

# New Electronic Notification Requirements Introduced

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The Law amending the Enforcement and Bankruptcy Law and Other Laws (the Amendment Law) was published in the *Official Gazette* on March 15, 2018 and entered into force on the same date.

Although the law introduced amendments to the Tax Procedural Law, the Cooperatives Law, the Customs Law and the Law on Fees, this update focuses on the amendments to the Notification Law.

## Amendments

The amendments introduced to the Notification Law have significantly broadened the scope of parties for which electronic notification is compulsory. Prior to the amendments, electronic notification was compulsory only for:

- joint stock companies;
- limited liability companies; and
- limited partnerships with capital divided into shares.

In contrast, following the amendments, electronic notification is now compulsory for a wide range of real persons and legal entities, including:

- public administrations and their affiliated institutions with circulating capital indicated in Lists I, II, III and IV of the Public Finance Management and Control Law;
- 'local administrations', as defined under the Public Finance Management and Control Law;
- other public institutions and organisations incorporated under private laws;
- funds and surety funds incorporated by law;
- public economic enterprises and their subsidiaries, establishments and enterprises;
- partnerships where more than 50% of their capital is publicly owned;
- professional organisations with public institution status and their supreme institutions;
- all private legal entities, including those incorporated by law;
- notary publics;
- registered lawyers;
- registered mediators and experts; and

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- the affiliated unit of the persons who are authorised to represent, as proxy, administrations, public economic enterprises or other partnerships where more than 50% of their capital is publicly owned before the civil and administrative courts, execution offices or arbitrators.

#### **Electronic notification addresses**

In addition to the abovementioned list, the Amendment Law also states that electronic notification will be compulsory for any party that has voluntarily requested to receive an electronic notification address.

According to the Amendment Law, Posta ve Telgraf Teşkilatı (PTT), the national post and telegraph directorate, will generate electronic notification addresses for real persons based on their identity number and legal entities based on their system number. As a result, each party will be entitled to receive only one electronic notification address. Electronic notification addresses must be submitted to the relevant authorities, which are entitled to make notifications under the Notification Law, following their receipt by the relevant real person or legal entity.

The relevant amendments introduced by the Amendment Law to the Notification Law will enter into force on 1 January 2019. However, the provisional article, which regulates the PTT's authority to collect the required information and documents to generate electronic addresses, entered into force on 15 March 2018. Accordingly, the PTT is entitled to collect information and documents from:

- the relevant public institutions and organisations;
- the Ministry of Internal Affairs for local administrations;
- the relevant public economic enterprises;
- the relevant publicly owned partnerships;
- the Ministry of Customs and Trade for companies and cooperatives;
- the relevant professional organisations with public institution status and their supreme institutions;
- the Union of Turkish Public Notaries; and
- the Union of Turkish Bar Associations.

Such information and documents must be submitted to the PTT within one month from the PTT's request.

***This article aims to endow the reader with a general outline about its subject matter. Each individual case should be evaluated according to its circumstances.***

