

LAW

REGULATION OF ELECTRONIC COMMERCE

ABOUT THE LAW

Law No. 6563

Accepted Date: 23/10/2014

Purpose and scope

ARTICLE 1 – (1) The purpose of this Law is to regulate the principles and procedures regarding electronic commerce.

(2) This Law covers commercial communication, the responsibilities of service providers and intermediary service providers, electronic Contracts made with communication tools and obligations to provide information regarding electronic commerce and the applicable includes sanctions.

Definitions

ARTICLE 2 – (1) In the implementation of this Law;

a) Electronic commerce: Online transactions carried out in electronic environment without physical confrontation. all kinds of economic and commercial activities,

b) Commercial communication: Except for domain names and e-mail addresses, within the scope of professional or commercial activity all kinds of communication related to electronic commerce in order to gain profit,

c) Commercial electronic message: Telephone, call centers, fax, automatic dialing machines, smart voice recorder commercial systems, electronic mail, short message service, etc. messages with data, audio and video content sent for purposes,

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

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

e) Ministry: Ministry of Customs and Trade,

means.

Obligation to provide information

ARTICLE 3 – (1) Before the conclusion of a contract with electronic communication tools, the service provider;

a) Up-to-date and introductory information in a way that buyers can easily access,

b) Information on the technical steps to be followed for the conclusion of the contract,

c) Whether the text of the contract will be kept by the service provider after the conclusion of the contract. and whether the buyer will be able to access this contract later, and for how long information to be provided,

ç) Technical tools for clear and understandable identification and correction of errors in data entry related information,

d) Information on the confidentiality rules applied and alternative dispute resolution mechanisms, if any,

presents.

(2) The service provider shall comply with the professional chamber of which it is a member, if any, and the rules of conduct related to the profession and their Indicates how it can be accessed electronically.

(3) In cases where the parties are not consumers, the parties do not comply with the regulations in the first and second paragraphs. they can decide.

(4) The service provider allows the contract provisions and general transaction conditions to be kept by the buyer. provides.

(5) The first and second paragraphs are sent exclusively by e-mail or similar individual communication means. It does not apply to contracts made.

Order

ARTICLE 4 – (1) The following principles apply to orders placed via electronic communication tools:

a) The service provider, at the stage of confirmation of the order and before entering the payment information, It ensures that the terms of the contract, including the total price, are clearly seen by the buyer.

b) The service provider confirms the receipt of the buyer's order without delay by means of electronic communication.

c) Order and confirmation of receipt of the order, as soon as it is possible for the parties to access the aforementioned statements. is deemed to have taken place.

(2) The service provider is able to identify and correct data entry errors before the order is placed. It offers appropriate, effective and accessible technical tools for

(3) In cases where the parties are not consumers, the parties do not comply with the regulations in the first and second paragraphs. they can decide.

(4) Subparagraphs (a) and (b) of the first paragraph and the second paragraph shall be sent exclusively via e-mail or similar It does not apply to contracts made with individual communication tools.

Principles of commercial communication

ARTICLE 5 – (1) In commercial communication:

a) The commercial communication and the real or legal person on whose behalf this communication is made can be clearly identified. information should be provided.

b) This nature of promotions such as discounts and gifts and promotional contests or games is clearly evident. be determined, the conditions for participating and benefiting from them should be easily accessible, and these conditions should be clear and should be intelligible without leaving any room for doubt.

Requirement for sending commercial electronic messages

ARTICLE 6 – (1) Commercial electronic messages can only be sent to the recipients with their prior approval. It consent may be obtained in writing or by any electronic means of communication. In order to contact him In case the buyer provides contact information, the change, use and maintenance of the goods or services provided No separate approval is required for commercial electronic messages aimed at

(2) Commercial electronic messages can be sent to tradesmen and merchants without prior approval.

Content of commercial electronic message

ARTICLE 7 – (1) The content of the commercial electronic message must be in accordance with the approval received from the recipient.

(2) In the message, the information that enables the service provider to be identified and the telephone number depending on the type of communication. Accessible contact information such as phone number, fax number, text message number, and e-mail address takes place.

(3) In the message, depending on the type of communication, the subject, purpose of the message and if it is made on behalf of someone else, Information on the name made is also included.

Buyer's right to refuse commercial electronic message

ARTICLE 8 – (1) Recipients may refuse to receive commercial electronic messages whenever they wish, without giving any reason. may refuse.

