



Strasbourg, 6 February 2017

CDL-REF(2017)005

Opinion No. 875/ 2017

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TURKEY

UNOFFICIAL TRANSLATION OF THE AMENDMENTS^{*}
TO THE CONSTITUTION

2 FEBRUARY 2017

^{*} Provided by the Turkish authorities.

UNOFFICIAL TRANSLATION OF THE AMENDMENTS TO THE CONSTITUTION OF THE TURKISH REPUBLIC

2 February 2017

ARTICLE 8

ARTICLE IN FORCE	ARTICLE IF AMENDED
VIII. Executive power and function ARTICLE 8- Executive power and function shall be exercised and carried out by the President of the Republic and the Council of Ministers in conformity with the Constitution and laws.	VIII. Executive power and function ARTICLE 8- Executive power and function shall be exercised and carried out by the President of the Republic in conformity with the Constitution and laws.

Article 9

ARTICLE IN FORCE	ARTICLE IF AMENDED
IX. Judicial power ARTICLE 9 – Judicial power shall be exercised by independent courts on behalf of the Turkish Nation.	IX. Judicial power ARTICLE 9 – Judicial power shall be exercised by independent and impartial courts on behalf of the Turkish Nation.

Article 15

ARTICLE IN FORCE	ARTICLE IF AMENDED
IV. Suspension of the exercise of fundamental rights and freedoms ARTICLE 15- (1) In times of war, mobilization, martial law , or a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures derogating the guarantees embodied in the	IV. Suspension of the exercise of fundamental rights and freedoms ARTICLE 15- (1) In times of war, mobilization or a state of emergency, the exercise of fundamental rights and freedoms

Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.

may be partially or entirely suspended, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.

Article 17

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>I. Personal inviolability, corporeal and spiritual existence of the individual ARTICLE 17- (4) (As amended on May 7, 2004; Act No. 5170) The act of killing in case of self-defence and, when permitted by law as a compelling measure to use a weapon, during the execution of warrants of capture and arrest, the prevention of the escape of lawfully arrested or convicted persons, the quelling of riot or insurrection, or carrying out the orders of authorized bodies during martial law, state of emergency, do not fall within the scope of the provision of the first paragraph.</p>	<p>I. Personal inviolability, corporeal and spiritual existence of the individual ARTICLE 17- (4) (As amended on May 7, 2004; Act No. 5170) The act of killing in case of self-defence and, when permitted by law as a compelling measure to use a weapon, during the execution of warrants of capture and arrest, the prevention of the escape of lawfully arrested or convicted persons, the quelling of riot or insurrection, or carrying out the orders of authorized bodies during state of emergency, do not fall within the scope of the provision of the first paragraph.</p>

Article 19

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>III. Personal liberty and security ARTICLE 19- (5) (As amended on October 3, 2001; Act No. 4709) The person arrested or detained shall be brought before a judge within at latest forty-eight hours and in case of offences committed collectively within at most four days, excluding the time required to send the individual to the court nearest to the place of arrest. No one can be deprived of his/her liberty without the decision of a judge after the expiry of the above specified periods. These periods may be extended during a</p>	<p>III. Personal liberty and security ARTICLE 19- (5) (As amended on October 3, 2001; Act No. 4709) The person arrested or detained shall be brought before a judge within at latest forty-eight hours and in case of offences committed collectively within at most four days, excluding the time required to send the individual to the court nearest to the place of arrest. No one can be deprived of his/her liberty</p>

state of emergency, ~~martial law~~ or in time of war.

without the decision of a judge after the expiry of the above specified periods. These periods may be extended during a state of emergency or in time of war.

Article 73

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>VI. Duty to pay taxes ARTICLE 73-</p> <p>(4) The Council of Ministers may be empowered to amend the percentages of exemption, exceptions and reductions in taxes, fees, duties and other such financial obligations, within the minimum and maximum limits prescribed by law.</p>	<p>VI. Duty to pay taxes ARTICLE 73-</p> <p>(4) The President of the Republic may be empowered to amend the percentages of exemption, exceptions and reductions in taxes, fees, duties and other such financial obligations, within the minimum and maximum limits prescribed by law.</p>

Article 75

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>I. The Grand National Assembly of Turkey A. Composition ARTICLE 75 – - (As amended on May 17, 1987; Act No. 3361, and on July 23, 1995; Act No. 4121) The Grand National Assembly of Turkey shall be composed of five hundred and fifty deputies elected by universal suffrage.</p>	<p>I. The Grand National Assembly of Turkey A. Composition ARTICLE 75 – - (As amended on May 17, 1987; Act No. 3361, and on July 23, 1995; Act No. 4121) The Grand National Assembly of Turkey shall be composed of five hundred and fifty six hundred deputies elected by universal suffrage.</p>

Article 76

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>B. Eligibility to be a deputy ARTICLE 76 – Every Turk over the age of twenty-five is eligible to be a deputy.</p>	<p>B. Eligibility to be a deputy ARTICLE 76 – Every Turk over the age of twenty-five eighteen is eligible</p>

<p>(As amended on December 27, 2002; Act No. 4777) Persons who have not completed primary education, who have been deprived of legal capacity, who have not performed compulsory military service, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they have been granted amnesty.</p> <p>Judges and prosecutors, members of the higher judicial organs, lecturers at institutions of higher education, members of the Council of Higher Education, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers on account of the duties they perform, and members of the armed forces shall not stand for election or be eligible to be a deputy unless they resign from office.</p>	<p>to be a deputy.</p> <p>(As amended on December 27, 2002; Act No. 4777) Persons who have not completed primary education, who have been deprived of legal capacity, who are in relation with their military services, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted of dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they have been granted amnesty.</p> <p>Judges and prosecutors, members of the higher judicial organs, lecturers at institutions of higher education, members of the Council of Higher Education, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers on account of the duties they perform, and members of the armed forces shall not stand for election or be eligible to be a deputy unless they resign from office.</p>
--	--

Article 77

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>C. Election term of the Grand National Assembly of Turkey ARTICLE 77--(As amended on October 21, 2007; Act No. 5678) Elections for the Grand National Assembly of Turkey shall be held every four years. The Assembly may decide to hold a new election before the termination of this period, or</p>	<p>C. Election term of the Grand National Assembly of Turkey and President ARTICLE 77- (As amended on October 21, 2007; Act No. 5678) Elections for the Grand National Assembly of Turkey</p>

<p>elections shall be renewed according to the decision taken by the President of the Republic, under the conditions set forth in the Constitution. A deputy whose term of office expires is eligible for re-election. In the event of a decision to hold new elections, the powers of the Assembly shall continue until the election of a new Assembly.</p>	<p>and the Presidency shall be held on the same day in every five years. A deputy whose term of office expires is eligible for re-election.</p> <p>If the simple majority is not obtained in the first round of Presidential elections, a second round of voting is held according to procedure stated in Article 101.</p>
---	--

Article 78

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>D. Deferment of elections for the Grand National Assembly of Turkey and by-elections ARTICLE 78</p>	<p>D. Deferment of elections and by-elections ARTICLE 78</p>

Article 82

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>3. Activities incompatible with membership ARTICLE 82- Members of the Grand National Assembly of Turkey shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises where there is direct or indirect participation of the State or public corporate bodies; in the enterprises and corporations where the State and other public corporate bodies take part directly or indirectly; in the executive and supervisory boards of public benefit associations whose private resources of revenues and privileges are provided by law; of the foundations receiving subsidies from the state and enjoying tax exemption; of the professional organizations having the characteristics of public institutions and trade unions; and in the executive and supervisory boards of aforementioned enterprises and corporations which they have a share and in their higher bodies. Nor shall they be representatives, accept any contracted engagement of the boards stated above directly or indirectly, serve as a representative, or perform as</p>	<p>3. Activities incompatible with membership ARTICLE 82- Members of the Grand National Assembly of Turkey shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises where there is direct or indirect participation of the State or public corporate bodies; in the enterprises and corporations where the State and other public corporate bodies take part directly or indirectly; in the executive and supervisory boards of public benefit associations whose private resources of revenues and privileges are provided by law; of the foundations receiving subsidies from the state and enjoying tax exemption; of the professional organizations having the characteristics of public institutions and trade unions; and in the executive and supervisory boards of</p>

<p>an arbitrator therein.</p> <p>Members of the Grand National Assembly of Turkey shall not be entrusted with any official or private duties involving proposal, recommendation, appointment, or approval by the executive organ. A deputy's acceptance of a temporary assignment, not exceeding a period of six months, given by the Council of Ministers on a specific matter, is subject to the decision of the Assembly.</p> <p>Other duties and activities incompatible with membership in the Grand National Assembly of Turkey shall be regulated by law.</p>	<p>aforementioned enterprises and corporations which they have a share and in their higher bodies. Nor shall they be representatives, accept any contracted engagement of the boards stated above directly or indirectly, serve as a representative, or perform as an arbitrator therein.</p> <p>Members of the Grand National Assembly of Turkey shall not be entrusted with any official or private duties involving proposal, recommendation, appointment, or approval by the executive organ.</p> <p>Other duties and activities incompatible with membership in the Grand National Assembly of Turkey shall be regulated by law.</p>
---	---

