

REGULATION

From the Ministry of Commerce:

ABOUT COMMERCIAL COMMUNICATIONS AND COMMERCIAL ELECTRONIC MESSAGES  
AMENDING THE REGULATION  
REGULATION

**ARTICLE 1** – Commercial Communication and Commercial Communication published in the Official Gazette dated 15/7/2015 and numbered 29417 The “Foundation Foundation” in subparagraph (b) of the second paragraph of Article 2 of the Regulation on Electronic Messages The phrase “and other private education and training institutions” has been added to come after the phrase “universities”.

**ARTICLE 2** – Article 4 of the same Regulation has been amended as follows.

“ **ARTICLE 4** – (1) In this Regulation;

a) Buyer: Consumer or real or legal person acting for professional or other purposes,

b) Intermediary service provider: It provides the electronic commerce environment for the economic and commercial activities of others. natural and legal persons providing

c) Ministry: The Ministry of Commerce,

ç) Dealer business: A company that acts as an intermediary in the sale of the goods and services of an enterprise on a contractual basis and the business operating independently on behalf of

d) Electronic contact address: Communication exclusively in electronic media such as e-mail and telephone number. the address of the establishment,

e) Electronic communication tools: Sending and receiving messages over the Internet and other communication networks. or any device such as computers, telephones, fax machines, automatic dialing machines,

f) Electronic media: The environment in which data is digitized, processed, stored and transmitted,

g) Electronic commerce: Online transactions carried out in electronic environment without physical confrontation.

all kinds of economic and commercial activities,

ğ) Service provider: Real or legal persons engaged in electronic commerce activities,

h) Provincial directorate: Provincial directorate of commerce,

ı) Provincial director: Provincial director of commerce,

i) Business day: Other days excluding national holidays and general and weekend holidays,

j) IYS Number: The unique number assigned to all service providers and brands registered with IYS,

k) Law: Law No. 6563 on the Regulation of Electronic Commerce,

l) Establishment: The institution authorized by the Ministry to establish the commercial electronic message management system,

m) MERSIS: Central Registry Registration System,

n) Privately authorized enterprise: A contractual enterprise, management and organization and distribution or

The sale of the goods or services of this enterprise by obtaining information and support on issues such as marketing technologies.

independent commercial enterprise that uses its concession rights on price, territory and duration within certain conditions and limitations.

the business,

o) Commercial electronic message: Telephone, call centers, fax, automatic dialing machines, smart voice recorder systems, e-mail, short message service, etc.

messages with data, audio and video content sent for purposes,

ö) Commercial electronic message management system (IYS): The right to refuse commercial electronic message approval,

The system that allows the use of the system and the management of the complaint processes,

p) Commercial communication: Within the scope of professional or commercial activity, excluding domain names and e-mail addresses

all kinds of communication related to electronic commerce in order to gain profit,

r) URL address: The full address where the relevant content is located on a network such as the internet, means.”

**ARTICLE 3** - The title of the second part of the same Regulation is "Commercial Electronic Messages and IYS".

has been changed.

**ARTICLE 4** – For commercial electronic messages in the first paragraph of Article 5 of the same Regulation

The phrase "or through IYS" has been added to come after the phrase "by himself" and the same article

The following paragraphs have been added.

“(2) Real and legal persons who want to send commercial electronic messages register with IYS.

(3) Commercial electronic messages cannot be sent to recipients who do not have approval on the IYS.”

**ARTICLE 5** – The following paragraphs have been added to Article 6 of the same Regulation.

“(5) In case of sending a message within the scope of the first, second and fourth paragraphs, no control is made over the IYS.

(6) Before sending the message within the scope of the third paragraph, the electronic communication of the recipients who were merchants or artisans addresses are recorded in the IYS by the service provider and whether the recipients use their right of refusal through the IYS.

Is controlled.”

**ARTICLE 6** – In the first paragraph of Article 7 of the same Regulation, “all kinds of electronic communication

The phrase "or via IYS" has been added to come after the phrase "by means of", and the following is added to the end of the same paragraph.

sentence was added, the phrase "same day" in the third paragraph of the same article was changed to "24 hours" and the same

The following sentence has been added to the end of the paragraph, the tenth paragraph of the same article has been changed as follows and the same

The following paragraphs have been added to the article.

“A positive statement of will and electronic communication address are included in the approvals obtained through the IYS.”

“The provisions of this paragraph do not apply to the approvals obtained through the IYS.”

“(10) For the approvals not obtained through the IYS, the burden of proof regarding the approval is on the service provider. belongs.”

“(11) Approvals that are not received through the IYS are recorded in the IYS by the service provider within three business days.

(12) Approvals not recorded in the IYS are considered invalid.”

**ARTICLE 7** – From the phrases “TC” in the second and third paragraphs of Article 8 of the same Regulation

"or tax" phrases have been added to come after the following, to come after the third paragraph of the same article.

paragraph has been added and other paragraphs have been supplemented accordingly.

“(4) In the content of voice search; Trade name is given for merchants and name and surname for tradesmen. Service

In addition to these, the provider may include other identifying information such as brand or business name.”

**ARTICLE 8** – The first sentence of the third paragraph of Article 9 of the same Regulation is as follows:

amended and the following paragraphs have been added to the same article.

“The service provider, provided by him or by the IYS, so that the buyer can make a refusal notification.

the customer service number provided, the text message number, or a URL specific to the rejection notification only

Include accessible communication address such as commercial electronic message.”