(2) Easy and free transmission of the service provider refusal notification via electronic communication tools. is obliged to provide the necessary information in the message he sends.

(3) Following the receipt of the request, the service provider stops sending electronic messages to the buyer within three business days.

Obligations of intermediary service providers

ARTICLE 9 – (1) Intermediary service providers, real and legal entities using the electronic environment in which they provide services. to control the content provided by individuals, to make an illegal action regarding this content and the goods or services subject to the content. It is not obliged to investigate whether the activity or situation is in question.

(2) To the intermediary service providers of the obligations set forth in Articles 3, 4, 5, 6, 7 and 8 of this Law. The procedures and principles regarding its implementation are determined by regulation.

Protection of personal data

ARTICLE 10 – (1) Service provider and intermediary service provider:

a) Keeping the personal data obtained due to the transactions made within the framework of this Law, and responsible for its safety.

b) It cannot transmit personal data to third parties and use it for other purposes without the consent of the person concerned.

ministry authority

ARTICLE 11 – (1) The Ministry shall take all kinds of measures regarding the implementation of this Law and the development of electronic commerce. authorized to receive and control.

(2) Inspectors appointed by the Ministry, within the scope of this Law, with matters falling under the authority of the Ministry. to request all kinds of information, documents and books, to examine them and to take their samples, are authorized to receive verbal information, and the relevant persons may submit the requested information, documents, books and electronic records, their samples. to provide complete and truthful information, to meet written and verbal information requests, and to provide all kinds of help and convenience. obliged to show

Penal provisions

ARTICLE 12 – (1) This Law;

a) Obligations in Article 3, obligations in subparagraph (a) of the first paragraph of Article 4, Service providers acting against the first paragraph of Article 6 or the first paragraph of Article 7, and From one thousand Turkish liras to five thousand Turkish liras to intermediary service providers,

b) In the item (b) of the first paragraph of Article 4 or in the second paragraph of the same article, Obligations in the first paragraph of the article (a) or in the second and third paragraphs of the article 7 From one thousand Turkish liras to ten thousand Turkish liras for service providers and intermediary service providers acting in contravention,

c) In the subparagraph (b) of the first paragraph of Article 5, in the second and third paragraphs of Article 8 from two thousand Turkish liras to service providers and intermediary service providers acting in breach of their obligations up to a thousand Turkish liras,

ç) From two thousand Turkish liras to five thousand Turkish liras for those who act against the second paragraph of Article 11 until,

administrative fine is imposed.

(2) In case of sending a message to more than one person at once, contrary to the first paragraph of Article 6, Administrative fine stipulated in subparagraph (a) of the first paragraph is applied by increasing it up to ten times.

(3) The authority to impose administrative fines stipulated in this article belongs to the Ministry. This authority is vested in the Ministry. It can be transferred to the relevant general directorate, and in the provinces to the provincial directorates of the Ministry.

regulations

ARTICLE 13 – (1) Regulations regarding the implementation of this Law; Ministry of Justice, Ministry of Finance, Ministry of Transport, Maritime Affairs and Communications, Ministry of Economy and Information Technologies and Communication Authority. It is prepared by the Ministry by taking their opinions.

Amended legislation

ARTICLE 14 – (1) Article 50 of the Electronic Communications Law dated 5/11/2008 and numbered 5809 The fifth paragraph has been changed as follows, the following paragraphs have been added to the article and the other paragraphs have been added accordingly. has been carried.

“(5) The operators, with respect to the services they provide, with the subscribers and users in advance, electronic communication media such as automatic dialing machines, faxes, e-mail, short message No communication can be made for purposes such as marketing or sexual content transmission. operators, They cannot communicate with their subscribers and users with the content of political propaganda regarding the services they offer.

“(6) Provision of a good or service by the operators, the contact information of the subscribers and users It has been obtained by being informed that such communication will be made and by providing the opportunity to refuse. marketing of the same or similar goods or services with subscribers and users without prior consent, Communication can be made for promotion, change and maintenance services.

(7) Subscribers and users have the right to refuse such communication and to withdraw their consent easily and provided free of charge.”

Databases created with approval

PROVISIONAL ARTICLE 1 – (1) Before the effective date of this Law, sending commercial electronic messages The first paragraph of Article 6 does not apply to databases created with approval for this purpose.

Force

ARTICLE 15 – (1) This Law enters into force on 1/5/2015.

Executive

ARTICLE 16 – (1) The provisions of this Law are executed by the Council of Ministers.