Article 87

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>II. Duties and powers of the Grand National Assembly of Turkey</p> <p>A. General</p> <p>ARTICLE 87- (As amended on October 3, 2001; Act No. 4709, and on May 7, 2004; Act No. 5170) The duties and powers of the Grand National Assembly of Turkey are to enact, amend, and repeal laws; to scrutinize the Council of Ministers and the ministers; to authorize the Council of Ministers; to issue decrees having the force of law on certain matters; to debate and adopt the bills of budget and final accountst; to decide to issue currency and declare war; to approve the ratification of international treaties, to decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution.</p>	<p>II. Duties and powers of the Grand National Assembly of Turkey</p> <p>A. General</p> <p>ARTICLE 87- (As amended on October 3, 2001; Act No. 4709, and on May 7, 2004; Act No. 5170) The duties and powers of the Grand National Assembly of Turkey are to enact, amend, and repeal laws; to debate and adopt the bills of budget and final accounts; to decide to issue currency and declare war; to approve the ratification of international treaties, to decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution.</p>

Article 88

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>B. Introduction and deliberation of bills ARTICLE 88- The Council of Ministers and deputies are empowered to introduce bills. The procedure and principles regarding the deliberation of government bills and private members' bills in the Grand National Assembly of Turkey shall be regulated by the Rules of Procedure.</p>	<p>B. Introduction and deliberation of bills ARTICLE 88- Deputies are empowered to introduce bills. The procedure and principles regarding the deliberation of private members' bills in the Grand National Assembly of Turkey shall be regulated by the Rules of Procedure.</p>

Article 89

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>C. Promulgation of laws by the President of the Republic ARTICLE 89 – (3) If the Grand National Assembly of Turkey adopts the law sent back for reconsideration without any amendment, the law shall be promulgated by the President of the Republic; if the Assembly makes a new amendment to the law, the President of the Republic may send the amended law back for reconsideration.</p>	<p>C. Promulgation of laws by the President of the Republic ARTICLE 89 – (3) If the Grand National Assembly of Turkey adopts the law sent back for reconsideration with the absolute majority of total number of members without any amendment, the law shall be promulgated by the President of the Republic; if the Assembly makes a new amendment to the law, the President of the Republic may send the amended law back for reconsideration.</p>

Article 93

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>III. Provisions relating to the activities of the Grand National Assembly of Turkey A. Convening and recess</p>	<p>III. Provisions relating to the activities of the Grand National Assembly of Turkey A. Convening and recess</p>

ARTICLE 93 – (2) The Assembly may be in recess for a maximum of three months in a legislative year; during adjournment or recess it may be summoned by the President of the Republic ~~either on his own initiative or at the request of the Council of Ministers.~~

ARTICLE 93 – (2) The Assembly may be in recess for a maximum of three months in a legislative year; during adjournment or recess it may be summoned by the President of the Republic.

Article 96

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>D. Quorums and majority for decisions ARTICLE 96- (As amended on October 21, 2007; Act No. 5678) The Grand National Assembly of Turkey shall convene with at least one-third of the total number of members for all its affairs, including elections it holds. Unless otherwise stipulated in the Constitution, the Grand National Assembly of Turkey shall take decisions by an absolute majority of those present; however, the majority for decision can, under no circumstances, be less than one plus a quarter of the total number of members.</p> <p>Members of the Council of Ministers may delegate a minister to vote on their behalf in sessions of the Grand National Assembly of Turkey that they are unable to attend. However, a minister shall not cast more than two votes including his/her own.</p>	<p>D. Quorums and majority for decisions ARTICLE 96- (As amended on October 21, 2007; Act No. 5678) The Grand National Assembly of Turkey shall convene with at least one-third of the total number of members for all its affairs, including elections it holds. Unless otherwise stipulated in the Constitution, the Grand National Assembly of Turkey shall take decisions by an absolute majority of those present; however, the majority for decision can, under no circumstances, be less than one plus a quarter of the total number of members.</p>

Article 98

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>IV. Ways of obtaining information and supervision by the Grand National Assembly of Turkey</p> <p>A. General</p> <p>ARTICLE 98- The Grand National Assembly of Turkey shall exercise its supervisory power by means of question, parliamentary inquiry, general debate, censure and parliamentary investigations. A question is a request for information addressed to the Prime Minister or ministers to be answered orally or in writing on</p>	<p>ARTICLE 98- The Grand National Assembly of Turkey shall exercise its powers of acquiring information and supervision by means of parliamentary inquiry, general debate, parliamentary investigations and written question.</p> <p>A parliamentary inquiry is an examination conducted to obtain information on a specific subject.</p>

~~behalf of the Council of Ministers.~~

A parliamentary inquiry is an examination conducted to obtain information on a specific subject.

A general debate is the consideration of a specific subject relating to the community and the activities of the State at the Plenary of the Grand National Assembly of Turkey. The form of presentation, content, and scope of the motions concerning question, parliamentary inquiry and general debate, and the procedures ~~for answering, debating and inquiring them,~~ shall be regulated by the Rules of Procedure.

A general debate is the consideration of a specific subject relating to the community and the activities of the State at the Plenary of the Grand National Assembly of Turkey.

~~A parliamentary investigation is an investigation about the Vice-Presidents and the Ministers conducted according to the fifth, sixth, seventh paragraphs of Article 106.~~

~~A written question is a request for information addressed to the Vice-Presidents or Ministers by deputies to be answered in writing within fifteen days at the latest.~~

The form of presentation, content, and scope of the motions concerning parliamentary inquiry, general debate and **written** question and the procedures of inquiry shall be regulated by the Rules of Procedure.

Article 101

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>CHAPTER TWO The Executive Power I. President of the Republic A. Qualifications and impartiality ARTICLE 101- (As amended on October 21, 2007; Act No. 5678) The President of the Republic shall be elected by the public from among the members of the Grand National Assembly of Turkey who are over forty years of age and have completed higher education, or from among Turkish citizens who fulfil these requirements and are eligible to be deputies.</p> <p>The President of the Republic's term of office shall be five years.</p>	<p>CHAPTER TWO The Executive Power I. President of the Republic A. Nomination and election ARTICLE 101- (As amended on October 21, 2007; Act No. 5678) The President of the Republic shall be elected directly by the public from among Turkish citizens who are eligible to be deputies, who are over forty years of age and who have completed higher education.</p> <p>The President of the Republic's term of office shall be five years. A person may be elected as President of the Republic</p>

A person may be elected as President of the Republic for two terms at most.

~~Nomination of a candidate for the Presidency from among the members of the Grand National Assembly of Turkey or from outside of the Assembly shall require a written proposal of twenty deputies. Furthermore, political parties with more than ten percent of the valid votes in sum in the latest parliamentary elections may nominate a joint candidate.~~

~~If the President-elect is a member of a party, his/her relationship with his party shall be severed and~~ his/her membership of the Grand National Assembly of Turkey shall cease.

for two terms at most.

Political party groups, political parties which have received more than five percent of the valid votes in sum alone or jointly in the latest parliamentary elections, or a hundred thousand electorates may nominate a candidate for Presidency.

If a deputy is elected as President, his/her membership of the Grand National Assembly of Turkey shall cease.

In presidential elections conducted by universal suffrage, the candidate who receives the absolute majority of the valid votes shall be elected President of the Republic. If this majority cannot be obtained in the first ballot, the second ballot shall be held on the second Sunday following this ballot. The first two top rated candidates in first ballot shall run for the second, and the candidate who receives the majority of valid votes shall be elected President of the Republic.

If one of the candidates who is entitled to run for the second ballot is unable to participate in the election for any reason whatsoever, the second ballot shall be conducted by substituting the vacant candidacy in conformity with the ordering constituted in the first ballot. where only one candidate remains for the second ballot, this ballot shall be conducted as a referendum. Should the candidate receive the majority of the valid votes, he/she shall be elected the President of the Republic. If that candidate cannot receive the majority of the valid votes in election, only presidential election is renewed.

The term of office of the incumbent President of the Republic shall continue until the President-elect takes the office.

Other procedures and principles concerning presidential elections shall be regulated by law.

Article 104

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>D. Duties and powers ARTICLE 104- The President of the Republic is the head of the State. In this capacity, he/she shall represent the Republic of Turkey and the unity of the Turkish Nation; he/she shall ensure the implementation of the Constitution, and the regular and harmonious functioning of the organs of the State.</p> <p>To this end, the duties he/she shall perform, and the powers he/ she shall exercise, in accordance with the conditions stipulated in the relevant articles of the Constitution are as follows:</p> <p>a) Those relating to legislation: To deliver, if he/she deems it necessary, the opening speech of the Grand National Assembly of Turkey on the first day of the legislative year, To summon the Grand National Assembly of Turkey, when necessary, To promulgate laws, To send laws back to the Grand National Assembly of Turkey to be reconsidered, To submit to referendum, if he/she deems it necessary, laws regarding amendment to the Constitution. To appeal to the Constitutional Court for the annulment part of whole or certain provisions of laws, decrees having the force of law and the Rules of Procedure of the Grand National Assembly of Turkey on the grounds that they are unconstitutional in form or in content, To decide to renew elections for the Grand National Assembly of Turkey.</p> <p>b) Those relating the executive: To appoint the Prime Minister and to accept his/her resignation, To appoint and dismiss ministers on the proposal of the Prime Minister,</p>	<p>D. Duties and powers ARTICLE 104 - The President of the Republic is the head of the State. Executive power belongs to the President. In this capacity, he/she shall represent the Republic of Turkey and the unity of the Turkish Nation; he/she shall ensure the implementation of the Constitution, and the regular and harmonious functioning of the organs of the State.</p> <p>If he/she deems it necessary, delivers the opening speech of the Grand National Assembly of Turkey on the first day of the legislative year.</p> <p>He/she gives message to the Assembly about domestic and foreign policy of the country.</p> <p>He/she promulgates laws.</p> <p>He/she returns laws for reconsideration to the Grand National Assembly of Turkey.</p> <p>He/she lodges an action for annulment with the Constitutional Court for the whole or certain provisions of enacted laws, the Rules of Procedure of the Grand National Assembly of Turkey on the grounds that they are unconstitutional in form or in content.</p>

