

Recent Amendments to Consumer Protection and E-Commerce Legislation

I. Introduction

The Law on Amending the Consumer Protection Law and Certain Other Laws ("**Amendment Law**") was published in the Official Gazette dated October 30, 2024, and numbered 32707. Alongside changes to several other laws, the Amendment Law includes significant updates in particular, to the Consumer Protection Law No. 6502 and the Regulation of Electronic Commerce Law No. 6563, which are noteworthy in the field of consumer law.

You can access the full Turkish text of the Amendment Law [here](#).

II. Key Amendments to the Consumer Protection Law

1. Consumer Loan and Housing Finance Agreements Can Now Be Concluded Remotely

Article 1 of the Amendment Law modifies Article 22 of the Consumer Protection Law ("**CPL**"), which governs consumer loan agreements. The term "or remotely" has been added after "in writing," allowing such agreements to be executed not only in written form but also remotely. A similar amendment has been introduced to the first paragraph of Article 32, which regulates consumer housing finance agreements. With said amendment, the conclusion of consumer housing finance agreements can also be made remotely.

These changes, effective from October 30, 2024, enable the execution of housing finance agreements through remote methods.

2. Permanent Data Storage Mediums Can Be Used to Request that Accounts Opened for Consumer Loan and Consumer House Finance Agreements Remain Active

Articles 2 and 4 of the Amendment Law amend Articles 31 and 39 of the CPL, respectively, which govern accounts opened in the name of the consumer for the use of loans. These articles previously required a written request to keep such accounts open after the loan was repaid. With the amendment, these requests can now also be submitted via permanent data storage mediums. Under CPL, a permanent data storage medium refers to *“any tool or environment, such as SMS, email, internet, disk, CD, DVD, memory card, or similar, that enables the recording and unchanged reproduction of data sent by or to the consumer and provides access to the data as originally intended for a reasonable period”*.

This amendment came into effect on October 30, 2024.

3. Direct Selling System Regulations Incorporated into the CPL

Previously, the procedures and principles relating to the Direct Selling System (DSS) were regulated under the Regulation on Off-Premises Contracts as referenced in Article 47 of the CPL. Article 5 of the Amendment Law removed the term "direct sales" from Article 47/7 of the CPL, while Article 6 introduced a new Article 47/A titled *“Direct Selling,”*. This amendment formally incorporated the DSS into the CPL framework and provided for the regulation of procedures and principles concerning direct selling that are relevant to consumers directly within the CPL.

Under the newly added Article 47/A, paragraph 1 defines DSS as: *“a sales system in which independent salespersons, distributors, consultants, and similar agents, who are not employed under a work agreement, market goods or services to consumers on behalf of a direct selling company in return for commissions, premiums, incentives, and similar benefits.”*

Paragraph 2 of the same article imposes a requirement for direct selling companies to operate as capital stock companies. Additionally, paragraph 4 prohibits requiring sellers wishing to join or remain in the DSS from paying fees such as renewal, package, or membership fees that do not include the goods or services intended for sale to consumers.

Furthermore, under paragraph 5, the right of withdrawal for consumers who purchase goods or services via DSS has been extended from 14 days (as stipulated in the previous

regulation) to 30 days. Consumers exercising their right of withdrawal must notify the direct seller or direct selling company within this 30-day period without needing to provide a reason or pay any penalty.

Finally, paragraph 6 mandates that direct selling companies establish systems to inform their consumer clients on matters specified by the Ministry and to allow these clients to submit their requests and notifications.

These amendments to the DSS regulations under the CPL will come into effect on July 30, 2025.

4. Administrative Fines for Violations of Consumer Rights Revised

Article 7 of the Amendment Law revised Article 77 of the Consumer Protection Law (CPL), which regulates administrative fines for violations of consumer rights through media channels. Under the amendments, the lower and upper limits of fines for violations conducted via different media outlets have been redefined.

Specifically, for violations carried out via television channels:

- The fines for violations on local channels are set at between TL 110,000 and TL 1,100,000.
- For violations on nationally broadcasting channels, the fines range from TL 2,210,000 to TL 22,100,000.

In cases where the violations occur through periodic publications (e.g., newspapers or magazines), only half of the above fine ranges will apply.

For violations carried out through other channels, the fines are as follows:

- For violations on local or satellite radio stations, nationally broadcasting radio channels, or satellite TV channels, or violations conducted via the internet or other unspecified platforms, the fine range is set at TL 60,000 to TL 600,000.
- For violations committed through short message services (SMS), the fines range from TL 280,000 to TL 800,000.

The Amendment Law also sets out the criteria for the Advertising Board to consider when determining the amount of administrative fines. These criteria include the nature of the violation, the benefits obtained from the violation, or the harm caused, the degree of fault of the violator, and the economic status of the violator.

Additionally, with the changes introduced in paragraph 17 of Article 77, administrative fines are also stipulated for violations of the provisions introduced under Article 47/A of the CPL. Specifically:

- For violations of paragraphs 2 and 3 of Article 47/A (e.g., failing to meet corporate requirements or improperly charging sellers), a fine of TL 5,000,000 per violation will apply.
- For violations of paragraphs 4, 5, and 7 of the same article (e.g., failing to adhere to withdrawal rights or consumer communication requirements), fines of TL 2,200 per violation will apply.

The same article regulates that if direct selling companies fail to establish the consumer communication systems required under paragraph 6 of Article 47/A, a three-month grace period shall be given to the companies to address these violations and an administrative fine of TL 1,000,000 shall be imposed on those who do not become compliant at the end of the grace period.

These changes to administrative fines under the CPL will take effect on July 30, 2025.

III. Key Amendments to the Regulation of Electronic Commerce Law

The Amendment Law introduced changes to paragraph 7 of the Additional Article 4 of the Regulation of Electronic Commerce Law ("**E-Commerce Law**") concerning the calculation of e-commerce license fees for intermediary service providers. These changes aim to clarify how the net transaction volume is calculated and specify conditions for reductions in license fees.

Under the amendments, reductions can be applied to the net transaction volume determined by the Electronic Commerce Information System (ETBİS), provided the total reduction does not exceed 20% of the total transaction volume. Specifically:

- As per sub-paragraph (a) of paragraph 7, the amount of international sales will be deducted from the net transaction volume.
- As per sub-paragraph (b) of paragraph 7, expenditures made under an investment incentive certificate approved by the Ministry of Industry and Technology, in accordance with project-based support regulations, can be deducted from the net transaction volume.

The Amendment Law also stipulates that the reduction percentages applied for international sales and investments should not exceed 20% of the net transaction volume. Moreover, if the calculated reduction surpasses this limit, excess amounts exceeding 15% will not be considered.

Temporary Article 2 of the E-Commerce Law has also been amended by Article 10 of the Amendment Law, introducing specific provisions for 2024 and 2025. These provisions allow for:

- For the 2024 calendar year, deductions amounting to four times the project-based investments and international sales from the net transaction volume.
- For the 2025 calendar year, deductions amounting to three times the project-based investments and international sales from the net transaction volume.

The amendments under the E-Commerce Law came into effect on the publication date of the Amendment Law, October 30, 2024.

IV. Conclusion

The Law on Amending the Consumer Protection Law and Certain Other Laws, published on October 30, 2024, introduces pivotal changes in consumer protection and e-commerce legislation. While some provisions took effect immediately, others will be implemented gradually in 2025. Stakeholders are advised to closely monitor the implementation process to ensure compliance and safeguard their rights and obligations.

Dr. iur. Onur Ergöner, Managing Partner

Can Kaleli, Legal Intern

Işıl Gizem Demirtaş, Legal Intern