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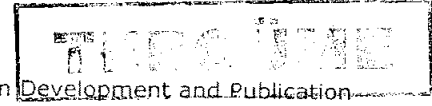
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EMO INDEPENDENT CONSULTANT ENGINEERING SERVICES REGULATIONS

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UNION OF CHAMBERS OF TURKISH ENGINEERS AND ARCHITECTS
CHAMBER OF ELECTRIC ENGINEERS INDEPENDENT CONSULTANCY
ENGINEERING SERVICES REGULATIONS

№ 35274

Purpose

ARTICLE 1 – (Amended: RG-8/1/2009-27104) (2)

The purpose of this regulation is to ensure that professional activities of persons and establishments who generate electric, electronic, electric electronic, computer, biomedical engineering services in all engineering disciplines which operates independently and is registered in the Chamber according to the provisions of The Union Of Chambers Of Turkish Engineers And Architects Act number 6235 and the provisions of the Union Of Chambers Of Turkish Engineers And Architects Principle Regulations and the professional fields of the aforesaid engineering disciplines are inspected by the Chamber of Electric Engineers and the professional principles of the services of these engineering disciplines are improved towards the benefits of the country and associates; and to regulate the methods and principles regarding the application of the minimum fees specified by the Chamber of Electric Engineers for professional products and services, preventing unfair competition, ensuring inspection by keeping the records and registries of persons and establishments who provide independent engineering services in the professional fields of these disciplines.

Scope

ARTICLE 2 – (Amended: RG-8/1/2009-27104) (2)

This Regulation covers engineers operating independently and generating electric, electronic, electric electronic, computer, biomedical engineering services and real, legal persons, establishments and business even if they exist within a different production unit and electric, electronic, electric electronic, computer, biomedical engineering services generated by the above.

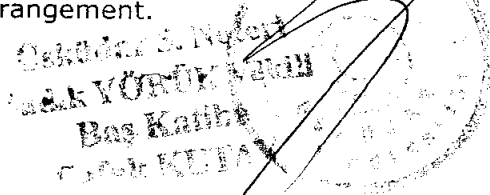
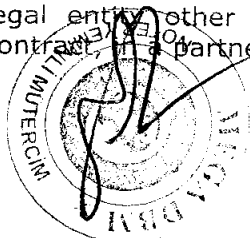
Legal Basis

Article 3 — This Regulation has been prepared based on the provisions of the Union of Chambers of Turkish Engineers and Architects Act number 6235.

Definitions

Article 4 — When used in this Regulation the following abbreviations have the following meaning;

a) **(Amended: RG-8/1/2009-27104) (2)**. Independent Consultant Engineer: electric, electronic, electric electronic, computer, biomedical engineers and certified engineers who makes one or several of the electric, electronic, electric electronic, computer, biomedical engineering services stated on the 7th article of the Regulation herein according to the authority given by the Code Regarding Engineering and Architecture number 3458 dated 17/6/1938 by having it recorded and registered in the Chamber of Electric Engineers and for a fee at own account, or for the account of a real-legal entity other than state institutions and organizations for a compensation, on contract, in a partnership or similar arrangement.



b) Registered Office: Real or legal entity which had its registration done in the Chamber of Electric Engineers to serve as Independent Consultancy Engineer and has at least one Independent Consultancy Engineer within its body for fee, on contract, as partner or a similar arrangement.

c) **(Annex: RG-8/1/2009-27104)** ⁽²⁾ . Installations Above and Below 1kV : installations with effective value above and below 1000V according to High Current Electric Installations Regulations publishes on Official Gazette number 24246 dated 30/1/2000 and High and weak current installations with effective value of 1000V and below which falls within the scope of Electric Interior Installations and elevator installations,

d) **(Annex: RG-8/1/2009-27104)** ⁽²⁾ . Installations under 1kV: High and weak current installations with effective value at and below 1000V within the scope of the Electric Interior Installations Regulation published on Official Gazette number 18565 dated 4/11/1984 and elevator installations.

e) **(Annex: RG-8/1/2009-27104)** ⁽²⁾ . Transcript Investigation Commission: Commission to be determined by EMO Administrative Body.