~~To preside over the Council of Ministers or to call the Council of Ministers to meet under his/her chairpersonship whenever he/she deems it necessary,~~

To accredit representatives of the Turkish State to foreign states and to receive the representatives of foreign states appointed to the Republic of Turkey,

To ratify and promulgate international treaties,

To represent the Office of Commander-in-Chief of the Turkish Armed Forces on behalf of the Grand National Assembly of Turkey,

To decide on the use of the Turkish Armed Forces,

~~To appoint the Chief of the General Staff,~~

~~To call the National Security Council to meet,~~

~~To preside over the National Security Council,~~

~~To proclaim martial law or state of emergency, and to issue decrees having the force of law, by the decisions of the Council of Ministers under his/her chairpersonship,~~

~~To sign decrees,~~

To remit or commute the sentences imposed on certain individuals, on grounds of chronic illness, disability or old age,

~~To appoint the members and the chairperson of the State Supervisory Council,~~

~~To instruct the State Supervisory Council to carry out inquiries, investigations and inspections,~~

~~To appoint the members of the Council of Higher Education,~~

~~To appoint president of universities.~~

~~e) Those relating to the judiciary:~~

~~To appoint the members of the Constitutional Court, one-fourth of the members of the Council of State, the Chief Public~~

~~Prosecutor and the Deputy Chief Public Prosecutor of the High Court of Appeals, the members of the High Military Court of Appeals, the members of High Military Administrative Court and the members of the High Council of Judges and Prosecutors.~~

The President of the Republic shall also exercise powers of election and appointment, and perform the other duties conferred on him/her by the Constitution and laws

He/she appoints and dismisses Vice-Presidents and ministers.

He/she appoints and dismisses high level State officials, and regulates the procedures and principles relating to the appointment of these, by presidential decrees.

He/she accredits representatives of the Turkish State to foreign states and receives the representatives of foreign states appointed to the Republic of Turkey.

He/she ratifies and promulgates international treaties.

He/she holds a referendum, if he/she deems it necessary, on laws regarding amendment to the Constitution.

He/she determines the national security policies and takes the necessary measures.

He/she represents the Office of Commander-in-Chief of the Turkish Armed Forces on behalf of the Grand National Assembly of Turkey.

He/she decides on the use of the Turkish Armed Forces.

He/she revokes or commutes the sentences imposed on individuals, on grounds of chronic illness, disability and old age.

The President may issue presidential decrees on matters relating to the executive power. The fundamental rights, individual rights and duties included in the first and second chapters, and the political rights and duties listed in the fourth chapter of the second part of the Constitution, shall not be regulated by presidential decrees. No presidential decrees

	<p>shall be granted on matters to be regulated specifically by law embodied in the Constitution. No presidential decrees shall be granted on matters explicitly regulated by law.</p> <p>In the case of a conflict between presidential decrees and the laws due to differences in provisions on the same matter, the provisions of law shall prevail. In case the Grand National Assembly of Turkey introduces a law on the same matter, the presidential decree shall become null and void. The President may issue by-laws in order to ensure the implementation of laws providing that they are not contrary to these laws and regulations.</p> <p>Decrees and by-laws shall come into force on the day of their publication in the Official Gazette unless a date later than publication is determined.</p> <p>The President of the Republic shall also exercise powers of election and appointment, and perform the other duties conferred on him/her by the Constitution and laws.</p>
--	---

Article 105

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>E. Presidential accountability and non-accountability ARTICLE 105 – All presidential decrees, except those which the President of the Republic is empowered to enact individually without the signatures of the Prime Minister and the minister concerned in accordance with the provisions of the Constitution and other laws, shall be signed by the Prime Minister and the ministers concerned; the Prime Minister and the minister concerned shall be accountable for these decrees.</p> <p>No appeal shall be made to any judicial authority, including the Constitutional</p>	<p>E. Criminal liability of the President ARTICLE 105 – [Parliamentary] Investigation may be requested claiming that the President commits a crime through a motion tabled by an absolute majority of the total number of members of the Grand National Assembly of Turkey. The Assembly shall debate this request within one month at the latest and may decide to open an investigation through a three-fifths majority in secret ballot.</p>

~~Court, against the decisions and orders signed by the President of the Republic on his/her own initiative.
The President of the Republic may be impeached for high treason on the proposal of at least one-third of the total number of members of the Grand National Assembly of Turkey, and by the decision of at least three-fourths of the total number of members.~~

Where a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their number of seats. The committee shall submit its report on the result of the investigation to the Assembly within two months. In case the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

Following its submission to the Office of the Speaker, the report shall be distributed within ten days and debated in the Plenary within ten days after its distribution.

The Grand National Assembly of Turkey may decide to refer the case to the Supreme Court with two-thirds majority of the total number of members through secret ballot. Supreme Court trial shall be concluded in three months, if the trial is not completed within the time allotted, a further three months shall be granted for once, and the trial shall absolutely be completed within that time.

The President in respect of whom an investigation has been initiated cannot decide to hold elections.

The term of office of the President, who is convicted by the Supreme Court of a crime that prevents from being elected, shall cease.

The alleged offences committed during the term of office shall be subject to the provisions of this article also after the term of office expires.

Article 106

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>F. Acting for the President of the Republic ARTICLE 106—In the event of a temporary absence of the President of the Republic on account of illness, travel abroad or similar circumstances, until the President of the Republic resumes his/her functions, and in the event that the Presidency falls vacant as a result of death or resignation or for any other reason, until the election of a new President of the Republic, the Speaker of the Grand National Assembly of Turkey shall serve as Acting President of the Republic and exercise the powers of the President of the Republic.</p>	<p>F. Vice-presidents, Acting President and ministers ARTICLE 106 – After being elected, the President may appoint one or more Vice-Presidents.</p> <p>In case the office of the President falls vacant for any reason, the election of the President shall be held in forty five days. Until a new one is elected, the Vice-President shall act as president, and he/she shall exercise the powers of the President. If the general election is to be held within a year or less, the election of the Grand National Assembly of Turkey shall be renewed together with the election of the President. If the general election is to be held in over one year, the President [newly] elected shall continue to serve until the election date of the Grand National Assembly of Turkey. For the President who is completing that remaining period, this time-frame is not counted as the term of office. Both elections are held together at the date of the general elections of the Grand National Assembly of Turkey.</p> <p>In the event of a temporary absence of the President of the Republic on account of illness, travel abroad or similar circumstances, the Vice-President shall serve as Acting President of the Republic and exercise the powers of the President of the Republic. Vice-Presidents and ministers shall be appointed from among those eligible to be elected as deputies and dismissed by the President of the Republic Vice-Presidents and ministers shall take their oaths before the Grand National Assembly of Turkey, as written in Article 81. If members of the Grand National Assembly of Turkey are appointed as Vice-Presidents or ministers, their</p>

parliamentary membership shall cease.

Vice-Presidents and ministers shall be accountable to the President. [Parliamentary] Investigation alleging that they committed a task-related crime may be requested against the Vice-Presidents and ministers through a motion tabled by an absolute majority of the total number of members of the Grand National Assembly of Turkey. The Assembly shall debate on this request within one month at the latest and may decide to open an investigation with a three-fifths majority in secret ballot.

Where a decision to launch an investigation is made, the investigation shall be conducted by a committee of fifteen members, chosen by lot, for each political party in the Assembly, separately from among three times candidates nominated for each seat reserved to party groups in proportion to their number of seats. The committee shall submit its report on the result of the investigation to the Office of the Speaker within two months. In case the investigation is not completed within the time allotted, the committee shall be granted a further and final period of one month.

Following its submission to the Office of the Speaker, the report shall be distributed within ten days and debated in the Plenary within ten days after its distribution. The Grand National Assembly of Turkey may decide to refer the case before the Supreme Court with two-thirds majority of the total number of members through secret ballot. Supreme Court trial shall be concluded in three months, if the trial is not completed within the time allotted, a further three months shall be granted for once, and the trial shall absolutely be completed within that time.

