

THE

Fine PRINT

Gokce —
Istanbul

July 2016

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New Period for Civil and Criminal Jurisdiction: Appeal

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New Period for Civil and Criminal Jurisdiction: Appeal Process and Regional Courts Of Justice

A new appeal process was introduced under the Turkish legal system as of 20 July 2016 with regional courts of justice which was established in 2004 as per the Law regarding Establishment, Competence and Jurisdiction of courts of first instance and regional courts of justice **(Law)**.

Regional courts of justice will serve as courts of second instance in order to appease workload at courts. Within this scope, rulings of regional courts of justice can be appealed before Supreme Court only in grounds of certain conditions expressed under the Code of Civil Procedure **(CCP)**.

Rulings which can be Appealed to Regional Courts of Justice

As for the civil justice, final rulings of courts of first instance with monetary value more than TRY 1,500 and the interim rulings rendered upon objection of the parties regarding acceptance or rejection decisions with respect to interim injunction and attachment requests can be brought before regional courts of justice.

As for the criminal justice, almost all rulings of courts of first instance can be brought before regional courts of justice. Furthermore, rulings which impose imprisonment for more than 15 years can be examined ex-officio by regional courts of justice.

Additionally, public prosecutors are entitled to bring the rulings of courts of first instance before regional courts of justice within 7 days after receipt of the same. Process before regional court of justice will suspend enforcement of such ruling.

Courts of Second Instance

Under the new system, regional courts of justices will serve as “court of second instance” instead of “court of appeal”. As the most important consequence of this new system, in cases where there is no other possibility to reach a conclusion without re-trial, regional courts of justice will render a judgement by reviewing the case from the beginning. In this case, regional courts of justice will have all the authorities of the courts of first instance except the authority to accept the new proofs and to consider pleas and defences that have not been submitted to the courts of first instance.

Appeal Against Rulings of Regional Courts of Justice

Rulings which are rendered by regional courts of justice can be appealed before Supreme Court provided that conditions within the CCP.

As for criminal justice, judgements of regional courts of justice regarding rejection of the case or retrial of the same can be appealed to Supreme Court with some exceptions (Article 286 of the Law of Criminal Procedure).

As for civil justice, it is possible to appeal all the judgements of the regional courts of justice within 1 month beginning from date of receipt, except those listed in Article 362 of the CCP.



Regulation Regarding Electronic Communication Infrastructure and Information System

Regulation Regarding Electronic Communication Infrastructure and Information System **(Regulation)** was published in the Official Gazette on 13 July 2016 to be effective as of 13 October 2016.

Purpose of the Regulation is to designate the minimum requirements for electronic communication infrastructures and the provisions for Electronic Communication Infrastructure Information System **(EHABS)** where the information regarding infrastructures of the operators in the electronic communication entities are kept.

According to the Regulation, operators who will use access right under the Regulation Regarding Passage of All Kinds of Cables and the Like Used In Fixed and Mobile Communication Infrastructure or Network Through Immovables, are obliged to follow the Electronic Communication Infrastructures Reference Document published by Information and Communication Technologies Authority **(BTK)**.

Additionally, operators are obliged to save the information regarding their electronic communication infrastructures, networks and services to EHABS database and keep such information true and updated within the scope of procedure and principals designated by BTK. Furthermore, operators are also obliged to provide remote access to their information systems upon demand of BTK.

BTK is entitled to inspect the operators ex officio or upon third party complaints in order to monitor whether the operators comply with such obligations. The Regulation sets forth several administrative fines for the operators breaching their obligations.

Turkish language text of the Regulation can be found at the following link:
<http://www.resmigazete.gov.tr/eskiler/2016/07/20160713-1.htm>

Recent Banking Regulation and Supervision Agency Resolution

Banking Regulation and Supervision Agency is decided as follows;

- to allow the operation of the Yunus Varlık Yönetim A.Ş. by its resolution dated 14.07.2016 with no 6935.
- to entitle the İyzico Ödeme Hizmetleri A.Ş. to operate as paying agency by its resolution dated 30.06.2016 with no 6930.
- to cancel the operation allowance of the Asya Katılım Bankası A.Ş. by its resolution dated 22.07.2016 with no 6947.



Answers. Not theories.

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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 for further information on our legal staff and expertise.

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