Abbreviations

Article 5 — When used in this Regulation the following abbreviations have the following meaning;

- a) BT: Office Registration Certificate,
- b) BTB: Office Introduction Document.
- c) **(Amended: RG-8/1/2009-27104)** ⁽²⁾ . EM: Electric, Electronic, Electric Electronic Engineers and those with a bachelor's degree of Master of Science,
- d) EMO: Union Of Chambers Of Turkish Engineers And Architects Chamber of Electric Engineers
- e) **(Amended: RG-8/1/2009-27104)** ⁽²⁾ . EMH: Electric, Electronic, Electric Electronic Engineering Services,
- f) **(Amended: RG-8/1/2009-27104)** ⁽²⁾ . EMP: Electric or Electronic Projects,
- g) SMM: Independent Consultant Engineer,
- g) SMMH: Independent Consultant Engineering Services,
- g) SMMHB: Independent Consultant Engineering Service Certificate,
- j) TUS: Technical Applications Officer,
- k) **(Amended: RG-8/1/2009-27104)** ⁽²⁾ . BM: Computer Engineers,
- l) **(Amended: RG-8/1/2009-27104)** ⁽²⁾ . BMM: Biomedical Engineers and MSc Engineers,
- m) **(Cancelled. RG-8/1/2009-27104)** ⁽²⁾
- n) **(Cancelled. RG-8/1/2009-27104)** ⁽²⁾
- o) **(Cancelled. RG-8/1/2009-27104)** ⁽²⁾

Principles

Article 6 — SMM can only produce services on behalf of only one registered office it is associated with and work full-time for.

a) a SNN Document valid till the year end stating that he/she is authorized to provide SMM services is issued and given to the SMM who has been registered in EMO according to the (a) clause of the 8th article of this Regulation,

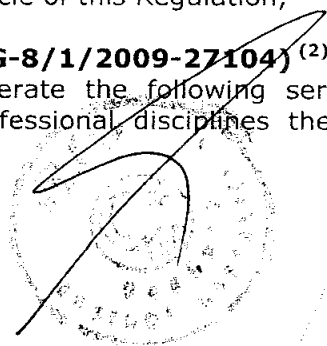
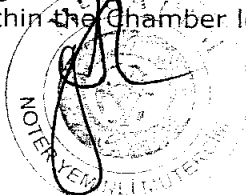
b) SMMH Document is issued and given to the EM who was not qualified to receive SMM document valid till the year end according to the (a) clause of the 8th article of this Regulation by the firm he/she is associated with for each EMH produced for the undertaken works,

c) Office Registration Certificate is issued and given to the office registered by procedures according to the (a) clause of the 8th article of this Regulation,

c) Office Introduction Document is issued and given to the office registered by procedures according to the (a) clause of the 8th article of this Regulation,

SMM Services

Article 7 — **(Amended first clause:RG-8/1/2009-27104)** ⁽²⁾ . Chamber members which have SMM Certificates may generate the following services in the engineering profession fields required by the professional disciplines they belong to within the Chamber legislations;



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- a) Survey and Feasibility Services,
- b) Project Services;
 - 1- Offer Project,
 - 2- Preliminary Project (concept project)
 - 3- Application Project,
 - 4- Relievo Project,
 - 4- Change Project (modification project),
 - 6- Production project (manufacturing project),
 - 7- Development Project
 - 8- Details.
- c) Search and Development Services.
- d) Services for Drawing up Bid Document and Estimates-Specifications.
- e) Professional Controller Services.
- f) Technical Application Responsibility (scientific responsibility).
- g) Progress payment and Final Account Services.
- h) **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . Commissioning, Control and Acceptance Services.
 -) Operation and Maintenance Services.
- j) Consultancy Services (advisory services)
- k) **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . Production Services and/or Responsibility.

l) **(Annex: RG.-8/1/2009-27104) ⁽²⁾** . Test and Measurement Services.

m) **(Annex: RG.-8/1/2009-27104)** . Services for Preparing Technical File

Issuance, Renewal and Cancellation of Documents

Article 8 — Procedures for issuance, renewal and cancellation of documents are carried out according to the following rules:

a) SMM-BT Certificate to be valid till the year end,

1- **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . To EMO members who produce services on its behalf

2- **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . To EMO members who work as partners in stock corporations whose partners are all members of TMMOB founded to provide engineering and architecture service sand whose partnership share is not less than 20% (twenty percent) of the company capital,

It is also applicable if the share of the EMO member is less than 20% (twenty percent) but is equal to the holder of the biggest share.