	<p>The alleged task-related offences committed during their terms of offices shall also be subject to the provisions of paragraphs (5), (6) and (7) after the termination of their duties.</p> <p>The term of office of the Vice-President or minister, who is convicted by the Supreme Court of a crime that prevents from being elected, shall cease.</p> <p>During the term of office, for the alleged offences which are not task-related, Vice-Presidents and ministers shall enjoy parliamentary immunity.</p> <p>The formation, abolition, functions, powers and organisation, and formation of central and regional organisation of the ministries shall be regulated by presidential decrees.</p>
--	--

Article 108

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>H. State Supervisory Council ARTICLE 108- The State Supervisory Council which shall be attached to the Office of the Presidency of the Republic, with the purpose of ensuring the lawfulness, regular and efficient functioning and improvement of administration, conduct all inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organizations, employers' associations and labour unions at all levels, and public welfare associations and foundations, upon the request of the President of the Republic.</p> <p>The armed forces and judicial organs are outside the jurisdiction of the State Supervisory Council.</p>	<p>H. State Supervisory Council ARTICLE 108- The State Supervisory Council which shall be attached to the Office of the Presidency of the Republic, with the purpose of ensuring the lawfulness, regular and efficient functioning and improvement of administration, conduct all administrative investigations, inquiries, investigations and inspections of all public bodies and organizations, all enterprises in which those public bodies and organizations share more than half of the capital, public professional organizations, employers' associations and labour unions at all levels, and public welfare associations and foundations, upon the request of the President of the Republic.</p>

<p>The members and the Chairperson from among the members of the State Supervisory Council shall be appointed by the President of the Republic from among those with the qualifications set forth in the law.</p> <p>The functioning of the State Supervisory Council, the term of office of its members, and other personnel matters relating to their status shall be regulated by law.</p>	<p>Judicial organs are outside the jurisdiction of the State Supervisory Council.</p> <p>The Chairperson and the members of the State Supervisory Council shall be appointed by the President of the Republic.</p> <p>The functioning of the State Supervisory Council, the term of office of its members, and other personnel matters relating to their status shall be regulated by law. presidential decree.</p>
--	--

Article 116

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>H. Renewal of elections to the Grand National Assembly of Turkey by the President of the Republic</p> <p>ARTICLE 116 – In cases where the Council of Ministers fails to receive a vote of confidence under Article 110 or falls by a vote of no-confidence under Article 99 or 111, if a new Council of Ministers cannot be formed within forty-five days or fails to receive a vote of confidence, the President of the Republic, in consultation with the Speaker of the Grand National Assembly of Turkey, may decide to renew the elections.</p> <p>If a new Council of Ministers cannot be formed within forty-five days of the resignation of the Prime Minister without being defeated by a vote of no-confidence or also within forty-five days of elections for the Bureau of the newly elected Grand National Assembly of Turkey, the President of the Republic may likewise, in consultation with the Speaker of the Grand National Assembly of Turkey, decide to renew the elections.</p> <p>The decision on the renewal of elections shall be published in the Official Gazette and the election shall be held.</p>	<p>H. Renewal of elections to the Grand National Assembly of Turkey and the President of the Republic</p> <p>ARTICLE 116 – The Grand National Assembly may decide to renew elections with a three-fifths majority of the total number of members. In this case, general election of the Grand National Assembly and presidential elections shall be held together. In the event that the President decides to renew the elections, general election of the Grand National Assembly and presidential elections shall be held together.</p> <p>Where the renewal of the elections is decided by the Grand National Assembly of Turkey during the second term of the President, he/she may run [for the presidency] once more.</p> <p>The powers of the Assembly and the President of the Republic of which the renewal of elections is decided together, shall continue until these organs take the offices.</p>

The terms of offices of the Assembly and the President elected in this manner shall also be five years.

Article 117

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>I. National defence 1. Offices of Commander-in-Chief and Chief of the General Staff ARTICLE 117- The Office of Commander-in-Chief is inseparable from the spiritual existence of the Grand National Assembly of Turkey and is represented by the President of the Republic.</p> <p>The Council of Ministers shall be responsible to the Grand National Assembly of Turkey for national security and for the preparation of the armed forces for the defence of the country.</p> <p>The Chief of the General Staff is the commander of the armed forces, and in time of war, exercises the duties of Commander-in-Chief on behalf of the President of the Republic.</p> <p>The Chief of the General Staff shall be appointed by the President of the Republic following the proposal of the Council of Ministers. His/her duties and powers shall be regulated by law. The Chief of the General Staff shall be responsible to the Prime Minister in the exercise of his/her duties and powers.</p> <p>The functional relations of the Ministry of National Defence with the Chief of the General Staff and the Commanders of the Armed Forces and its scope of jurisdiction shall be regulated by law.</p>	<p>I. National defence 1. Offices of Commander-in-Chief and Chief of the General Staff ARTICLE 117- The Office of Commander-in-Chief is inseparable from the spiritual existence of the Grand National Assembly of Turkey and is represented by the President of the Republic.</p> <p>The President of the Republic shall be responsible to the Grand National Assembly of Turkey for national security and for the preparation of the armed forces for the defence of the country.</p> <p>The Chief of the General Staff, appointed by the President of the Republic, is the commander of the armed forces, and in time of war, exercises the duties of Commander-in-Chief on behalf of the President of the Republic.</p>

Article 118

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>2. National Security Council ARTICLE 118- (As amended on October 3, 2001; Act No. 4709) The National Security Council shall be composed of the Prime Minister, the Chief of the General Staff, deputy prime ministers, ministers of Justice, National Defence, Internal Affairs, Foreign Affairs, the commanders of the Land, Naval and Air Forces and the General Commander of the Gendarmerie, under the chairpersonship of the President of the Republic.</p> <p>Depending on the particulars of the agenda, ministers and other persons concerned may be invited to meetings of the Council and their views heard.</p> <p>(As amended on October 3, 2001; Act No. 4709) The National Security Council shall submit to the Council of the Ministers the advisory decisions taken with regard to the formulation, determination, and implementation of the national security policy of the State and its views on ensuring the necessary coordination. The Council of Ministers shall evaluate decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.</p> <p>The agenda of the National Security Council shall be drawn up by the President of the Republic taking into account the proposals of the Prime Minister and the Chief of the General Staff.</p> <p>In the absence of the President of the Republic, the National Security Council shall convene under the chairpersonship of the Prime Minister.</p> <p>The organization and duties of the General Secretariat of the National Security Council shall be regulated by law.</p>	<p>2. National Security Council ARTICLE 118- (As amended on October 3, 2001; Act No. 4709) The National Security Council shall be composed of Vice-Presidents, ministers of Justice, National Defence, Internal Affairs, and Foreign Affairs, the Chief of the General Staff, the commanders of the Land, Naval and Air Forces, under the chairpersonship of the President of the Republic.</p> <p>Depending on the particulars of the agenda, ministers and other persons concerned may be invited to meetings of the Council and their views heard.</p> <p>(As amended on October 3, 2001; Act No. 4709) The National Security Council shall submit to the Council of the Ministers the President of the Republic the advisory decisions taken with regard to the formulation, determination, and implementation of the national security policy of the State and its views on ensuring the necessary coordination. The President of the Republic shall evaluate decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.</p> <p>The agenda of the National Security Council shall be drawn up by the President of the Republic taking into account the proposals of Vice-Presidents and the Chief of the General Staff.</p> <p>In the absence of the President of the Republic, the National Security Council shall convene under the chairpersonship of</p>

	<p>the Vice-President.</p> <p>The organization and duties of the General Secretariat of the National Security Council shall be regulated by presidential decree.</p>
--	---

Article 119

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>III. Extraordinary administration procedures A. States of emergency 1. Declaration of state of emergency because of natural disaster or serious economic crisis</p> <p>ARTICLE 119- In the event of natural disaster, dangerous epidemic diseases or a serious economic crisis, the President of the Republic may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months.</p>	<p>III. State of emergency administration ARTICLE 119- The President of the Republic may declare state of emergency in one or more regions or throughout the country for a period not exceeding six months in the event of war, the emergence of a situation necessitating war, mobilization, uprising, strong and actual attempt against homeland and Republic, widespread acts of violence of internal or external origin threatening the indivisibility of the country and the nation, emergence of widespread acts of violence which are aimed at the destruction of the constitutional order or the fundamental rights and freedoms, severely destruction of public order due to acts of violence, and emergence of natural disaster, dangerous pandemic disease or severe economic crises.</p> <p>The decision of declaration of state of emergency shall be published on the issuing day in the Official Gazette, and submitted to the Grand National Assembly of Turkey for approval, on the same day.</p> <p>If the Grand National Assembly of Turkey is in recess, it shall be immediately summoned. The Grand National Assembly of Turkey may, when it deems necessary, reduce or extend the period of state of emergency, or lift it.</p>

The Grand National Assembly of Turkey may extend the period of state of emergency for a maximum of four months each time upon the President's request. In the event of state of war, the limit of four months does not apply.

The financial, material and labour obligations which are to be imposed on citizens in the event of the declaration of state of emergency and the manner how fundamental rights and freedoms shall be restricted or suspended temporarily in line with the principles of Article 15, which provisions shall be applied, and how the procedures shall be exercised, shall be regulated by law.

During the state of emergency, the President of the Republic, may issue presidential decrees on the matters necessitated by the state of emergency without the limitation set forth in the second sentence of the seventeenth paragraph of Article 104. These decrees having the force of law shall be published in the Official Gazette, and shall be submitted to the Grand National Assembly of Turkey on the same day for approval.

Save for the situations that the Grand National Assembly of Turkey cannot convene due to war and force majeure; presidential decrees issued during the state of emergency shall be debated and concluded in the Grand National Assembly of Turkey within three months. Otherwise, the Presidential decree issued in the state of emergency shall ex officio cease to have effect.