“(6) The service provider notifies the IYS of the rejection notices sent to it within three business days.

(7) The buyer can also use the right to refuse over the IYS.”

**ARTICLE 9** – Article 10/A below to come after Article 10 of the same Regulation

has been added.

“ **Commercial electronic message management system**

**ARTICLE 10/A** – (1) Recording the establishment, approval and rejection information in the IYS, obtaining approval through the IYS,

exercising the right of refusal, receiving and reporting commercial electronic message complaints,

prepares the technical infrastructure for effective management and intermediary service providers to use the system, and

It opens to the access of the Ministry.

(2) The organization takes the necessary technical measures to prevent the transmission of commercial electronic messages.

(3) The organization is obliged to carry out other works and transactions requested by the Ministry regarding IYS.”

**ARTICLE 10** – Article 11 of the same Regulation has been amended with its title as follows.

“ **Obligations regarding intermediary service providers**

**ARTICLE 11** – (1) The service provider shall send commercial electronic messages to the recipients for which it has previously approved.

as well as through intermediary service providers.

(2) The intermediary service provider is responsible for the performance of the obligations stipulated for the service provider by this Regulation.

technical possibilities.

(3) Intermediary service provider, by real and legal persons who use the electronic environment in which it provides services.

to control the content provided, to carry out an unlawful activity or activity related to this content and the goods or services subject to the content.

is not obliged to investigate whether the situation is in question.

(4) On behalf of others, the intermediary service provider promotes, markets or operates their goods and services.

cannot obtain approval to send commercial electronic messages for promotional purposes.

(5) The intermediary service provider harmonizes its system for sending commercial electronic messages with the IYS.

(6) Intermediary service provider is responsible for sending commercial electronic messages belonging to service providers who are not registered with IYS. does not start sending.

(7) The intermediary service that initiates the sending of commercial electronic messages in accordance with the instruction of the service provider.

Before sending messages, the provider checks whether the recipients are approved via IYS and IYS

does not start sending messages to recipients who do not have confirmation on it.

(8) In sending messages within the scope of the first, second and fourth paragraphs of Article 6, the service provider

In the event that the intermediary service provider wishes to be present, a statement in this regard is taken.

(9) The intermediary service provider notifies the IYS in case the buyers close the subscription line.”

**ARTICLE 11** – “Intermediary service provider” in the first paragraph of Article 12 of the same Regulation

The phrase “Incorporation with” has been added to come after the phrase.

**ARTICLE 12** – The phrase “one year” in the second paragraph of Article 13 of the same Regulation is replaced by “three years”.

was changed to.

**ARTICLE 13** – “e-Government gateway” in the first paragraph of Article 14 of the same Regulation

The phrase “, IYS” has been added to come after the phrase, “and” in subparagraph (a) of the second paragraph of the same article.

the phrase “all of its content” has been changed to “a visual example of the message” and the second sentence of the same paragraph has been repealed. abolished, “image” to come after the phrase “Message” in the last sentence of subparagraph (b) of the same paragraph.

The phrase “content” in subparagraph (c) of the same paragraph has been changed to “subject”.

**ARTICLE 14** – The second paragraph of Article 15 of the same Regulation has been amended as follows and

The following paragraph has been added to the article.

“(2) The application is firstly subjected to a preliminary examination through the IYS. Provincial directorate after preliminary examination

The complaint is concluded by obtaining the information and documents related to the subject from the person concerned. However, when necessary On-site inspection is carried out by the personnel assigned for inspection by the directorate.”

“(5) The intermediary service provider, who initiated the sending of the message in accordance with the instruction of the service provider,

Responds to information and document requests regarding the messages subject to their applications within fifteen days through IYS.”

**ARTICLE 15** – The first paragraph of Article 16 of the same Regulation has been amended as follows.

“(1) The Ministry, the service provider, the intermediary service provider and the Organization within the scope of this Regulation

authorized to supervise its activities and transactions.”

**ARTICLE 16** – Article 17/A below to come before the temporary article 1 of the same Regulation

has been added.

“ **Commercial electronic messages sent via e-mail**

**ARTICLE 17/A** - (1) Commercial electronic messages sent via e-mail, fifth article of Article 11,

The provisions of the sixth, seventh and eighth paragraphs and the fifth paragraph of Article 15 shall not apply.”

**ARTICLE 17** – The following provisional article has been added to the same Regulation.

“ **Uploading existing databases to IYS**

**PROVISIONAL ARTICLE 2** – (1) Approvals obtained within the scope of this Regulation will be in service until 1/6/2020.

transferred to the IYS by the providers. At the end of this period, the approvals of the buyers are uploaded to the IYS by the IYS and

If these approvals are not checked until 1/9/2020, these approvals will be considered valid and the possibility of rejection will be determined by IYS.

A message is sent with the information that it can be used over.

(2) Recipients check the approvals registered in the IYS until 1/9/2020. After the expiry of this period

Commercial electronic messages sent are considered approved.

(3) The Ministry is authorized to postpone these dates for three months.”

**ARTICLE 18** – Article 19 of the same Regulation has been amended as follows.

“ **ARTICLE 19** – (1) The provisions of this Regulation shall be executed by the Minister of Trade.”

**ARTICLE 19** – This Regulation; 1st, 2nd, 3rd, 7th, 9th, 11th, 12th, 13th, 15th, 17th and

Articles 18 shall enter into force on the date of publication, and other articles shall enter into force on 1/9/2020.

**ARTICLE 20** – The provisions of this Regulation are executed by the Minister of Trade.

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