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New Electronic Notification Regulation

The new Electronic Notification Regulation published in the Official Gazette numbered 30617 dated 6 December 2018 brings new procedures and principles for the electronic notifications will be made in electronic environment. According to the Article 5 of the relevant Regulation, persons and institutions such as all private legal entities, attorneys, mediators, notaries etc. are obliged to apply to PTT in order to obtain an electronic notification address within one month as of the enforcement date, 1 January 2019. The content and the attached documents shall be encrypted by the system and shall be seen only by the addressee. In accordance with Article 9 of the Regulation, the e-notifications shall be deemed to have been made at the end of the fifth day following the day it was delivered to the addressee. Moreover, The notifications made in accordance with the regulation shall be recorded by the National Electronic Notification System (UETS) and these records shall be considered as conclusive evidence.



Implementation of E-commerce Trustmark has started



The Communiqué on Electronic Commerce Trustmark was published in the Official Gazette No. 30088 on 6 June 2017. On 1 February 2018, Undersecretary of the Ministry of Custom and Trade, Cenap Aşcı and the President of the Union of Chambers and Commodity Exchanges of Turkey (TOBB) Hisarcıklıoğlu have signed the Trustmark Protocol. In this context, the Trustmark system has been established in order to increase the security and the service's quality standards which the service provider must comply with and to ensure the reliability of e-commerce websites. Ruhsar Pekcan, the Minister of Trade, has announced implementation of e-commerce Trustmark has started and TOBB is authorized as the Trustmark provider. E-commerce websites willing to be a part of the system would be able to apply through www.guvendamgasi.org.tr. Those engaging in e-commerce will be able to provide the security of their websites and mobile platforms with the systems that prevent third parties from accessing information entered in the web site. Besides, security vulnerabilities can be detected with periodic penetration tests, these vulnerabilities can be fixed without any damage to the citizen and the security of the websites with e-commerce Trustmark would be fully provided.

Insurance for SMEs

The Communiqué on the Working Procedures and Principles of the State Supported System Including the Submission of Receivables Insurance for Small and Medium-Sized Enterprises was published in the Official Gazette on December 24, 2018. Insurance companies with licenses under the name of Credit-1 Insurance which want to operate within the scope of the system will be included in the system by signing a protocol with the Unusual Risks Management Center (Center). Within the scope of the system, only trade receivables arising from domestic sales will be guaranteed. All works and operations related to the management and operation of the system will be carried out by the Center. The form and the content of the notification regarding the insurance contract will also be determined by the Center. The insurance company will have to give the insurant the insurance policy determined by the Center. The request for intervention regarding the possible damages shall be forwarded to the Center within the specified time and with the information and documents specified in the special conditions. The compensation payment will be made by the Center within the framework of the conditions specified in special conditions. The part of the risk that cannot be provided for shall be committed by the State at an appropriate cost. According to the transitional provisions, trainings to be given to technical personnel by the Insurance Training Center (SEGEM) will be initiated within three months as of the publication date of the Communiqué.



Mediation for Commercial Cases



Pursuant to Article 5 / A of the Turkish Commercial Code Law No. 6102 enacted by the Grand National Assembly of Turkey on 06.12.2018, the mediation has become mandatory in commercial cases which the subject determined in Turkish Commercial Code article 4 and in other laws is the payment of some amount of money claim and a compensation.

Depending on a subject matter of a dispute, applications shall be made to the mediation office where the competent court is located, and to the assigned editorial offices where there are no offices. After the application, the parties shall be invited to the mediation meeting by the appointed mediator. The mediators shall settle the dispute in maximum 6 weeks, this time period may be extended by 2 more weeks if necessary. If the parties reach a settlement, they won't be able to open a case on the same issue again. If they can not reach a settlement, they have to submit the related document to the court.

Mandatory Registration to VERBIS & Exceptions



As defined in Article 3 of the Personal Data Protection Law No. 6698, a data controller is natural person or legal entity responsible for determining the purpose and the way of processing personal data, setting the data recording system up and operating of it . Pursuant to Article 16 Paragraph 2, data controllers must register with Data Controllers' Registry (VERBIS). For many data controllers, the starting date for the registration has been determined as October 1, 2018. However, Pursuant to the Authority's decision dated July 19, 2018, numbered 2018/88, the last day of the registration dates varies by number of employees, financial statement status and whether they are resident or not. Even though the law has obliged the data controllers to register with VERBIS in general, it has also exempted some data controllers from this obligation based on Article 16/2 of Law No. 6698.

These exceptions have been determined based on objective criteria such as the characteristics and the number of data to be processed, whether or not data processing is based on any law etc. Data Controllers which was declared to be within the scope of the exception with the Personal Data Protection Board Decision dated April 2, 2018 numbered 2018/32; only those who process personal data in non-automated ways, Notaries, Political Parties, Lawyers, Financial Consultants and associations, foundations and trade unions that process personal data only in accordance with their legislations and purposes. In addition to this decision, with the Board Decision dated July 19, 2018 and numbered 2018/87, the data controllers that employ less than 50 employees and whose annual financial statement does not exceed TRY 25 million are also included in the exception of registration.

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Please contact us at info@kavlak.av.tr, 0212 324 44 77

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