Article 124

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>2. By-laws ARTICLE 124- The Prime Ministry, the ministries, and public corporate bodies may issue by-laws in order to ensure the implementation of laws and regulations relating to their jurisdiction, as long as they are not contrary to these laws and regulations.</p> <p>The law shall designate which by-laws are to be published in the Official Gazette.</p>	<p>2. By-laws ARTICLE 124- The President of the Republic, the ministries, and public corporate bodies may issue by-laws in order to ensure the implementation of laws and regulations relating to their jurisdiction, as long as they are not contrary to these laws and regulations.</p> <p>The law shall designate which by-laws are to be published in the Official Gazette.</p>

Article 125

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>B. Judicial review ARTICLE 125-</p> <p>(2) The acts of the President of the Republic in his/her own competence, and the decisions of the Supreme Military Council are outside the scope of judicial review. (Sentence added on September 12, 2010; Act No. 5982) Nonetheless, recourse to judicial review shall be available against all decisions taken by the Supreme Military Council regarding expulsion from the armed forces except acts regarding promotion and retiring due to lack of tenure.</p> <p>(6) The law may restrict the issuing of an order on suspension of execution of an administrative act in cases of state of emergency, martial law, mobilization and state of war, or on the grounds of national security, public order and public health.</p>	<p>B. Judicial review ARTICLE 125-</p> <p>(2) Recourse to judicial review shall be available against all decisions taken by the Supreme Military Council regarding expulsion from the armed forces except acts regarding promotion and retiring due to lack of tenure.</p> <p>(6) The law may restrict the issuing of an order on suspension of execution of an administrative act in cases of state of emergency, mobilization and state of war, or on the grounds of national security, public order and public health.</p>

Article 127

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>2. Local administrations ARTICLE 127- Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law.</p> <p>The formation, duties and powers of the local administrations shall be regulated by law in accordance with the principle of local administration.</p> <p>(As amended on July 23, 1995; Act No. 4121) The elections for local administrations shall be held every five years in accordance with the principles set forth in Article 67. However, general elections or by-elections for local administrative bodies or for members thereof, which are to be held within a year before or after the general elections or by-elections for deputies, shall be held simultaneously with the general elections or by-elections for deputies. Special administrative arrangements may be introduced by law for larger urban centres.</p> <p>Loss of status and objections regarding the acquisition of the status of elected organs of local administrations shall be decided by judiciary. However, as a provisional measure until the final court judgment, the Minister of Internal Affairs may remove from office those organs of local administration or their members against whom an investigation or prosecution has been initiated on grounds of offences related to their duties.</p> <p>The central administration has the power of administrative tutelage over the local administrations in the framework of principles and procedures set forth by law with the objective of ensuring the functioning of local services in conformity with the principle of the integrity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs properly.</p> <p>The formation of local administrative bodies into a union with the permission of the</p>	<p>2. Local administrations ARTICLE 127- Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law.</p> <p>The formation, duties and powers of the local administrations shall be regulated by law in accordance with the principle of local administration.</p> <p>(As amended on July 23, 1995; Act No. 4121) The elections for local administrations shall be held every five years in accordance with the principles set forth in Article 67. Special administrative arrangements may be introduced by law for larger urban centres.</p> <p>Loss of status and objections regarding the acquisition of the status of elected organs of local administrations shall be decided by judiciary. However, as a provisional measure until the final court judgment, the Minister of Internal Affairs may remove from Office those organs of local administration or their members against whom an investigation or prosecution has been initiated on grounds of offences related to their duties.</p> <p>The central administration has the power of administrative tutelage over the local administrations in the framework of principles and procedures set forth by law with the objective of ensuring the functioning of local services in conformity with the principle of the integrity of the administration, securing</p>

~~Council of Ministers~~ for the purpose of performing specific public services; and the functions, powers, financial and security arrangements of these unions, and their reciprocal ties and relations with the central administration, shall be regulated by law. These administrative bodies shall be allocated financial resources in proportion to their functions.

uniform public service, safeguarding the public interest and meeting local needs properly.

The formation of local administrative bodies into a union with the permission of the **President of the Republic** for the purpose of performing specific public services; and the functions, powers, financial and security arrangements of these unions, and their reciprocal ties and relations with the central administration, shall be regulated by law. These administrative bodies shall be allocated financial resources in proportion to their functions.

Article 131

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>2. Superior bodies of higher education ARTICLE 131- (2) (As amended on May 7, 2004; Act No. 5170) The Council of Higher Education is composed of members appointed by the President of the Republic from among candidates who are nominated by the Council of Ministers and universities, and in accordance with the numbers, qualifications and election procedures prescribed by law, priority being given to those who have served successfully as faculty members or university presidents, and of members directly appointed by the President of the Republic.</p>	<p>2. Superior bodies of higher education ARTICLE 131- (2) (As amended on May 7, 2004; Act No. 5170) The Council of Higher Education is composed of members appointed by the President of the Republic from among candidates who are nominated by universities, and in accordance with the numbers, qualifications and election procedures prescribed by law, priority being given to those who have served successfully as faculty members or university presidents, and of members directly appointed by the President of the Republic.</p>

Article 134

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>G. The Atatürk High Institution of Culture, Language and History</p> <p>ARTICLE 134- (1) The “Atatürk High Institution of Culture, Language and History” shall be established as a public corporate body, under the moral aegis of Atatürk, under the supervision of and with the support of the President of the Republic, attached to the Office of the Prime Minister, and composed of the Atatürk Research Centre, the Turkish Language Institution, the Turkish History Institution and the Atatürk Culture Centre, in order to conduct scientific research, to produce publications and to disseminate information on the thought, principles and reforms of Atatürk, Turkish culture, Turkish history and the Turkish language.</p>	<p>G. The Atatürk High Institution of Culture, Language and History</p> <p>ARTICLE 134- (1) The “Atatürk High Institution of Culture, Language and History” shall be established as a public corporate body, under the moral aegis of Atatürk, under the supervision of and with the support of the President of the Republic, attached to the Minister to be assigned by the President of the Republic, and composed of the Atatürk Research Centre, the Turkish Language Institution, the Turkish History Institution and the Atatürk Culture Centre, in order to conduct scientific research, to produce publications and to disseminate information on the thought, principles and reforms of Atatürk, Turkish culture, Turkish history and the Turkish language.</p>

Article 137

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>J. Unlawful order</p> <p>ARTICLE 137- (1) If a person employed in any position or status in public services finds an order given by his/her superior to be contrary to the provisions of by-laws, regulations, laws, or the Constitution, he/she shall not carry it out, and shall inform the person giving the order of this inconsistency. However, if his/her superior insists on the order and renews it in writing, his/her order shall be executed; in this case the person executing the order shall not be held responsible.</p>	<p>J. Unlawful order</p> <p>ARTICLE 137- (1) If a person employed in any position or status in public services finds an order given by his/her superior to be contrary to the provisions of by-laws, regulations, presidential decrees, laws, or the Constitution, he/she shall not carry it out, and shall inform the person giving the order of this inconsistency. However, if his/her superior insists on the order and renews it in writing, his/her order shall be executed; in this case the person executing the order shall not be held</p>

	responsible.
--	--------------

Article 142

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>E. Formation of courts ARTICLE 142- The formation, duties and powers, functioning and trial procedures of the courts shall be regulated by law.</p>	<p>E. Formation of courts ARTICLE 142- The formation, duties and powers, functioning and trial procedures of the courts shall be regulated by law.</p> <p>No military courts shall be formed other than disciplinary courts. However, in state of war, military courts shall be formed with jurisdiction to try offences committed by military personnel related to their duties.</p>

Article 146

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>II. Higher courts A. Constitutional Court 1. Formation ARTICLE 146- (As amended on September 12, 2010; Act No. 5982) The Constitutional Court shall be composed of seventeen members.</p> <p>The Grand National Assembly of Turkey shall elect, by secret ballot, two members from among three candidates to be nominated by and from among the president and members of the Court of Accounts, for each vacant position, and one member from among three candidates nominated by the heads of the bar associations from among self-employed lawyers. In this election to be held in the Grand National Assembly of Turkey, for each vacant position, two thirds majority of the total number of members shall be required for the first ballot, and absolute majority of total number of members shall be required for the second ballot. If an absolute</p>	<p>II. Higher courts A. Constitutional Court 1. Formation ARTICLE 146- (As amended on September 12, 2010; Act No. 5982) The Constitutional Court shall be composed of seventeen fifteen members.</p> <p>The Grand National Assembly of Turkey shall elect, by secret ballot, two members from among three candidates to be nominated by and from among the president and members of the Court of Accounts, for each vacant position, and one member from among three candidates nominated by the heads of the bar associations from among self-employed lawyers. In this election to be held in the Grand National</p>

majority cannot be obtained in the second ballot, a third ballot shall be held between the two candidates who have received the greatest number of votes in the second ballot; the member who receives the greatest number of votes in the third ballot shall be elected.

The President of the Republic shall appoint three members from High Court of Appeals, two members from Council of State, ~~one member from the High Military Court of Appeals, and one member from the High Military Administrative Court~~ from among three candidates to be nominated, for each vacant position, by their respective general assemblies, from among their presidents and members; three members, at least two of whom being law graduates, from among three candidates to be nominated for each vacant position by the Council of Higher Education from among members of the teaching staff who are not members of the Council, in the fields of law, economics and political sciences; four members from among high level executives, self-employed lawyers, first category judges and public prosecutors or rapporteurs of the Constitutional Court.

