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## New regulations on e-commerce



## **New regulation on responsibilities of service providers and intermediary service providers in e-commerce sector**

New Regulation on Service Providers and Intermediary Service Providers in E-commerce (**Regulation**) was published in Official Gazette on the 26th of August 2015.

### **Who should be giving it a look?**

Companies operating in the field of e-commerce either directly or as an intermediary should comply with this regulation.

Intermediary service providers are companies which provide electronic environment for the operation of other e-commerce companies (i.e. service providers).

Can't it wait a little bit?

Unfortunately, no! Currently operating service providers and intermediary service providers have to comply with the new regulation within 3 months upon its publication (i.e. the deadline is 26th of November 2015).

### **What are the new rules?**

Some of the new requirements imposed the service providers and intermediary service providers are set out below:

#### **i. Communication:**

The service providers and intermediary service providers are required to publish the following information on their website under "Communication" tab:

- Registered e-mail address (KEP), telephone number and company name and registered trademark name (if any);
- information regarding rules of conduct of its professional operation and how to reach these information electronically;
- MERSİS number and registered address if the provider is a "merchant";
- Name, surname, tax number and the registered office if the provider is a "tradesman".

#### **ii. Transaction Guide:**

The service providers and intermediary service providers are required to publish a "Transaction Guide" which must include the following information:

- steps to be taken for giving and confirming the order, choosing the good, enter into a contract, making payment and receiving delivery
- information regarding whether the contract can be kept electronically or not or the buyer's access right on the same platform and for how long these data will be kept,
- information regarding technical instruments such as do/undo/change the Purchase Order in order to correct the errors of data,
- confidentiality rules regarding personal data,
- information regarding a alternative dispute resolution mechanism in case of a conflict as a result of e-commerce transaction

### iii. Order System

The service providers and intermediary service providers are required establish an order system as follows:

- offering brand new and second-hand good in different categories,
- providing clear information on total amount to pay including tax and delivery expenses during the confirmation order and submitting the payment,
- providing information on total amount of goods and services, the procedure of calculating the price and delivery expenses (if can not be determined),
- providing technical tools to easily undo, change the order and to correct errors of data input for buyer before confirming the order,
- delivering the terms of contracts to the customers physical or electronic environment,
- notifying the buyer the relevant confirmation order via least one the following: e-mail, text message, telephone call, fax.



### **Are there any additional requirements for intermediary service providers?**

Yes, intermediary service providers must also:

- allocate a field for the service provider to enable such service provider publish its “Communication” details,
- ensure that service provider publish its Communication details,
- obtain validated /certificated telephone numbers of Service Provider.

## And... What else?

Service providers and intermediary service providers are also subject to the following requirements:

### i. Protection of Personal Data:

Service providers and intermediary service providers:

- are responsible for the protection of customers personal data,
- they must prevent the usage of customers personal data for purposes other than the relevant e-commerce transaction and the sharing of such data with third parties without prior written consent of the relevant customer.

### ii. Keeping the records:

Service providers and intermediary service providers must keep the electronic records regarding e-commerce transactions for three years.

In case of breach of the rules abovementioned, Ministry of Customs and Trade may impose administrative fines.

## Recent Competition Board Decisions

The Competition Board approved, with its decision dated 9 September 2015 and numbered 15-36/541-173, the takeover by Discovery Medya Hizmetleri of Enformasyon Reklamcılık ve Filmcilik (CNBC-e).

The Competition Board approved, with its decision dated 5 August 2015 and numbered 15-34/509-157,

that a joint venture be formed between Aéroports de Paris Management S.A., Vinci Airports S.A.S. and Astaldi Concessioni S.p.A for the operation of Chile Airport.

The Competition Board granted individual exemption, with its decision dated 5 August 2015 and numbered number 15-33/482-149, to Bonus Credit Card Program Sharing Agreement and its annex which is signed between Garanti Bank and TEB on 18 December 2012.



# Answers. Not theories.

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## About our firm

Gokce 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.

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