

THE

Gökçe | Yaralı  
Istanbul

# Fine PRINT

December 2016

51

HAPPY  
New  
Year  
2017

## **New Members are appointed to Data Protection Board**

### **Highlights of this issue**

Communique On Execution  
of Articles of Association  
Before Trade Registry

Code on  
Expert  
Witnesses

Amendments on  
Check Communique  
of Central Bank

## New Members are appointed to Data Protection Board

In accordance with the decision which was published in Official Gazette dated 16.12.2016, Prof. Dr. Faruk Bilir and Şaban Baba are appointed to the Board of Protection of Personal Data (**Board**). With this decision the number of appointed members of the Board reached to 7 (seven). Previously Cabir Bilirgen, Cengiz Paşaoğlu, Mehmet Niyazi Tanılır, Turan Arık and Yusuf Alataş were appointed as members of the Board according to 05.10.2016 dated Decision.



## Communique On Execution of Articles of Association Before Trade Registry

Communique on Execution of the Articles of Association of Companies Before the Trade Registry (**Communique**) is published in Official Gazette and entered into force on 6 December 2016.

According to the 15 July 2016 dated amendment on Turkish Commercial Code, the Articles of Association (**AoA**) of joint stock companies, limited liability companies, limited partnerships, limited partnerships with shared capitals and general partnerships shall be signed before Trade Registries.

This Communique regulates the rules and principles of signing of AoAs before Trade Registries.

According to the Communique, AoAs must be prepared with the Central Registry Record System (**MERSİS**) and must be signed by the founders of the Company or their authorized representatives before Trade Registry which is located in the place of incorporation.

The application for the registration must be done in 3 months after the approval of the AoA signed before Trade Registry, otherwise the continuation of intention to establish a company must be declared.

Signature declarations of the founders and other authorized persons of the companies shall also be issued by Trade Registry as of the effective date of the Communique.

Turkish language text of the Communique can be found at the following link:

<http://www.resmigazete.gov.tr/eskiler/2016/12/20161206-8.htm>



## Code on Expert Witnesses

Code on Expert Witnesses (**Code**) numbered 6754 is published in Official Gazette and entered into force on 24.11.2016.

The Code regulates the determination of rules and procedures regarding the training, election and auditing of experts and applies to every expertise activity that take place on judicial, administrative and military justice. Institutions that may provide expert services, and also the institutions and organizations which are authorized to give scientific and technical opinions on request of other institutions and judicial authorities are out of the scope of the Code.

The Code regulates that the expert witnesses shall perform their obligations with respect to the rules of objectivity and honesty, they shall make statements only in expertise required matters and they cannot make legal qualifications and evaluations. Also the Code regulates that the application to expertise shall not be made if the subject is related to general information, experience or the legal knowledge which should be resolved by the judge.

For further information please contact us at [contact@gokce.av.tr](mailto:contact@gokce.av.tr)

The Code mainly regulates the qualifications that the experts must have, ethical principles, rules and principles related to the expertise trainings and also the establishment of Head of Department of Expertise and Regional Board of Expertise on every location of Regional Courts of Justice. Regional Board of Expertise is obliged and authorized to make decisions to enroll and remove people from expert registry and list and also checks the expert services for the compliance with law.

One of the important developments of the Code is the required qualifications for the experts. Accordingly, completing basic expertise training, minimum 5 years of working experience and not be condemned from the crimes indicated in the Code are some of the main requirements.

One of the innovations of the Code is that; people who had legal education must certify separate expertness in order to enroll to Expert Witness Registry.

If the required qualifications on expertise is not met or lost or the necessary conditions are not satisfied, the person may be removed form expertise in case of detection.

Besides, if an expert witness does not submit his/her report on time, the decision shall be made regards to non-payment of fees and costs.

If the obligations specified in the Code are not performed by the experts; sanctions, notice or temporary dismissal from the expert witness list up to one year, shall be applied. The Code also increases the lower and upper limits of prison sentence indicated for the expert witnesses who issue an opinion that is contrary to the facts.

Turkish language text of the Communique can be found at the following link :  
<http://www.resmigazete.gov.tr/eskiler/2016/11/20161124-1.pdf>

## **Amendments on Check Communique of Central Bank**

Communique on Notification and Announcement of the Decisions on Print Shape of Checkbooks, Amount that Banks are Obligated to Pay to the Bearer and Prohibition Regards to Opening a Check Account (**The Communique**) is published in Official Gazette and entered into force on 19 November 2016.

According to The Communique, the print date of the checks, number of Central Registration System (MERSIS) for legal entities and Turkish Republic ID number of both drawer of the check and the owner of the check account (if they are different people) have become mandatory rules.

The obligation to insert page numbers to all sheets in the check books is repealed.

Turkish language text of The Communique can be found at the following link :  
<http://www.resmigazete.gov.tr/eskiler/2016/11/20161119-12.htm>



# Answers. Not theories.

## Gokce Yaralı Attorney Partnership

### Editors:



**Assoc. Prof. Dr. Ali Paslı**  
ali.pasli@gokce.av.tr



**Yağmur Yollu**  
yagmur.yollu@gokce.av.tr

### About our firm

Gokce Yaralı Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, real property, and commercial litigation. Please visit our web site at [www.gokce.av.tr](http://www.gokce.av.tr) for further information on our legal staff and expertise.

**Please contact us at**  
**contact@gokce.av.tr**  
**0 212 352 88 33**

*The Fine Print is prepared and published for general informative purposes only and does not constitute legal advice or create an attorney-client relationship. Should you wish to receive further information, please contact Gokce Yaralı Attorney Partnership. No content provided in The Fine Print can be reproduced or re-published without proper attribution or the express written permission of Gokce Yaralı Attorney Partnership. While all efforts have been made to ensure the accuracy of the content, Gokce Yaralı Attorney Partnership does not guarantee such accuracy and cannot be held liable for any errors in or reliance upon this information. The Fine Print was created for clients of Gokce Yaralı Attorney Partnership and the possibility of circulation beyond the firm's clientele should not be construed as advertisement.*