In the elections to be held in the respective general assemblies of the High Court of Appeals, Council of State, ~~High Military Court of Appeals, High Military Administrative Court~~, the Court of Accounts and the Council of Higher Education for nominating candidates for membership of the Constitutional Court, three persons obtaining the greatest number of votes shall be considered to be nominated for each vacant position. In the elections to be held for the three candidates nominated by the heads of bar associations from among self-employed lawyers, three persons obtaining the greatest number of votes shall be considered to be nominated.

To qualify for appointments as members of the Constitutional Court, members of the teaching staff shall be required to possess the title of professor or associate professor; lawyers shall be required to have practiced as a lawyer for at least twenty years; high level executives shall be required to have completed higher education and to have worked for at least twenty years in public service, and first category judges and public prosecutors with at least twenty years of work experience including their period of candidacy, provided that they all shall be over the age of forty five.

Assembly of Turkey, for each vacant position, two thirds majority of the total number of members shall be required for the first ballot, and absolute majority of total number of members shall be required for the second ballot. If an absolute majority cannot be obtained in the second ballot, a third ballot shall be held between the two candidates who have received the greatest number of votes in the second ballot; the member who receives the greatest number of votes in the third ballot shall be elected.

The President of the Republic shall appoint three members from High Court of Appeals, two members from Council of State from among three candidates to be nominated, for each vacant position, by their respective general assemblies, from among their presidents and members; three members, at least two of whom being law graduates, from among three candidates to be nominated for each vacant position by the Council of Higher Education from among members of the teaching staff who are not members of the Council, in the fields of law, economics and political sciences; four members from among high level executives, self-employed lawyers, first category judges and public prosecutors or rapporteurs of the Constitutional Court.

In the elections to be held in the respective general assemblies of the High Court of Appeals, Council of State, the Court of Accounts and the Council of Higher Education for nominating candidates for membership of the Constitutional Court, three persons obtaining the greatest number of votes shall be considered to be nominated for each vacant position. In the elections to be held for the three candidates nominated by the heads of bar associations from among self-employed lawyers, three persons obtaining the greatest number of votes shall be considered to be nominated.

The Constitutional Court shall elect a president and two deputy presidents from among its members for a term of four years by secret ballot and by an absolute majority of the total number of its members. Those whose term of office ends may be re-elected. The members of the Constitutional Court shall not assume other official and private duties, apart from their fundamental duties.

To qualify for appointments as members of the Constitutional Court, members of the teaching staff shall be required to possess the title of professor or associate professor; lawyers shall be required to have practiced as a lawyer for at least twenty years; high level executives shall be required to have completed higher education and to have worked for at least twenty years in public service, and first category judges and public prosecutors with at least twenty years of work experience including their period of candidacy, provided that they all shall be over the age of forty five.

The Constitutional Court shall elect a president and two deputy presidents from among its members for a term of four years by secret ballot and by an absolute majority of the total number of its members. Those whose term of office ends may be re-elected. The members of the Constitutional Court shall not assume other official and private duties, apart from their fundamental duties.

Article 148

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>3. Functions and powers ARTICLE 148- (1) (As amended on September 12, 2010; Act No. 5982) The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, decrees having the force of law and the Rules of Procedure of the Grand National Assembly of Turkey, and decide on individual applications. Constitutional amendments shall be examined and verified only with regard to their form. However, decrees having the force of law issued during a state of emergency, martial law or in time of war shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance. (6) (As amended on September 12, 2010; Act No. 5982) The Constitutional Court in its capacity as the Supreme Court shall try, for offences relating to their</p>	<p>3. Functions and powers ARTICLE 148- (1) (As amended on September 12, 2010; Act No. 5982) The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, decrees having the force of law and the Rules of Procedure of the Grand National Assembly of Turkey, and decide on individual applications. Constitutional amendments shall be examined and verified only with regard to their form. However, decrees having the force of law issued during a state of emergency or in time of war shall not be brought before the Constitutional Court alleging their</p>

functions, the President of the Republic, the Speaker of the Grand National Assembly of Turkey, members of the Council of Ministers; presidents and members of the Constitutional Court, High Court of Appeals, Council of State, ~~High Military Court of Appeals, High Military Administrative Court, High~~ Council of Judges and Prosecutors, Court of Accounts, and Chief Public Prosecutors and Deputy Public Prosecutors.

(7) (Paragraph added on September 12, 2010; Act No. 5982) The Chief of General Staff, the commanders of the Land, Naval and Air Forces ~~and the General Commander of the Gendarmerie~~ shall be tried in the Supreme Court for offences regarding their duties.

unconstitutionality as to form or substance.

(6) (As amended on September 12, 2010; Act No. 5982) The Constitutional Court in its capacity as the Supreme Court shall try, for offences relating to their functions, the President of the Republic, the Speaker of the Grand National Assembly of Turkey, members of the Council of Ministers; presidents and members of the Constitutional Court, High Court of Appeals, Council of State, Council of Judges and Prosecutors, Court of Accounts, and Chief Public Prosecutors and Deputy Public Prosecutors.

(7) (Paragraph added on September 12, 2010; Act No. 5982) The Chief of General Staff, the commanders of the Land, Naval and Air Forces shall be tried in the Supreme Court for offences regarding their duties.

Article 149

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>4. Procedure of functioning and trial ARTICLE 149- (As amended on September 12, 2010; Act No. 5982) (1) The Constitutional Court consists of two sections and the General Assembly. The sections convene under the chairpersonship of the deputy president with the participation of four members. The General Assembly shall convene with the participation of at least twelve members under the chairpersonship of the President of the Constitutional Court or a deputy president designated by the President. The sections and the General Assembly shall take decisions by absolute majority. Committees may be established to examine the admissibility of the individual applications.</p>	<p>4. Procedure of functioning and trial ARTICLE 149- (As amended on September 12, 2010; Act No. 5982) (1) The Constitutional Court consists of two sections and the General Assembly. The sections convene under the chairpersonship of the deputy president with the participation of four members. The General Assembly shall convene with the participation of at least ten members under the chairpersonship of the President of the Constitutional Court or a deputy president designated by the President. The sections and the General Assembly shall take decisions by absolute majority. Committees may be established to examine the admissibility</p>

	of the individual applications.
--	---------------------------------

Article 150

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>5. Annulment action ARTICLE 150- The President of the Republic, parliamentary groups of the ruling party or parties and of the main opposition party, a minimum of one-fifth of the total number of all members of the Grand National Assembly of Turkey shall have the right to apply for annulment action directly to the Constitutional Court, based on the assertion of the unconstitutionality, in form and in substance, of laws, of decrees having the force of law, of Rules of Procedure of the Grand National Assembly of Turkey or of certain articles or provisions thereof. If more than one political party is in power, the right of the parties in power to apply for annulment action shall be exercised by the party having the greatest number of members.</p>	<p>5. Annulment action ARTICLE 150- The President of the Republic, the groups of two political parties which have the highest number of members in the Grand National Assembly of Turkey and a minimum of one-fifth of the total number of all members shall have the right to apply for annulment action directly to the Constitutional Court, based on the assertion of the unconstitutionality, in form and in substance, of laws, of presidential decrees, of Rules of Procedure of the Grand National Assembly of Turkey or of certain articles or provisions thereof.</p>

Article 151

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>6. Time limit for annulment action ARTICLE 151- The right to apply for annulment directly to the Constitutional Court shall lapse sixty days after publication in the Official Gazette of the contested law, the decree having the force of law, or the Rules of Procedure.</p>	<p>6. Time limit for annulment action ARTICLE 151- The right to apply for annulment directly to the Constitutional Court shall lapse sixty days after publication in the Official Gazette of the contested law, the presidential decree or the Rules of Procedure.</p>

Article 152

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>7. Claim of unconstitutionality before other courts ARTICLE 152- If a court hearing a case finds that the law or the decree having the force of law to be applied is unconstitutional, or if convinced of the seriousness of a claim of unconstitutionality submitted by one of the parties, it shall postpone the consideration of the case until the Constitutional Court decides on the issue. If the trial court is not convinced of the seriousness of the claim of unconstitutionality, such a claim, together with the court judgment, shall be decided upon by the competent authority of appeal.</p> <p>The Constitutional Court shall decide on the matter and declare its judgment within five months of receiving the contention. If no decision is reached within this period, the trial court shall conclude the case under legal provisions in force. However, if the trial court receives the decision of the Constitutional Court until the judgment on the merits of the case is final, the trial court is obliged to comply with it.</p> <p>No claim of unconstitutionality shall be made with regard to the same legal provision until ten years elapse after publication in the Official Gazette of the decision of the Constitutional Court dismissing the application on its merits.</p>	<p>7. Claim of unconstitutionality before other courts ARTICLE 152- If a court hearing a case finds that the law or presidential decree to be applied is unconstitutional, or if convinced of the seriousness of a claim of unconstitutionality submitted by one of the parties, it shall postpone the consideration of the case until the Constitutional Court decides on the issue.</p> <p>If the trial court is not convinced of the seriousness of the claim of unconstitutionality, such a claim, together with the court judgment, shall be decided upon by the competent authority of appeal.</p> <p>The Constitutional Court shall decide on the matter and declare its judgment within five months of receiving the contention. If no decision is reached within this period, the trial court shall conclude the case under legal provisions in force. However, if the trial court receives the decision of the Constitutional Court until the judgment on the merits of the case is final, the trial court is obliged to comply with it.</p> <p>No claim of unconstitutionality shall be made with regard to the same legal provision until ten years elapse after publication in the Official Gazette of the decision of the Constitutional Court dismissing the application on its merits.</p>