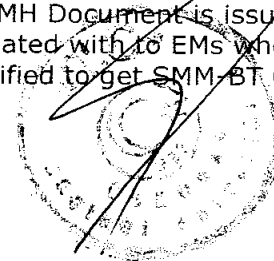
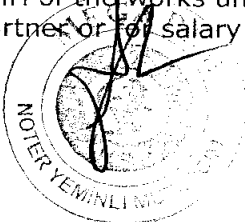
3- **(Amended G.-8/1/2009-27104) ⁽²⁾** . To EMO members who work as partner in a stock corporation if the majority share of the partnership is held by members of TMMOB and founded to provide engineering and architecture service and whose partnership share is not less than 25% (twenty five percent) of the company capital However, the condition that at least one of the company managers is TMMOB for limited companies and at least one of the Members of the Board is TMMOB member is required.

4- **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . To EMO members who work for salary in Registered Offices which has been given SMM-BT Certificate valid until year end by EMO,

5- **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . To Ems who work for a salary in stock corporation founded to to provide engineering and architecture service and with the majority share of the partnership formed by TMMOB members outside of EMO provided that they do not undertake TUS and High Tension Facility Operation Responsibility Services,

6- **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . To EMO members who work as partners in a stock corporation if the majority share of the partnership is held by members of regardless of their partnership share or to EMO members who work for salary in these stock corporations.

b) **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . SMMH Document is issued for each EMH of the works undertaken by the firm they are associated with to EMS who work as partner or for salary in legal entities which were not qualified to get SMM-BT Certificate



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valid till the year end provided that they do not undertake TUS and High Tension Facility Operation Responsibility and maintenance services.

There is the principle for documenting the work done.

c) Person or establishment who needs to get a document for the first time or wants to renew its certificate submits a written application to the EMO department of the city/county it will operate in and gives the necessary documents and pays the application fee specified by the Chamber Administrative Body every year.

d) The necessary registrations and procedures are completed by the EMO departments and its documents are forwarded to EMO through branches within one week of the application date.

e) **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . For the EMs whose SMM Documents have given to be able to undertake operation and maintenance services they must obtain a document according to the provisions of the Union Of Chambers Of Turkish Engineers And Architects Chamber of Electric Engineers Electric High Tension Facility Operation Responsibility Regulations.

f) EMO reviews and finalizes the applications done. Documents of the persons or establishments which have been qualified for the document are forwarded through he concerned EMO department.

g) **(Amended: RG.-8/1/2009-27104) ⁽²⁾** . The condition that at least one of the partners of the company partnership formed of EMO and/or TMMOB members have received SMM Document or document certifying that it works independently from EMO and/or the chamber it is a member of is required. SMM document is not issued for EM's who will be employed in the branches of the equity companies which have no EM with SMM Certificate in the company headquarters.

h) SMM- Office Registration Certificates issued to be valid till the end of the year are renewed by EMO upon the application of the document holder until the end of February of every year. The renewal period is determined by the proposal of the Branch Administrative Body and the Chamber Administrative Body resolution on condition that it does not exceed the end of February. First issuance procedures are applied to those who did not renew their documents till the end of February.

i) "Office Introduction Document" defining the office where the SMMHB issued for each produced service works is renewed by the Branches upon the application of the office owners until the end of February of every year. First issuance procedures are applied to those who did not renew their documents till the end of February.

j) Document applications which has not been found suitable for renewal by the Branches is forwarded to EMO together with the justifications latest within fifteen days after the application date. Last decision on whether or not the document will be renewed is given by EMO Administrative Body.

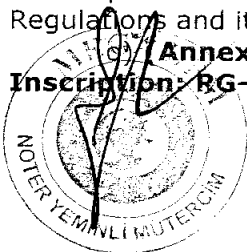
k) SMM-BT Documents issued by EMO is cancelled if offices or companies registered by EMO have services produced by entities other than their SMMs.

l) EMO Administrative Body is the final decision making body authorized to issue, renew, refuse renewal of and cancel the SMM and BT documents pursuant to the Regulation provisions.

m) TMMOB Discipline Regulations are implemented on persons and establishments which have been found to make misstatement in submitting the information and documents that are the basis of registration to EMO, make any changes on the Registration Certificate, do not notify EMO of the changes in conditions which are the basis of the registration within one month, determined not to conform to the the provisions of this Regulation, minimum fee definitions and professional inspection principles while carrying out SMM services.

