenever it is deemed necessary. The certified public accountant, who performs an independent audit, shall send the audit report to be drawn up by him/her to the OIZ management and the Ministry concurrently.

## **General assembly**

**Article 25** – When the number of the enterprises, which certify with the documents requested by the Ministry that they have started production in the OIZ and which are defined in the establishment protocol, reaches 1/3 of the number of enterprises to be established in the zone, the real persons and legal entities, to whom lands are allocated or sold and who therefore acquired the capacity of participant, shall be represented in the enterprising committee through the members to be elected by their representatives authorized to represent and bind them from among themselves. The number of members elected in this manner may not exceed half the number of the enterprising committee members.

If 2/3 of all enterprises to be established in the zone that have their occupancy permit and at least half of those documented they have started the production by their business license, the duty of the enterprising committee and the boards of directors and auditors shall be terminated during the first general assembly meeting to be held by the participants or their representatives with the members of the enterprising committee within no later than 6 months.

If it is decided with the votes of the absolute majority of the participants that have started production that the enterprising committee should continue, then it shall stay on duty. If the enterprising committee continues to be on duty, the number of participants that shall be included in the enterprising committee shall be one more than half the number of the enterprising committee members.

During the first general assembly meeting, the existing establishment protocol shall be amended as the articles of association of the legal entity and decisions shall be taken with the absolute majority of votes.

Following the formation of the general assembly and if there are no provisions stipulating otherwise in this Law, the provisions of the Turkish Commercial Code regarding the bodies of corporate companies shall apply *mutatis mutandis* for the bodies of the OIZ.

Following the formation of the general assembly, the enterprising committee and the boards of directors and auditors may not take any resolutions related to the OIZ and if they do, such resolutions shall not be implemented.

The procedures and principles regarding general assembly meetings and those concerning the election of the boards of directors and auditors shall be determined by regulation.

## **Private organized industrial zones**

**Article 26** – OIZs may also be established by the private legal entities or real persons in places determined pursuant to the procedures included in this Law. However, those entities that shall establish private OIZs may not perform expropriation.

The establishment request of the OIZ shall be communicated to the Ministry with the positive opinion of the governorship in the province where the OIZ shall be established.

The place selection of the OIZ shall be realized in compliance with the procedure specified in Article 4 upon the request placed with the Ministry.

Such costs as the procurement of the land, planning and project design of the OIZ, and infrastructure construction shall be borne by the real persons and legal entities, who shall establish the zone. The plans and projects related to the OIZ shall be subject to the positive opinion and approval of the Ministry besides those of the relevant authorized agencies and organizations.

The land in OIZs may be sold or rented in the form of parcels or including the operation buildings constructed on them.

## **Specialized Organized Industrial Zones Based on Agriculture**

### **Article 26/A – (Added: 23/10/2008-5807/art. 5)**

Specialized OIZs Based on Agriculture may be established where the vegetative and animal production, which constitute the industrial input based on agriculture in order to ensure the integration of the agriculture and industry sectors, and the industrial facilities for their processing may be located, provided that the bio-security measures stipulated pursuant to the relevant legislation are complied with.

The procedures and principles concerning the place selection, establishment, zoning plan approval, activity, operation, and supervision of these zones shall be determined with a separate regulation to be prepared and put in force jointly by the Ministry and the Ministry of Agriculture and Rural Affairs.

### **Senior organization, regulations, and adjustments**

**Article 27** – The duties and working conditions of the OIZ Senior Organization to be formed in order to enable the OIZs to help each other and solve their common problems shall be determined with a regulation to be issued.

The regulations stipulated in this Law shall be issued in the form of a single regulation under the name of the "OIZ Implementation Regulation" within one year starting with the issuance of the Law. The Ministry shall be authorized to take the necessary measures and make the required adjustments within the framework of the legislation related to the implementation of this Law.

## **SECTION SIX**

### **Provisional Articles**

**Provisional Article 1** – The OIZs formed in compliance with the purpose of this Law before its effective date shall make their states compliant with this Law within 1 years starting with the date of its issuance.

The bodies of the OIZs established before the effective date of this Law shall continue their functions during the period of adaptation to this Law. The decision taken by these bodies, the financial, administrative, and promissory contracts and agreements signed by them shall preserve their validity without any change after the completion of the adaptation procedure. The personal rights of those working in OIZs shall be reserved.

### **Provisional Article 2 – (Amended: 23/10/2008-5807/art. 7)**

The OIZs established and being managed pursuant to sub-clause (5) of paragraph (r) of article 5 of the abolished Law numbered 5590 on the Chambers of Commerce and Industry, Chambers of Commerce, Chambers of Industry, Chambers of Maritime Trade and Union of Stock Exchanges of Trade and Turkish Chambers of Commerce, Industry, Maritime Trade and Union of Stock Exchanges of Trade shall be considered as the OIZs mentioned in this Law. The duties of the general assembly and the enterprising committee in the OIZs established in this manner shall be carried out by the councils of chambers operating pursuant to the Law numbered 5174 on the Union of Chambers and Commodity Exchanges of Turkey. The members of boards of directors and auditors shall be elected from among the members of the chamber councils. If there are OIZ participants among the chamber council members, at least three of the board of directors' members shall be elected from among these members.

**Provisional Article 3** – If institutions and organizations other than those listed in the seventh paragraph of article 4 participated in the enterprising committees of the OIZs that were established before the effective date of this Law, their rights and obligations shall continue without any change or they may leave the committee if they wish, provided that their participation shares are reimbursed.