Article 153

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>8. Decisions of the Constitutional Court ARTICLES 153- The decisions of the Constitutional Court are final. Decisions of annulment shall not be made public without a written justification.</p> <p>In the course of annulling the whole, or a provision, of laws or decrees having the force of law, the Constitutional Court shall not act as a lawmaker and pass judgment leading to new implementation.</p> <p>Laws, decrees having the force of law, or the Rules of Procedure of the Grand National Assembly of Turkey or provisions thereof, shall cease to have effect from the date of publication in the Official Gazette of the annulment decision. Where necessary, the Constitutional Court may also decide on the date on which the annulment decision shall come into effect. That duration shall not be more than one year from the date of publication of the decision in the Official Gazette.</p> <p>In the event of the postponement of the date on which an annulment decision is to come into effect, the Grand National Assembly of Turkey shall debate and decide with priority on the government bill or private members' bill, designed to fill the legal void arising from the annulment decision.</p> <p>Annulment decisions cannot be applied retroactively.</p> <p>Decisions of the Constitutional Court shall be published immediately in the Official Gazette, and shall be binding on the legislative, executive, and judicial organs, on the administrative authorities, and on persons and corporate bodies.</p>	<p>8. Decisions of the Constitutional Court ARTICLES 153- The decisions of the Constitutional Court are final. Decisions of annulment shall not be made public without a written justification.</p> <p>In the course of annulling the whole, or a provision, of laws or presidential decrees, the Constitutional Court shall not act as a lawmaker and pass judgment leading to new implementation.</p> <p>Laws, presidential decrees, or the Rules of Procedure of the Grand National Assembly of Turkey or provisions thereof, shall cease to have effect from the date of publication in the Official Gazette of the annulment decision. Where necessary, the Constitutional Court may also decide on the date on which the annulment decision shall come into effect. That duration shall not be more than one year from the date of publication of the decision in the Official Gazette.</p> <p>In the event of the postponement of the date on which an annulment decision is to come into effect, the Grand National Assembly of Turkey shall debate and decide with priority on the private members' bill, designed to fill the legal void arising from the annulment decision.</p> <p>Annulment decisions cannot be applied retroactively.</p> <p>Decisions of the Constitutional Court shall be published immediately in the Official Gazette, and shall be binding on the legislative, executive, and judicial organs, on the administrative authorities, and on persons and corporate</p>

	bodies.
--	---------

Article 154

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>B. High Court of Appeals ARTICLE 154- (2) Members of the High Court of Appeals shall be appointed by the High Council of Judges and Prosecutors from among first category judges and public prosecutors of the civil judiciary, or those considered members of this profession, by secret ballot and by an absolute majority of the total number of members.</p>	<p>B. High Court of Appeals ARTICLE 154- (2) Members of the High Court of Appeals shall be appointed by the Council of Judges and Prosecutors from among first category judges and public prosecutors of the civil judiciary, or those considered members of this profession, by secret ballot and by an absolute majority of the total number of members.</p>

Article 155

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>C. Council of State ARTICLE 155- (2) (As amended on August 13, 1999; Act No. 4446) The Council of State shall try administrative cases, give its opinion within two months on government bills submitted by the Prime Minister and the Council of Ministers, the conditions and the contracts under which concessions are granted concerning public services examine draft regulations, settle administrative disputes and discharge other duties, as prescribed by law. (3) Three-fourths of the members of the Council of State shall be appointed by the High Council of Judges and Prosecutors from among the first category administrative judges and public prosecutors, or those considered to be of this profession; and the remaining quarter by the President of the Republic from among officials meeting the requirements designated by law.</p>	<p>C. Council of State ARTICLE 155- (2) (As amended on August 13, 1999; Act No. 4446) The Council of State shall try administrative cases, give its opinion within two months on the conditions and the contracts under which concessions are granted concerning public services, settle administrative disputes and discharge other duties, as prescribed by law. (3) Three-fourths of the members of the Council of State shall be appointed by the Council of Judges and Prosecutors from among the first category administrative judges and public prosecutors, or those considered to be of this profession; and the remaining quarter by the President of the Republic from among officials meeting the requirements designated by law.</p>

Article 158

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>F. Court of Jurisdictional Disputes ARTICLE 158- The Court of Jurisdictional Disputes shall be empowered to deliver final judgments in disputes between civil, administrative, and military courts concerning their jurisdiction and judgments.</p> <p>The organization of the Court of Jurisdictional Disputes, the qualifications and electoral procedure of its members, and its functioning shall be regulated by law. The office of president of this Court shall be held by a member delegated by the Constitutional Court from among its own members.</p> <p>Decisions of the Constitutional Court shall take precedence in jurisdictional disputes between the Constitutional Court and other courts.</p>	<p>F. Court of Jurisdictional Disputes ARTICLE 158- The Court of Jurisdictional Disputes shall be empowered to deliver final judgments in disputes between civil, administrative, and military civil and administrative courts concerning their jurisdiction and judgments.</p> <p>The organization of the Court of Jurisdictional Disputes, the qualifications and electoral procedure of its members, and its functioning shall be regulated by law. The office of president of this Court shall be held by a member delegated by the Constitutional Court from among its own members.</p> <p>Decisions of the Constitutional Court shall take precedence in jurisdictional disputes between the Constitutional Court and other courts.</p>

Article 159

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>III. High Council of Judges and Prosecutors ARTICLE 159- (As amended on September 12, 2010; Act No. 5982) The High Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges.</p> <p>The High Council of Judges and Prosecutors shall be composed of twenty-two regular and twelve substitute members; shall comprise three chambers.</p>	<p>III. Council of Judges and Prosecutors ARTICLE 159- The Council of Judges and Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of the tenure of judges.</p> <p>The Council of Judges and Prosecutors shall be composed of twenty-two regular and twelve substitute thirteen members; shall comprise three two chambers.</p>

The President of the Council is the Minister of Justice. The Undersecretary to the Ministry of Justice shall be an ex-officio member of the Council. ~~For a term of four years, four regular members of the Council, the qualities of whom are defined by law, shall be appointed by the President of the Republic from among members of the teaching staff in the field of law, and lawyers; three regular and three substitute members shall be appointed by the General Assembly of the High Court of Appeals from among members of the High Court of Appeals; two regular and two substitute members shall be appointed by the General Assembly of the Council of State from among members of the Council of State; one regular and one substitute member shall be appointed by the General Assembly of the Justice Academy of Turkey from among its members; seven regular and four substitute members shall be elected by civil judges and public prosecutors from among those who are first category judges and who have not lost the qualifications required for being a first category judge; three regular and two substitute members shall be elected by administrative judges and public prosecutors from among those who are first category judges and who have not lost the qualifications required for being a first category judge. They may be re-elected at the end of their term of office.~~

~~Election of members to the Council shall be held within sixty days before the expiry of the term of office of the members. In case of vacancies for members appointed to the Council by the President of the Republic prior to the expiry of the term of office, new members shall be appointed within sixty days following the vacancy. In case of vacancy for other members, the remaining term of office shall be completed by the substitute.~~

~~In the elections in which every member shall vote for the members to be elected to the High Council by general assemblies of the High Court of Appeals, the Council of State and the Justice Academy of Turkey and in which every judge and prosecutor shall vote for the members to be elected to the High Council from among first category judges and public prosecutors of civil and administrative courts; the candidates receiving the greatest number of votes shall be elected as regular and substitute members respectively. These elections shall be held once for each term and by secret ballot.~~

The ~~regular~~ members of the Council, other than the Minister of Justice and the

The President of the Council is the Minister of Justice. The Undersecretary to the Ministry of Justice shall be an ex-officio member of the Council. ~~By the President of the Republic, three members of the Council shall be selected among judges and public prosecutors, who are first category judges and who have not lost the qualifications required for being a first category judge, in ordinary justice and one member among administrative judges and public prosecutors who are first category judges and who have not lost the qualifications required for being a first category judge; by the Grand National Assembly of Turkey, three members shall be selected from among members of the Court of Cassation, one member shall be selected from among members of the Council of State and three members, the qualifications of whom are defined by law, from among academic members in the field of law of high education institution and lawyers. Among the members elected from academic members and lawyers, at least one shall be an academic member and one shall be a lawyer. The applications for the memberships to be elected by the Grand National Assembly of Turkey shall be made to the Office of the Speaker of the Assembly. The Office of the Speaker conveys the applications to the Joint Committee composed of members of the Committee on Justice and the Committee on Constitution. The [Joint] Committee shall elect three candidates for each vacancy with a two-thirds majority of total number of members. If the procedure of electing candidates cannot be concluded in the first round, a three-fifth majority of total number of members shall be required in the second round. If the candidates cannot be elected in this round as well, the procedure of electing candidates shall be completed by choosing a candidate by lot, for each membership among the two candidates who have received the highest number of votes. The Grand National Assembly of Turkey shall hold a secret~~

Undersecretary to the Ministry of Justice, shall not assume any duties other than those prescribed by law or be appointed or elected to another office by the Council during their term of office.

The administration and the representation of the Council are carried out by the President of the Council. The President of the Council shall not participate in the work of the chambers.

