

JANUARY 2019

LAW UPDATES

kavlak.

02

ISSUE



Cyber Attacks in Germany

Data flow traffic, which has become more and more intense recently with the commercialization of the internet, has made it necessary to make legislative regulations in terms of data protection. In this context, on 7 April 2016, the Protection of Personal Data Protection Law No.6698 and on 25 May 2018, the General Data Protection Regulation (GDPR) have been entered into force. The convenience of international data flow has created need for countries to update their attack and defence policies. However, these measures have not been taken and/or not implemented rapidly so lots of major cyber-attacks has occurred. Within this scope, Germany has recently faced a serious data breach incident regarding the data of German citizens which are also protected by the updated German Data Protection Act in May 2018 together with GDPR (Bundesdatenschutzgesetz)

Several personal data including contact information, identities and private conversations of Prime Minister Angela Merkel, German politicians, artists and journalists has been leaked through the social media platform Twitter. The German National Cyberdefence Centre continues its activities to prevent further dissemination of data and to take precautions for the leaked data. In addition, the usage of Twitter in the leakage of data has also mobilized the Irish Data Protection Authority, where the Twitter company headquarters is located, and these two organizations are working on reducing the negative effects of cyber-attacks and preventing possible attacks. The countries' determination of concerted actions in the face of cyber-attacks will not be enough in the day when the “Big Data” is accepted as the new power expression and these common attitudes will need to be supported by national and international legislative regulations.



The Legislative Amendments For Credits



Banking Regulation and Supervision Agency (BRSA) has made some arrangements in the regulation of banks' credit transactions. Pursuant to this regulation, credits to be used for the purpose of obtaining housing for consumers (credit on mortgage), the ratio of the loan amount to the value of housig cannot exceed the 90 percent for the houses classified as A energy and 85 percent for the houses classified as B energy.

In vehicle loans or financial leasing transactions, the limit on the ratio of the loan amount to the value of the vehicle has been increased from TRY 100,000.00 to TRY 120,000.00. This rate shall be applied 70 percent for the part of the price up to TRY 120,000.00 in the vehicles exceeding the TRY 120,000.00 invoice value, and 50 percent for the part exceeding TRY 120,000.00.

With the provisional clause added to the Regulation, the limit of the consumer loans that are used for the purpose of paying the credit card debt could be as much as the credit card debt balance. Besides, 48 months maturity for these loans has been extended to 60 months maturity.

The Rates To Be Taken As The Basis For The Increase In Rent

The Law No. 7161 Amending Tax Laws and Certain Laws and Decree Laws was published in the Official Gazette on January 18, 2019. This new Law has made amendments in regard to determine the maximum limit for rent increases. By this Law, Article 344 of the Turkish Code of Obligations has changed as the maximum limit for rent increase will be calculated based on the twelve-month average rate in the previous year's Consumer Price Index for the residences and roofed workplaces. The rent increase rate would be determined by the agreement between the tenant and the landlord only if it's not exceeding the maximum limit .

Pursuant to the Article 53 of the Law No 6353 Amending Certain Laws and Decree Laws, if the tenant is considered to be a merchant as in the Turkish Commercial Code or a private law/public law legal entities in the workplace rental agreements, the amendment shall not apply to merchant tenants until 2020.



Imposing A Fee On Plastic Bags



Pursuant the Law No. 7153 Amending Environmental Law and Certain Laws was published in the Official Gazette on December 10, 2018, plastic bags have been given to consumers for a fee at stores as of January 1, 2019 in order to manage resources efficiently and to prevent environmental pollution caused by plastic bags. Base fee, not less than TRY 0.25, will be determined by the committee to be established by the Ministry of Environment and Urbanization and will be updated each year. The stores that give plastic bag for free shall be given an administrative fine of TRY 10.00 for each square meter of the closed sales area excluding the storage area. The average annual plastic bags use is 440 pieces per person in Turkey. This usage corresponds to 30-35 billion plastic bags in total. With this regulation, it is aimed to reduce the amount of plastic bag usage to 40 per person per year until 2025.

Amendments On Construction Inspection System

Article 18, 19, 20 and 21 of Law No 7143 Amending the Restructuring of Taxes and Other Certain Receivables and Certain Laws published on 18 May 2018 has made amendments on the Law No 4708 on Construction Inspection. It was decided that as of 01 January 2019, the electronic system will randomly choose the construction inspection company for the determined constructions. Construction inspection service agreement for existing constructions will continue to be valid. There will be no change in the inspection services of these constructions. Another important amendment in the Law is that technical teachers and technicians will be able to serve as a site supervisor and an assistant control staff with limited authority. With this regulation, it is aimed to prevent the technical personnel shortage and to ensure more effective supervision and to overcome the employment distress experienced by these people.



LAW UPDATES

kavlak

02
ISSUE

About Our Firm

Kavlak Law Firm, growing since 2006 with its qualified and dynamic lawyers, is one of the leading law firms of Turkey. With our effective works provided for our client portfolio which includes, by majority, local, international and multinational commercial and financial organizations, we provide distinguished legal support. Kavlak Law Firm, with the lawyers it co-operates in all of the major cities of Turkey, and worldwide, is able to respond immediately to clients' demands, provides a time-efficient service, based on mutual trust, works on long-term cases with each client, and adapts the clients' working principles and provides service accordingly.

Please visit our web site at www.kavlak.com.tr for further information on our legal team and practice areas.

Please contact us at info@kavlak.av.tr, 0212 324 55 00

This document is for informational purposes only and not for the purpose of providing legal advice. You should contact authorized persons for legal consultancy to obtain advice with respect to any particular issue or problem. Use of and access to this document or any of the e-mail links contained within the document do not create an attorney-client relationship between Kavlak Law Firm and the user or browser.

kavlak●