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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TURKEY

LAW NO. 6771
AMENDING THE CONSTITUTION

ARTICLE 1 - *"The clause "and impartial" has been added after the clause "independent" in Article 9 of the Constitution of Republic of Turkey dated 7/11/1982 numbered 2709."*

ARTICLE 2 - *"The clause "five hundred and fifty" has been replaced by the clause "six hundred" under Article 75 of the Law No. 2709."*

ARTICLE 3- *"The clause "twenty-five" has been replaced by "eighteen" in the first paragraph of Article 76 of the Law No. 2709 and the clause "who have not performed compulsory military service" has been replaced by the clause "who are in relation with their military services" in the second paragraph of the same article."*

ARTICLE 4- Article 77 of the Law No. 2709 and its title have been amended as follows:

"ARTICLE 77- Elections for the Turkish Grand National Assembly 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.*
- 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."*

ARTICLE 5- Article 87 of the Law No. 2709 has been amended as follows:

"ARTICLE 87- The duties and powers of the Turkish Grand National Assembly are to enact, amend, and repeal laws; to debate and adopt the proposals 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 Turkish Grand National Assembly to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution."

ARTICLE 6 - Article 98 of the Law No. 2709 has been amended as follows and its title has been removed from the text.

"Article 98 - The Turkish Grand National Assembly shall exercise its powers of acquiring information and supervision by means of parliamentary inquiry, general debate, parliamentary investigations and written question.

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 Turkish Grand National Assembly .

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 and procedures of inquiry shall be regulated by the Rules of Procedure."

ARTICLE 7- Article 101 of the Law No. 2709 and its title have been amended as follows:

"ARTICLE 101- 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. The President of the Republic's term of office shall be five years. A person may be elected as President of the Republic 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 Turkish Grand National Assembly 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 entitled the right 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 8- Article 104 of the Law No. 2709 has been amended as follows:

"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.

If he/she deems it necessary, delivers the opening speech of the Turkish Grand National Assembly the first day of the legislative year.

He/she gives message to the Assembly about domestic and foreign policy of the country. He/she promulgates laws.

He/she returns laws for reconsideration to the Turkish Grand National Assembly.

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 Turkish Grand National Assembly on the grounds that they are unconstitutional in form or in content.

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, for the 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 Turkish Grand National Assembly.

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 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. In 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 Turkish Grand National Assembly 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. 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.

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."

ARTICLE 9- Article 105 of the Law No. 2709 and its title have been amended as follows:

"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 Turkish Grand National Assembly . 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.

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 Turkish Grand National Assembly 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 investigation is not completed within the time allotted, a further three months shall be granted for once, 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 in the Supreme Court by 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 10- Article 106 of the Law No. 2709 and its title have been amended as follows:

"ARTICLE 106 – After being elected, the President may appoint one or more Vice-Presidents.

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, by 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 in a year or less, the election of the Turkish Grand National Assembly 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 Turkish Grand National Assembly. 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 Turkish Grand National Assembly.

In the event of a temporary absence of the President of the Republic on account of illness and travel abroad, 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 from among those eligible to be elected as deputies. Vice-Presidents and ministers shall take their oaths before the Turkish Grand National Assembly, as written in Article 81. If members of the Turkish Grand National Assembly are appointed as Vice-Presidents or ministers, their 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 Turkish Grand National Assembly. 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."

ARTICLE 11- Article 116 of the Law No. 2709 has been amended together with its title as follows.

"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 case of that the President decides to renew the elections, general election of the Grand National Assembly and presidential elections shall be held together.

Where the renewal of the elections is decided by the Grand National Assembly during the second term of the President, he/she may run [for the presidency] once more.

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.

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

ARTICLE 12- Article 119 of the Law No. 2709 has been amended together with its title as follows and its side-titles have been removed from the text.

"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 act of violence, and emergence of natural disaster, dangerous pandemic disease or severe economic crises.

The decision of declaration of state of emergency shall be published on the issuing day in the Official Gazette, and submitted to the Turkish Grand National Assembly for approval, on the same day.

If the Turkish Grand National Assembly is not in session, it shall be immediately announced for assembly. The Turkish Grand National Assembly may, when it deems necessary, reduce or extend the period of state of emergency, or lift it.

The Turkish Grand National Assembly may extend the period of state of emergency for a maximum of four months each time upon 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 provision shall be applied, and how the procedures shall be exercised sided, shall be regulated by the Act on State of Emergency.

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 Turkish Grand National Assembly on the same day for approval.

Save for the situations that the Turkish Grand National Assembly may not meet due to war and force majeure; presidential decrees issued during the state of emergency shall be debated and concluded in the Turkish Grand National Assembly within three month. Otherwise, the Presidential decree issued in the state of emergency shall ex officio cease to have effect".