The Council shall elect the heads of chambers from among its members and one Deputy President from among the heads of chambers. The President may delegate some of his/her powers to the Deputy President. The Council shall make the proceedings regarding the admission of judges and public prosecutors of civil and administrative courts into the profession, appointment, transfer to other posts, the delegation of temporary powers, promotion, and promotion to the first category, decision concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office; it shall take final decisions on proposals by the Ministry of Justice concerning the abolition of a court, or changes in the territorial jurisdiction of a court; it shall also exercise the other functions given to it by the Constitution and laws.

Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws, ~~regulations, by-laws and circulars~~ (administrative circulars, in the case of judges); investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behaviour and conduct are in conformity with requirement of their status and duties and if necessary, inquiries and investigations concerning them shall be carried out by the Council's inspectors, upon the proposal of the related chambers and with the permission of the President of the ~~High~~ Council of Judges and Prosecutors. The inquiries and investigations may also be carried out by a judge or public prosecutor who is senior to the judge or public prosecutor to be investigated.

The decisions of the Council, other than dismissal from the profession, shall not be subject to judicial review.

ballot election for the candidates the Committee has identified. In the first round a two-thirds majority of total number of members shall be required; in case the election cannot be concluded in this round, in the second round a three-fifth majority of total number of members shall be required. Where the member cannot be elected in the second round as well, the election shall be completed by choosing a candidate by lot among the two candidates who have received the highest number of votes.

Members shall be elected or selected for a four year term. Members may be re-elected, at the end of their term of office.

The election or selection of members to the Council shall be held within thirty days before the expiry of the term of office of the members. In case of vacancies for members selected to the Council prior to the expiry of the term of office, new members shall be appointed within thirty days following the vacancy.

The members of the Council, other than the Minister of Justice and the Undersecretary to the Ministry of Justice, shall not assume any duties other than those prescribed by law or be appointed or elected to another office by the Council during their term of office.

The administration and the representation of the Council are carried out by the President of the Council. The President of the Council shall not participate in the work of the chambers. The Council shall elect the heads of chambers from among its members and one Deputy President from among the heads of chambers. The President may delegate some of his/her powers to the Deputy President.

A Secretariat General shall be established under the Council. The Secretary General shall be appointed by the President of the Council from among three candidates proposed by the Council from among first category judges and public prosecutors. The Council is empowered to appoint, with their consent, the Council's inspectors, judges, and public prosecutors to temporary or permanent functions in the Council.

The Minister of Justice is empowered to appoint judges, public prosecutors, judiciary inspectors, and internal auditors from the profession of judge and public prosecutor, with their consent, to temporary or permanent functions in the central, affiliated, or relevant institutions of the Ministry of Justice.

The election of the members of the Council, formation of the chambers and the division of labour between chambers, the duties of the Council and its chambers, quorum for meetings and decisions, operating procedures and principles, objections to be made against the decisions and proceedings of the chambers and the examination procedure for these objections, and the establishment and the duties of the Secretariat General shall be laid down in law.

The Council shall make the proceedings regarding the admission of judges and public prosecutors of civil and administrative courts into the profession, appointment, transfer to other posts, the delegation of temporary powers, promotion, and promotion to the first category, decision concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office; it shall take final decisions on proposals by the Ministry of Justice concerning the abolition of a court, or changes in the territorial jurisdiction of a court; it shall also exercise the other functions given to it by the Constitution and laws.

Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws and other legislations (administrative circulars, in the case of judges); investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behaviour and conduct are in conformity with requirement of their status and duties and if necessary, inquiries and investigations concerning them shall be carried out by the Council's inspectors, upon the proposal of the related chambers and with the permission of the President of the Council of Judges and Prosecutors. The inquiries and investigations may also be carried out by a judge or public prosecutor who is senior to the judge or public prosecutor to be investigated.

The decisions of the Council, other than dismissal from the profession, shall not be subject to judicial review.

A Secretariat General shall be established under the Council. The Secretary General shall be appointed by the President of the Council from among three candidates proposed by the

	<p>Council from among first category judges and public prosecutors. The Council is empowered to appoint, with their consent, the Council's inspectors, judges, and public prosecutors to temporary or permanent functions in the Council.</p> <p>The Minister of Justice is empowered to appoint judges, public prosecutors, judiciary inspectors, and internal auditors from the profession of judge and public prosecutor, with their consent, to temporary or permanent functions in the central, affiliated, or relevant institutions of the Ministry of Justice.</p> <p>The election of the members of the Council, formation of the chambers and the division of labour between chambers, the duties of the Council and its chambers, quorum for meetings and decisions, operating procedures and principles, objections to be made against the decisions and proceedings of the chambers and the examination procedure for these objections, and the establishment and the duties of the Secretariat General shall be laid down in law.</p>
--	--

Article 161

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>PART FOUR Financial and Economic Provisions CHAPTER ONE Financial Provisions I. Budget A. Preparation and implementation of the budget ARTICLE 161- The expenditure of the State and of public corporations, other than state economic enterprises, shall be determined by annual budgets. (As amended on October 29, 2005; Act No. 5428) The beginning of the fiscal year and the</p>	<p>PART FOUR Financial and Economic Provisions CHAPTER ONE Financial Provisions I. Budget A. Budget and final accounts ARTICLE 161 – The expenditure of the State and of public corporations, other than state economic enterprises, shall be determined by annual budgets.</p>

preparation, implementation, and control of the central government budget shall be defined by law. ~~The law may prescribe~~ special periods and procedures for investments relating to development plans, or for business and services expected to last more than one year.
No provisions other than those pertaining to the budget shall be included in the Budget Act.

The beginning of the fiscal year and the preparation, implementation, and control of the central government budget and special periods and procedures for investments, or for business and services expected to last more than one year shall be defined by law. No provisions other than those pertaining to the budget shall be included in the Budget Act.

The President shall submit central government budget bill to the Grand National Assembly of Turkey at least seventy-five days prior to the beginning of the fiscal year. The budget bill shall be examined by the Committee on Budget. The budget bill adopted by the Committee on Budget within fifty-five days shall thereafter be debated and concluded by the Plenary before the beginning of the fiscal year.

In case the budget law cannot be put into force in time, a provisional budget shall be adopted. Where a provisional budget cannot be adopted then the budget of the previous year increased by the revaluation rate shall be applied. Members of the Grand National Assembly of Turkey shall express their opinions, in the Plenary, on public administrations' budgets during the debates of each budget; they shall not make proposals that entail an increase in expenditure or a decrease in revenue.

In the Plenary, public administrations' budgets and motions for amendments shall be read out and voted without debate. The appropriation granted by the central government budget shall indicate the limit of expenditure allowed. No provision shall be included in the budget to the effect that the limit of expenditure may be exceeded by a Presidential Decree.

In motions of amendment entailing an increase in

	<p>appropriations under the budget of the current fiscal year, and, in bills entailing financial burden in the budgets of the current or following fiscal year, the financial resources to meet the stated expenditure shall be indicated.</p> <p>Central government final accounts bills shall be submitted to the Grand National Assembly of Turkey by the President of the Republic within six months at the latest after the end of the relevant fiscal year. The Court of Accounts shall submit its statement of general conformity to the Assembly within seventy-five days of the submission of the final accounts bill to which it is related.</p> <p>The submission of the final accounts bills and the statement of general conformity to the Grand National Assembly of Turkey shall not preclude the auditing and trial of the accounts for the relevant fiscal year that have not been concluded by the Court of Accounts, and shall not mean that a final decision has been taken on these accounts.</p> <p>Final accounts bills shall be debated and decided in conjunction with the budget bill of the new fiscal year.</p>
--	---

Article 166

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>CHAPTER TWO Economic Provisions I. Planning; Economic and Social Council15 ARTICLE 166- (4) (Paragraph added on September 12, 2010; Act No. 5982) The Economic and Social Council shall be established to provide the government with consultative opinions in the formulation of economic and social policies. The</p>	<p>CHAPTER TWO Economic Provisions I. Planning; Economic and Social Council15 ARTICLE 166- (4) (Paragraph added on September 12, 2010; Act No. 5982) The Economic and Social Council shall be established to provide the government the President of the Republic with consultative</p>

establishment and functioning of the Economic and Social Council shall be laid down in law.

opinions in the formulation of economic and social policies. The establishment and functioning of the Economic and Social Council shall be laid down in law.

Article 167

ARTICLE IN FORCE	ARTICLE IF AMENDED
<p>II. Supervision of markets and regulation of foreign trade ARTICLE 167- The State shall take measures to ensure and promote the sound and orderly functioning of the markets for money, credit, capital, goods and services; and shall prevent the formation of monopolies and cartels in the markets, emerged in practice or by agreement.</p> <p>In order to regulate foreign trade for the benefit of the economy of the country, the Council of Ministers may be empowered by law to introduce additional financial impositions on imports, exports and other foreign trade transactions, except taxes and similar impositions, or to lift them.</p>	<p>II. Supervision of markets and regulation of foreign trade ARTICLE 167- The State shall take measures to ensure and promote the sound and orderly functioning of the markets for money, credit, capital, goods and services; and shall prevent the formation of monopolies and cartels in the markets, emerged in practice or by agreement.</p> <p>In order to regulate foreign trade for the benefit of the economy of the country, the President of the Republic may be empowered by law to introduce additional financial impositions on imports, exports and other foreign trade transactions, except taxes and similar impositions, or to lift them.</p>

The Articles which will be repealed by the amendment are as follows:

91, 99, 100, 102, 107, 109, 110, 111, 112, 113, 114, 115, 120, 121, 122, 145, 156, 157, 162, 163, 164.