

The Public Land Allocation to the Tourism Investors

Public lands reserved for touristic investments by means of implementation plans and situated within and outside of the “Culture and Tourism Conservation and Development Region and Tourism Area/Center” are allocated to local and foreign investors pursuant to the provisions of Tourism Incentive Law No.2634, as amended by the Law No. 4975 and to the “Regulations For Public Land Allocation For Tourism Investments”. These public lands are announced by means of Official Gazette and the newspapers having the 3 highest circulation and the web site: www.kulturturizm.gov.tr to the public. After the evaluation among the investor applying with the information and documents for the allocation in the given period of time, the allocation operations is realized as per the facility sort and class to the satisfactory investors.

The application for the allocation of the public land shall be done as real or corporate bodies or as a joint venture (as consortium or work-partnership).

The following information and documents are to be submitted together to the address determined in the specification:

- 1) Letter of Application,
- 2) Statement and Its Enclosure of Investor Information Form,
- 3) Investment Time Table,
- 4) Trade registered gazette or “those in the audience”, approved by the Notary Public, which states last partnership structure of corporate bodies,
- 5) The Letter of Termless Performance Security,
- 6) Financial report prepared by a financial consultant or by institutions having an independent control authority,
- 7) Letter of Commitment,
- 8) A work partnership or consortium contract, approved by the notary public, in case of joint ventures application,
- 9) Bank Deduction For The Specification

The applications to the Ministry are evaluated in terms of both financial adequacy determined in the report of the financial consultant and experiences in the sector in accordance with the Article 11 of the “Regulations of Public Land Allocation For Tourism Investments” and the matters within the scope of the Public Land Allocation Specification by the Land Allocation Commission.

A negotiation for a direct contribution of investors to social and technical infrastructure shall be held in between the qualified investors for the parcels having several applications.

The parcels with only one application shall be evaluated and concluded by the Land Allocation Commission.

At the end of the evaluation of the applications, the Ministry is free with regard to whether the allocation of the immovables in this Specification is realized or not.

The investor is granted preliminary permit, not longer than a six-month term, for mapping and planning works, confirmation procedure and incorporating a tourism-oriented joint-stock company.

In order to validate the preliminary permit, within a one-month term following the registered notification date of the decision of preliminary permit to the investor;

- a) The Letter of Termless Performance Security, at an amount of 5% (five percent) of the total investment cost,
- b) The Letter of Commitment of Preliminary Permit approved by the Notary Public,
- c) Work Schedule for preliminary permit have to be submitted to the Ministry by the investor.

Preliminary Permit begins on the submission date of the Letter of Performance Security, the Letter of Commitment and Work Schedule to the Ministry and then the Letter of Performance Security, submitted to the Ministry at the phase of application, is returned.

Within the period of Preliminary Permit, the investor;

- a) Prepares Land Use Maps and Implementation Plans of the subject areas of investment which does not have 1/1.000 scale Implementation Plans and submits them to the related institutions for approval. Realizes allotment, integration, relinquishment and similar operations of the immovable,
- b) Prepares the tree survey plans for the immovables under the ownership of the Forest or the Treasury as the forest status, and submits to the related Forestry Administration for the approval and submits to the Ministry,
- c) Obtains current application drawings approved by the administration of Land Register and Surveying,
- d) Incorporates a joint-stock company, which has registered tourism among its fields of activity,
- e) Obtains Tourism Investment Certificate,
- f) Obtains necessary within the areas where EIA Report has to be prepared,
- g) Submits the site plan approved by the Municipality together with the documents requested in preliminary permit, in the events that total investment cost is calculated by square meter,
- h) Puts out the cost of contribution to social and technical infrastructure, proposed in the phase of negotiation and submitted as the letter of performance security to the Ministry, to the bank account to be determined by the Ministry.

Unless the investor meets the liabilities for the reasons except for compulsory or public-oriented in the period of preliminary permit, the preliminary permit shall be cancelled by the Ministry. The letter of performance security taken at the application and the letter of commitment taken at the negotiation will be converted to the cash and foreclosed to the treasury.

Unless the investor meets the requirements for the reasons compulsory or public-oriented, in the period of preliminary permit; in case of investor's request, preliminary permit is cancelled by the Ministry and the letters of performance security will be returned.

The final allocation is realized by the decision of Land Allocation Commission for the investor, who have met the requirements of preliminary permit and submits the documents to the Ministry, indicating that the cost of contribution to social and technical infrastructure has been put out to the account determined by the Ministry and the letter of performance security for final allocation is returned.

In order to validate the final allocation, within a one-month term following the registered notification date of the decision of final allocation to the investor;

- a) The Letter of Termless Performance Security, at an amount of 10% (ten percent) of the total investment cost,
- b) The Letter of Commitment for Final Allocation Conditions approved by the Notary Public,
- c) Work Schedule for the final allocation period

have to be submitted to the Ministry by the investor.

The letter of performance security for preliminary permit is returned after submitting the letter of performance security for final allocation.

After submitting these documents to the Ministry; the easement, leasing or land rights are requested from the Ministry of Finance.

Except for the reasons compulsory or public-oriented, and which source from the administrative and judicial disputes acceptable by the Ministry; the allocation for the investor, who has not been able to

meet the requirements for final allocation within the terms determined in the final allocation paper, is cancelled by the Ministry and the performance securities are foreclosed to the treasury. In this case, all sorts of buildings and facilities on the land are foreclosed to the treasury without charge.

However, the terms are paused, in the events that there are compulsory or public-oriented reasons, which interfere the operations of development plan decisions and architectural project preparation which source from the administrative and judicial disputes acceptable by the Ministry, until the settlement of disputes. In this term the land rental shall not be taken and a period of time which is a period of the term paused shall be added.

In this case, the public land to be discharged is evaluated by means of the announcement in accordance with the sentences of the Regulations of Public Land Allocation For Tourism Investments.

For the matters that are not defined in this specification, the provisions of “The Regulations on Allocation of Public Land to the Tourism Investments” shall be taken into consideration. In case of being the matters that are not defined in the regulation aforesaid, the decisions of the Land Allocation Commission shall be taken into consideration.

For more detailed information you can visit the website, Ministry of Culture and Tourism.