ARTICLE 13- The following paragraph has been added to Article 142 of the Law No. 2709.

"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."

ARTICLE 14- *"The title of article 159 of the Law No. 2709 and the expression "High" in the first and ninth paragraphs have been removed from the text; second, third, fourth and fifth paragraphs have been amended as follows; the expression "regular" in sixth paragraph has been removed from the text; the expression "laws, regulations, bylaws and circulars" in the ninth paragraph has been amended as "laws and other legislation".*

The Council of Judges and Prosecutors shall be composed of thirteen members; shall comprise two chambers.

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 Turkish Grand National Assembly, 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 member and lawyers, at least one shall be academic member and one shall be a lawyer.

The applications for the memberships to be selected by the Turkish Grand National Assembly 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 Committee on Constitution. The 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. Turkish Grand National Assembly shall hold a secret ballot selection 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 selected in the second round as well, the selection shall be completed by choosing a candidate by lot among the two candidates who have received the highest number of votes.

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

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."

ARTICLE 15- Article 161 of the Law No. 2709 has been amended together with its title as follows.

"ARTICLE-161: The expenditure of the State and of public corporations, other than state economic enterprises, shall be determined by annual budgets.

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 Turkish Grand National Assembly 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 cases the budget law cannot put into force in time, a provisional budget shall be adopted. Where provisional budget cannot adopted then the budget of the previous year increased by the revaluation rate shall be applied.

Members of the Turkish Grand National Assembly 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 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.

Central government final accounts bills shall be submitted to the Turkish Grand National Assembly by the President 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.

The submission of the final accounts bills and the statement of general conformity to the Turkish Grand National Assembly 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.

Final accounts bills shall be debated and decided in conjunction with the budget bill of the new fiscal year."

ARTICLE 16- Pursuant to the bill:

"A)

1. "and Council of Ministers" under Article 8;
2. "martial law" under the first paragraph of Article 15,
3. under the fourth paragraph of Article 17 and,
4. under the fifth paragraph of Article 19;

5. "Council of Ministers and" under the first paragraph of Article 88 and "draft law and" under the second paragraph;

6. "directly or upon the motion of the Council of Ministers" under the third paragraph of Article 93;

7. "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. Nonetheless," under the second paragraph of Article 125 and "martial law" under the sixth paragraph;

8. "Martial law" under the first paragraph of Article 148, "High Military Court of Appeals, High Military Administrative Court, and "high" under the sixth paragraph, "General Commander of the Gendarmerie" under the seventh paragraph;

9. "government bill or" under the fourth paragraph of Article 153;

10. "High" under the second paragraph of Article 154,

11. "Government bills submitted by the Prime Minister and the Council of Ministers" and "examine draft regulations" under the second paragraph of Article 155, "high" under the third paragraph are removed from the Articles.

B)

12. "by the Council of Ministers" under the fourth paragraph of Article 73 is replaced with "by the President of the Republic";

13. The heading of Article 78, "D. Deferment of elections for the Turkish Grand National Assembly and by-elections";

14. "Council of Ministers" under the second paragraph of Article 117 is replaced with "President of the Republic";

15. "Prime Minister, the Chief of the General Staff, deputy prime ministers" under the first paragraph of Article 118 is replaced with "Vice-Presidents", "the commanders of the Land, Naval and Air Forces and the General Commander of the Gendarmerie" is replaced with "Chief of General Staff, the commanders of the Land, Naval and Air Forces", "to the Council of Minister" under the third paragraph is replaced with "to the President of the Republic", "by the Council of Ministers" is replaced by "by the President of the Republic", "Prime Minister" under the fourth paragraph is replaced with "Vice-Presidents", "of the Prime Minister" under the fifth paragraph is replaced with "of the Vice-President", "by the law" under the sixth paragraph is replaced with "by the Presidential decree";

16. "only by law, or by the authority expressly granted by law" under the third paragraph of Article 123 is replaced with "by law or Presidential Decree";

17. "Prime Ministry" under the first paragraph of Article 124 is replaced with "President" and "the regulations" is replaced with "the Presidential Decrees";

18. "Council of Ministers" under the sixth paragraph of Article 127 is replaced with "President";

19. "by the Council of Ministers" under the second paragraph of Article 131 is replaced with "by";

20. "to the Office of the Prime Minister" under the first paragraph of Article 134 is replaced with "to the Minister to be authorized by the President";

21. "Regulation" under the first paragraph of Article 137 is replaced with "Presidential Decree";