n) **(Annex: RG.-8/1/2009-27104) ⁽²⁾** . EMO Administrative Body decides on the cancellation of SMM-BT documents according to the results of the administrative investigation on SMMs who acts contrary to the undertaking he/she has given regarding its compliance to the Union of Chambers of Turkish Engineers and Architects Principle Regulations and its regulations.

o) **(Annex: RG.-8/1/2009-27104) ⁽²⁾** . Elevator SMM Certificate **(Annex Inscription: RG-6/5/2010-27573)** or Elevator Paid SMM Certificate valid till the year



end is given to EMs who produce engineering services on its behalf, as partner or on salary in elevator firms and Elevator Office Registration Certificate is given to the elevator firms.

SMM Documents and Issuance of SMMH Documents

Article 9 – (Amended first clause RG.-8/1/2009-27104) ⁽²⁾. At the stage of registration of EMO members who want to obtain SMM Document to EMO, the following conditions are required:

a) Being an EMO member and fulfilling membership obligations,
 b) not to be bared by EMO,
 c) **(Amended: RG.-8/1/2009-27104) ⁽²⁾**. EMO member is to give one color photograph in accordance with the related legal and administrative regulations,
 d) **(Amended:RG.-8/1/2009-27104) ⁽²⁾** EMO member is to give notary certified signature declaration,

e) **(Amended: RG.-8/1/2009-27104) ⁽²⁾**. He/she is to correctly and fully complete and sign the application form and give a later of undertaking regarding his/her compliance to the Union of Chambers of Turkish Engineers and Architects Principle Regulations and its regulations,

f) **(Amended: RG.-8/1/2009-27104) ⁽²⁾**. The EMO Members who will have documents issued for the first time must have participated in the SSM training organized by EMO Vocational Continuous Training Centre,

g) **(Amended: RG.-8/1/2009-27104) ⁽²⁾**. Documentation of the association of the EMO Member with the Registered Office (on its behalf, as partner, on salary), and the Chamber department it is under,

1- Submission of Social Security Institution (SGK) premium declaration of self-employed people,

2- Submission of Social Security Institution premium declaration of those who work as partners,

3- Submission of Social Security Institution employment or premium declaration and notary certified payment agreement signed with the employer according to the specimen agreement prepared by EMO,

h) **(Amended: RG.-8/1/2009-27104) ⁽²⁾**. Following documents are issued according to the diploma titles of EMs, BMs and BBMs:

1- Electric installations above 1kV and below 1kV SMM document to EMs who will carry out services concerning above 1kV and below 1kV installations,

2- Electric installations below 1kV SMM document to EMs who will carry out services concerning below 1kV installations,

3- Elevator SMM document **(Annex inscription RG-6/5/2010-27573)** or Elevator Paid SMM Document to EMs who will carry out SMM services concerning elevators,

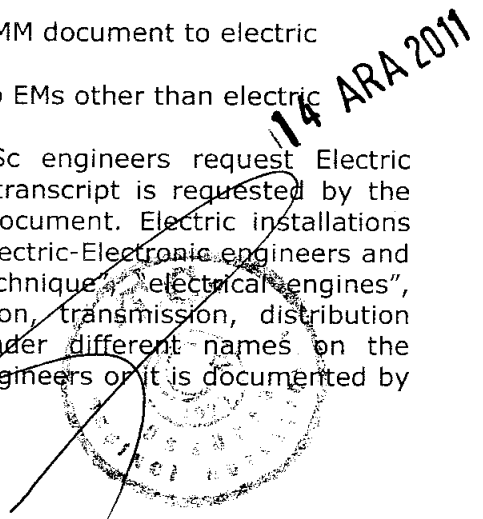
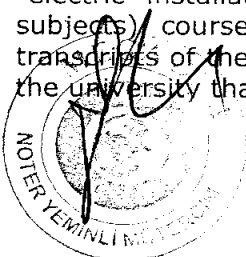
4- Computer SMM document to BMs who will carry out SMM services concerning computers,

5- Biomedical SMM document to BBMs who will carry out SMM services concerning biomedical,

6- Electric installations above 1kV and below 1kV SMM document to electric engineers and MSc engineers,

7- Electric installations below 1kV SMM document to EMs other than electric engineers and MSc engineers,