**Provisional Article 4** – Expropriation procedures initiated before the effective date of this Law shall be finalized by the relevant institutions.

**Provisional Article 5 – Provisional Article 5:** In small organized industrial zones which consist of small industrial estates that were established before The Law came into force, small industrial estate building cooperatives, collective business building cooperatives, business cooperatives, estate managements and in case self-contained stakeholders have the parcel defined in zoning plan and each will consist of one business enterprise at least 3000 square meters or will be sized by regulation and at least 50 stakeholders who have small industrial parcels smaller than 3000 square meters are organized as mentioned above, shall be represented as one participant in general assembly by The Law implementation. Otherwise, the rights of representations of those who are not organized as stated shall be considered as waived.

Participants are represented by one representative in general assembly. But if only one cooperative area is over than %60 of OIZs area, general assembly representatives of the participants of this OIZ are appointed as one representative for each 100 members. Representatives are elected by the competent bodies of estate managements and cooperatives. If the total number of representatives is not enough to constitute OIZ's bodies, it is represented as increased proportion of multiple numbers of representatives which are determined by Ministry.

The organized industrial zones which consist of small industrial estates shall hold their ordinary general assembly meetings within the first six months of every year. The organized industrial zone asks and collects from the cooperative and/or estates managements the contribution of land and infrastructure, consumption costs of water, natural-gas and electricity, treatment plants etc. and the contribution of enterprise and management and their penalty for delay that should be paid by participants. If OIZ is unable to collect costs due to the insolvency of participant or inability to constitute body, he asks and collects for the rates of utilization of its service procurement from the firm's owner.

The representatives of the industrial zones which consist of small industrial estates meet under the control of Ministry within the six months later the date of publication of The Law, in order to hold the first general assembly and to constitute bodies.

**Provisional Article 6** – All lands, plots, and immovable properties acquired in the name of the institutions and organizations that constitute the enterprising committee with the aim of establishing OIZs before the effective date of this Law as well as all the buildings and shared facilities constructed on these areas on behalf of the institutions and organizations that constitute the enterprising committee shall be registered as a correction in the title deed records in favor of the legal entity of the OIZ.

All securities and participation shares that are under the responsibility of the OIZ's enterprising committee shall be transferred to the legal entity of the OIZ without any charge.

The annotations placed in the title deed records pursuant to article 11 of the Building Land Office Law for the lands and plots purchased from the General Directorate of Building Land Office shall be erased.

**Provisional Article 7** – The OIZs constructed in areas qualified as pastures until the effective date of the Pastures Law numbered 4342 shall lose the qualification of pasture provided that they are approved by the Ministry of Industry and Trade and included in the investment program. These areas shall not be subject to the provisions of the Pastures Law numbered 4342. Decisions previously taken by the provincial pasture commissions related to these areas shall be null and void.

**(Added Paragraph: 28/02/2009-5838/art. 22)** Expropriation and other transactions realized by the relevant public agencies related to the immovable properties qualified as pastures in

areas where the OIZs, which were allocated as small industrial estates in the zoning plans finalized before January 1, 2005, approved by the Ministry and included in the investment program before the same date, are located, shall be considered valid provided that their expropriation fees including price increases, interests and other fees are paid; the registrations in the title deed records in the names of the relevant real persons and legal entities based on these transactions shall be preserved, no actions shall be initiated by the Treasury for ownership, those initiated shall be withdrawn, the court judgments rendered and finalized concerning the classification of these immovable properties as pastures and their registration in special records shall not be executed, and the annotations placed in title deed registries pursuant to these judgments shall be annulled.

**Enforcement**

**Article 28** – Except for the last paragraph of article 14 of this Law, which shall become effective on December 31, 2003, all other Articles shall become effective on the date of issuance of this Law.

**Execution**

**Article 29** – The provisions of this Law shall be enforced by the Council of Ministers.

**PROVISIONAL ARTICLE ADDED WITH THE LAW NUMBERED 5807 and DATED OCTOBER 23, 2008**

**PROVISIONAL ARTICLE 1** – If the OIZs, which were established in compliance with the purpose of the Organized Industrial Zones Law numbered 4562 before April 15, 2000, which could not have or are considered not to have acquired legal personality pursuant to the provisional article 1 of the same Law, and the place of selection of which including extension areas are finalized, submit the establishment protocol they shall prepare pursuant to article 4 of the Law numbered 4562 to the Ministry within 6 months following the effective date of this Law, they shall be considered to have made their states compliant with this Law and they shall acquire legal personality by being registered in the OIZ books of the Ministry.

**LIST SHOWING THE EFFECTIVE DATES OF LEGISLATION THAT INTRODUCE ADDITIONAL ARTICLES AND AMENDMENTS TO THE LAW NUMBERED 4562**

<b>AMENDING LAW NO</b>	<b>DATE</b>	<b>ARTICLES THAT BECOME EFFECTIVE ON DIFFERENT DATES</b>
<b>4684</b>	20.06.200 1	
<b>4731</b>	31.12.200 1	PROVISIONAL ARTICLE 7
<b>4737</b>	09.01.200 2	
<b>4783</b>	07.01.200 3	
<b>4916</b>	03.07.200 3	
<b>5084</b>	06.02.200 4	ARTICLE 14
<b>5393</b>	13.07.200 5	ARTICLE 4

<b>5807</b>	10.11.200 8	3, 4, 15, 18, 26/A, 27, AMENDMENT OF PROVISIONAL ARTICLE 2 and INCLUSION OF A NEW "ADDITIONAL ARTICLE"
<b>5838</b>	28.02.200 9	PROVISIONAL ARTICLE 7