22. "of the decrees having the force of law" under the first paragraph of Article 148 is replaced with "of the Presidential Decrees", "Members of the Council of Ministers" under the sixth paragraph is replaced with "Vice-Presidents and Ministers";

23. "twelve" under the first paragraph of Article 149 is replaced with "ten";

24. "of the decrees having the force of law" under Article 150 is replaced with "of the Presidential Decrees" and "parliamentary groups of the ruling party or parties and of the main opposition party and Turkish Grand National Assembly" is replaced with "two political party groups possessing the highest number of members in the Turkish Grand National Assembly and";

25. "decree having the force of law" under Article 151 and,

26. under the third paragraph of Article 153 is replaced with "Presidential Decree";

27. "decree having the force of law" under the first paragraph of Article 152 and
28. second paragraph of Article 153 is replaced with "Presidential Decree";
29. "civil, administrative, and military" under the first paragraph of Article 158 is replaced with "civil and administrative";
30. "the government" under the fourth paragraph of Article 166 is replaced with "President";
31. "Council of Ministers" under the second paragraph of Article 167 is replaced with "President".
- C)
32. Under the third paragraph of Article 89, "by the absolute majority of the total number of members" is added after the phrase "the law sent back" and,
33. "appointed by the President" is added at the beginning of the third paragraph of Article 117.
- D)
34. "administrative investigation" is added before "examination" under the first paragraph of Article 108, "Armed Forces and" under the second paragraph is removed from the Article, "the members and the Chairperson from among the members ... appointed ... from among those with the qualifications set forth in the law" under the third paragraph is replaced with "Chairperson and members", "by law" under the fourth paragraph is replaced with "by Presidential Decree".
- E)
35. "seventeen" under the first paragraph of Article 146 is replaced with "fifteen", one member from the High Military Court of Appeals, and one member from the High Military Administrative Court" under the third paragraph and "High Military Court of Appeals, High Military Administrative Court" under the fourth paragraph are removed from the Article.
- F)
36. Second sentence of the second paragraph of Article 82,
37. Second paragraph of Article 96,
38. Fourth and fifth paragraphs of Article 117,
39. Second sentence of the third paragraph of Article 127,
40. Last sentence of the first paragraph of Article 150,
41. Article 91 regarding the power to issue Decree having the force of law,
42. Article 99 regarding the censure,
43. Article 100 regarding the Parliamentary Investigation,
44. Article 102 regarding the Presidential Election,
45. Article 107 regarding the General Secretariat of the President of the Republic,
46. Article 109 regarding the formation of the Council of Ministers,
47. Article 110 regarding taking office and vote of confidence (Council of Ministers),
48. Article 111 regarding the vote of confidence while in office (Council of Ministers),
49. Article 112 regarding functions and political responsibilities (Council of Ministers),
50. Article 113 regarding the establishment of Ministries and Ministers,
51. Article 114 regarding the Provisional Council of Ministers during elections,
52. Article 115 regarding Regulations,
53. Article 120 regarding Declaration of state of emergency because of widespread acts of violence and serious deterioration of public order,
54. Article 121 regarding the States of emergency,
55. Article 122 regarding martial law, mobilization and declaration of war,
56. Article 145 regarding military justice,
57. Article 156 regarding High Military Court of Appeals,
58. Article 157 regarding High Military Administrative Court,
59. Article 162 regarding the debate on the budget,
60. Article 163 regarding Principles governing budgetary amendments,
61. Article 164 regarding final accounts are abrogated"

ARTICLE 17- The following provisional article is added to the Law No. 2709.

"PROVISIONAL ARTICLE 21-

A) 27th Legislative Term Parliamentary elections to the Turkish Grand National Assembly and Presidential election shall both take place on 3/11/2019. The members of the Turkish Grand National Assembly and President continue to hold office until the date of the elections. In the event that the Assembly decides to call an election, 27th Legislative Term Parliamentary elections and Presidential election take place on the same day.

B) Within six months at the latest from the date of promulgation of this Law, the Turkish Grand National Assembly organizes other legal regulations and amendments to the Rules of Procedure of the Assembly as required by the amendments brought by this Law. Amendments which are stated to be made by the Presidential decree, will be brought by the President within six months at the latest from the date of his/her taking office.