8- In case Electric-Electronic engineers and MSc engineers request Electric installations above 1kV and below 1kV SMM document transcript is requested by the transcript investigation commission to determine SMM document. Electric installations above 1kV and below 1kV SMM documents are given to Electric-Electronic engineers and MSc engineers if there are all of the "high tension technique", "electrical engines", "electric installations" (one of the protection, generation, transmission, distribution subjects) courses or courses of the same context under different names on the transcripts of the Electric-Electronic engineers and MSc engineers or it is documented by the university that these courses were completed later,



i) The documents must be used by reproducing with photocopy so that the serial numbers on the documents are not different as AMMHB and BTB is issued. To that end, original of the BTB completed by the concerned EMO department shall be sent to the Chamber headquarters and the copy reproduced with photocopy shall be kept by the concerned EMO department. If SMMHB is issued by a representative, the original shall be given to the member, one copy shall be kept at the representative and one copy shall be sent to the concerned branch. There shall be seal and signature of the issuing department and date on all copies.

j) **(Amended: RG.-8/1/2009-27104)** ⁽²⁾. The following documents are issued for EMs who have obtained documents before 21/12/2005

1- Electric installations above 1kV and below 1kV SMM document for EMs whose previous document were Electric SMM

2- Electric installations below 1kV SMM document for EMs whose previous document was Electronic SMM.

Issuance of Office Registration Certificate and Office Introduction Certificate

Article 10 — The following conditions are required at the stage of EMO registration of real and legal persons and establishment which want to obtain BT Document to provide SMM Services and establishments which want to obtain BTB.

a) **(Amended: RG.-8/1/2009-27104)** ⁽²⁾. That there are at least one SMM or EMO Member who work full time for the office and that under what title the SMM document will be registered on behalf of the office is stated on the application and is documented,

b) **(Amended: RG.-8/1/2009-27104)** ⁽²⁾. For those who are self employed, that the office is subject to taxation for engineering services and documentation of the affiliated tax office,

c) That there is engineering activity on the articles of incorporation of the company to be registered or for which a Introduction Certificate will be issued; submission of a copy of the Trade Registry Gazette on which the articles of incorporation was published,

d) Submission of the originals of the membership document obtained from the Chamber they are a member of for TMMOB member partners,

e) That the office is suitable to provide engineering services from and documentation of the notification address, rental agreement, title deed and similar documents,

f) Accurate completion of the application form and putting a signature,

g) **(Annex: RG.-8/1/2009-27104)** ⁽²⁾ Submission of retirement document for those who have retired from any social security institution,

Renewal of SMM-BT and SMMHB-BT Documents

Article 11 — Submission of the following is requested from real persons and establishments who have obtained SMM-BT Document to provide SMM Service and obtained SMMHB-Office Introduction Certificate, when they want to renew these documents:

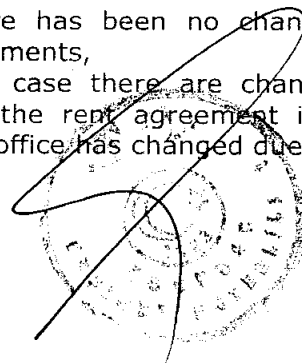
a) To return the SMM-BT Document previously given by EMO,

b) SMM is to give one color photograph in accordance with the identification circular stated on the Law,

c) Original of the letter stating that the tax liability for the engineering services of the current year stands obtained by the Registered Office from the tax office it is affiliated with or book certified by the tax office or tax office receipt stating that the last period tax has been deposited,

d) Declaration of the SMM stating that there has been no changes on the documents previously given to EMO regarding the documents,

e) Submission of the changed documents in case there are changes on the documents previously given by SMM (e.g. copy of the rent agreement if the office address has changed or new tax registration if the tax office has changed due to change f address).



f)) (Amended: RG.-8/1/2009-27104) (2). Documentation of the connection of EMO with the Registered Office,

- 1- SGK premium declaration from self employed,
- 2- SGK premium declaration from those who work as partners,
- 3- Agreement certified by notary or Chamber departments done between SMMs who work on salary and employer according to the fee specified by EMO for the related year, monthly payrolls in accordance with the salary specified by EMO for the previous year and SGK premium declarations and withholding tax returns,
- 4- For once retirement document for those who have retired from any social security institution,

g)) (Amended: RG.-8/1/2009-27104) (2). Documentation showing that they have deposited premium to SGK in their businesses for the current year for SMMs who are self employed or work as a partner,

h) If the equity company is an Inc., a copy of the Trade Registry Gazette regarding the general assembly is held every year.