C) According to the amendment made to Article 159 of the Constitution, election of members to the High Council of Judges and Prosecutors shall be held within thirty days at the latest and they shall take office on the working day following the fortieth day after the date of entry into force of this Law. The applications for the memberships shall be made to the Office of the Speaker of the Assembly within five days as of the entry into force of this Article. The Office of the Speaker conveys the applications to the Joint Committee composed of members of the Committee on Justice and Committee on Constitution. The Committee shall elect three candidates for each vacancy with a two-thirds majority of total number of members within ten days. If the procedure of electing candidates cannot be concluded in the first round and two-thirds majority cannot be obtained, second and third round elections are held; in these rounds, the candidate acquiring the three-fifths majority of the total number of votes is elected. If the candidates cannot be elected in this round as well, the procedure of electing candidates shall be completed by choosing a candidate by lots among twice the number of candidates who have received the highest number of votes in the third round. Plenary of the Turkish Grand National Assembly concludes the elections within fifteen days in accordance with the same procedures and principles. The present members of High Council of Judges and Prosecutors shall hold office until the date on which the new members take office and take actions pursuant to the provisions in the Law in force. New members shall exercise their duties in accordance with the provisions of the existing Law which are not unconstitutional until an amendment is brought to the relevant Law. Among those whose memberships were expired and were not re-elected to the High Council of Judges and Prosecutors, the ones selected among judges and prosecutors of civil judiciary shall be appointed as members of High Court of Appeals upon their requests and the ones selected among judges and prosecutors of administrative judiciary shall be appointed as members of Council of State by the High Council of Judges and Prosecutors; the ones elected among academicians and lawyers shall be appointed as members of Council of State by the President. During such elections and appointments, whether there is enough vacancy in cadres is not considered. Instead, enough vacancies are added to the cadres in High Court of Appeals and Council of State for the number of elected and appointed members.

D) Memberships of those who are elected as members of Constitutional Court from the High Military Court of Appeals and High Military Administrative Court, exist until their memberships are expired for any reason.

E) As of the date of entry into force of this Law, High Military Court of Appeals, High Military Administrative Court and military courts are abrogated. Within four months as of the entry into force of this Law; in accordance with their choices and acquired rights, Heads, Chief Prosecutors, Second Heads and members as well as other military judges (excluding reserve officers) from the category of military judges in High Military Court of Appeals and High Military Administrative Court;

a) may be appointed as judges or prosecutors of civil or administrative judiciary by the High Council of Judges and Prosecutors.

b) As regards their salaries, additional payments, allowance, judicial allowance, additional allowance, financial and social rights and aids along with their other rights, judges and prosecutors of civil or administrative judiciary shall be appointed in their existing categories, to cadres of legal service under the Ministry or Presidency of General Staff, by

the Ministry of National Defense and as regards the rights and obligations other than those stated above, they shall be appointed, provided that the legislation provisions on the date of entry into force of this Law continue to apply. The procedures and principles regarding the compensation to be paid to those who are entitled to pension and will retire from their office on their own accord before the retirement on the age margin, shall be regulated by law. Of the files examined in the annulled military judicial authorities, those at the stage of examination of legal remedy shall be submitted to High Court of Appeals or Council of State where relevant, other files shall be submitted to the civil or administrative judicial authorities with jurisdiction and competence, where relevant, within four months."

F) Decree Laws, regulations, guidelines issued by the Prime Ministry or Council of Ministers as well as other regulatory acts which are in force on the date of entry into force of this Law shall be valid unless annulled. Articles 152 and 153 continue to apply as regards Decree Laws in force.

G) Powers granted to the Prime Ministry and Council of Ministers through the laws or other legislations shall be exercised by the President until an amendment is made to the relevant legislation.

H) Last paragraph of Article 67 of the Constitution shall not apply regarding the first mutual Parliamentary and Presidential elections which will be held following the date of entry into force of this law. "

ARTICLE 18- By virtue of this Law;

"a) Amendments made to the Articles 8,15,17,19, 73, 82, 87, 88, 89, 91, 93, 96, 98, 99,100,104, 105,106,107,108,109,110,111,112,113 and repealed second and third paragraphs of Article 114, amendments made to Articles 115,116,117,118,119,120,121,122, 123,124,125 and amendment to the last paragraph of Article 127; amendments to Articles 131,134,137 and amendment to the first paragraph of Article 148 and amendment to "members of Council of Ministers" under the sixth paragraph, amendments to second paragraphs of Articles 150,151,152,153, 155 and amendments to Articles 161,162,163,164,166 and 167, paragraphs (F) and (G) of the Provisional Article 21 in the Constitution shall enter into force on the date when the President takes office, following the mutual elections to Turkish Grand National Assembly and Presidency,

b) Amendments to Articles 75, 77, 101 and 102 of the Constitution shall enter into force on the date at the beginning of the calendar concerning the first elections to the Turkish Grand National Assembly and Presidential elections,

c) Other amended provisions with the annulled last paragraph of Article 101 as follows "If the President-elect is a member of a party, his/her relationship with his party shall be severed" shall enter into force on the date of promulgation, and referenda shall be held on the above-mentioned Articles."