When found necessary by EMO, it can request the documents referred in (f) and (g) bands in every four months for control.

Inspection of SMM Services

Article 12 — SMM, Registered Office and EMO comply with the below stated terms at the performance of SMM Services:

a) Persons or establishments who do not have SMM-BT and SMMHB-BTB documents, have not renewed their documents or whose documents have been cancelled by EMO temporarily or indefinitely can not provide SMM services.

b) SMM and Registered Office shall conform to the professional principles, EMO specifications put into effect on related matters, type projects and minimum fee definitions specified by EMO according to the benefits of the country and associates, within the framework of the governing laws and law of obligations and bona fide rules in all businesses that fall within the scope of this regulation and service agreements it will execute.

c) SMM and Registered Office shall conform to the purposes of protecting professional principles and country and associate benefits, to ensure that the services generated conform to EMO standards, Principle Regulations and Regulations and other standards, Regulations and principles valid in our country, applying minimum fee for engineering services specified by EMO and prevention of unfair competition between associates pursuant to the 1st article of this Regulation in all businesses that fall within the scope of this Regulation and engineering services it will provide whether or not the concerned person, administration and approval authority desires it. It shall assist in investigation and documentation of whether or not the project officers are registered in EMO by EMO, EMO's conducting the necessary inspection and documentation on the conformity of the services provided with these principles.

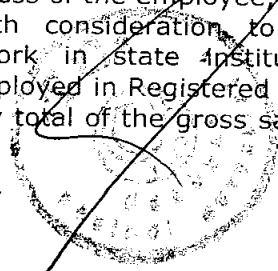
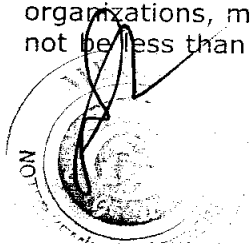
d) SMM and Registered Offices shall consider he type of service when they present their SMM Services to the EMO department they are associated with for inspection and be responsible to submit the other documents requested by EMO Administrative Body and the below documents:

1- Project, agreement and other documents stating the SMM service or service product,

2- Agreement executed between the employee and SMM- Registered Office and conforming to the specimen prepared by the Chamber if applicable,

3- Self Employment invoice or receipt regarding the SMM services provided, prepared according to the minimum fee definitions specified by the Chamber, in accordance with the specimen prepared by the Chamber, stating SMM member's seal, signature, SM and Registered Office's number, member registration number, tax office name and tax number, office address and name and address of the employee.

e) (Amended: RG.-8/1/2009-27104) (2). With consideration to the total monthly salary received by EMO members who work in state institutions and organizations, monthly net salary to be paid to SMMs employed in Registered Offices can not be less than the amount specified by EMO and yearly total of the gross salaries paid



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to SMM can not be less than 20% (twenty percent) of the total of the services produced by SMM within the year calculated according to the EMO minimum fees.

f) EMO investigates the situation and informs its decision to the parties by fulfilling its impartial arbitration duty in disputes that may arise between SMM and/or Registered Offices and employee. In this case, SMM and/or Registered Offices have to respect the decision to be given by EMO.

g) SMMS has to present the projects, TUS, operation responsibility, consultancy and similar engineering services they produced to the concerned EMO departments for the purpose of administrative and technical inspection to be conducted.

EMO takes the measures it finds necessary to prevent unfair competition between associates at the performance of SMM services, and to ensure that the services produced are of high quality, in conformity with the specifications and standards and are in the interest of the country.

EMO is authorized to inspect the services given, request the correction of defects and inaccuracies and inspect the procedures done on site.

Validity

Article 13 — This Regulation become valid on the date of its publication.

Execution

Article 14 — Union Of Chambers Of Turkish Engineers And Architects Chamber of Electric Engineers Administrative Body executes the provisions of this Regulation.

(1) This amendment becomes valid on 1/1/2008.

(2) This amendment becomes valid on 1/1/2009.

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Tercüme edilen işbu tercümenin ibraz edilen
aslına uygunluğunu onaylıyorum.
Noter Yeminli Mütercim

Dairemizin yeminli mütercimi tarafından
yapılan bu tercümenin ibraz edilen bir nüshası
daire dosyasında arkonulduktan sonra
getirilen geri verilen aslına uygunluğu
tasdik olunur.

