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Fine PRINT

July 2021

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CENTRAL REM GUIDE HAVE BEEN ESTABLISHED

Communiqué Amending the Communiqué Regarding KEP Guide and KEP Account Addresses (**Communiqué**) was published on the Official Gazette dated 03 July 2021. Thus, Central Registered Electronic Mail (**REM**) Guide system was introduced into the legislation.

According to Communiqué, Central REM Guide, which shall be established with the information provided by REM service providers (**REMSP**) and operated by Information Technologies and Communications Authority, shall be established and operated by ensuring its confidentiality, integrity and accessibility.

The reform brought by Central REM Guide is that it serves the purpose of verifying and querying the REM account information given by all REMSPs through a single center and keeping it up-to-date.

Moreover, DETSIS (State Organization Central Registration System) has been introduced to the legislation. With this reform, the alternative of making inquiries with DETSIS No. regarding the existence and accuracy of the REM address was introduced for public legal persons registered with DETSIS. In this context, REMSPs shall establish their infrastructure to work in harmony with Central REM Guide within four months from the publication of Communiqué and shall be integrated into Central REM Guide.

Thus, account holders shall be able to track all their information processed in the Central REM Guide through a single center through their own REMSP, even if they were processed by other REMSPs.

REM account holders are obliged to notify REMSPs of the changes regarding the records; and REMSPs are obliged to immediately update the information reported by the account holders both in their own directory and in Central REM Guide.

REMSPs are obliged to keep the transaction records of all transactions made from Central REM Guide for the period determined by the relevant legislation.

You can find the Communiqué [here](#) (only in Turkish).

Regulation on the Applicant's Identity Authentication Process in the Electronic Communications Sector Entered into Force

Regulation on the Applicant's Identity Authentication Process in the Electronic Communications Sector (**Regulation**) has been published in the Official Gazette dated 26 June 2021. Enforcement date will be 31 December 2021.

Regulation and its annexes establish the procedure and principles regarding the methods to be used in order to verify the identity of the applicant in case documents related to various transactions in the electronic communications sector are issued electronically.

Methods regulated in the Regulation are (i) authentication via e-Government Gateway, (ii) visual authentication through artificial intelligence or authorized person, (iii) PAdES (PDF Advanced Electronic Signature format) creation along with Republic of Turkey Identity Card and (iv) in face-to-face channels, taking video footage specific to the process together with the applicant's identity document.

In video authentication through artificial intelligence or an authorized person, the authentication must be done in

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real time without any interruption, with end-to-end secure communication, and the identity information in the identity document must be obtained by the near field communication method.

In face-to-face transactions, identity authentication shall be possible by creating PAdES-LTV with PDF. Alternatively, the identity can be authenticated by taking the video image along with the applicant's identity document.

In case of video authentication through artificial intelligence or an authorized person or authentication by taking a video image in face to face transactions, Regulation imposes an obligation to obtain explicit consent of the applicant within the scope of Personal Data Protection Law (**KVKK**). Clarification to be made within the scope of KVKK shall be performed separately from the explicit consent procedure.

Another important issue brought by the Regulation is that the operators/service providers shall not acquire the biometric data of individuals electronically using an electronic pen or similar method. The fact that a legislation that allows authentication with artificial intelligence does not allow the use of biometric data in authentication has been criticized in the legal sector.

You can find the full text of the regulation [here](#) (only in Turkish).

Animal Protection Law Amendments Have Entered into Force

Law No. 7332 Amending the Animal Protection Law and the Turkish Penal Code (**Law**) was published in the Official Gazette dated 14 July 2021 and several of its provisions have entered into force.

With Law, important changes regarding animal rights were envisaged, and it was aimed to expand the scope of application by making non-formal and formal education programs for the protection and welfare of animals.

Some important changes brought by Law are as follows:

- The establishment of animal shelters became subject to the permission of the Ministry of Agriculture and Forestry.
- The establishment of land and water circuses and dolphin parks where animals are used has been prohibited.
- The definition of “rehabilitation” has been added to Animal Protection Law. It was defined that rehabilitation refers to treatment and parasite control, vaccination, sterilization and marking of stray animals with digital identification methods.
- Cat and dog owners became obliged to register their animals with digital identification methods. Details on this obligation shall be determined by the regulation to be put into effect.
- Until a regulation regarding the identification of dangerous animals is put into effect; those who breed, adopt, rehome, harbor, feed, exchange, display, gift, and introduce, sell and advertise in Turkey Pitbull Terrier, Japanese Tosa, Dogo Argentino, Fila Brasileiro species or their hybrids, shall pay an administrative fine of 11 thousand Turkish Liras per animal.
- The article regulating the crime of damaging property in the Turkish Penal Code has been amended and the offense of damaging animals and property has been excluded from the scope of the crime.

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- The phrase “Having sexual intercourse with animals, torture”, which regulates the prohibitions regarding animals in the Animal Protection Law has been amended accurately to “Sexual assault or rape of animals”.
- Administrative fines specified in the Animal Protection Law have been increased. However, some new judicial penalties have also been envisaged. In this context:
 - Anyone who kills an endangered animal shall be sentenced to imprisonment from one year to five years; any person who causes an animal extinction shall be punished with imprisonment from five to ten years.
 - Anyone who intentionally kills or slaughters a pet or domestic animal for non-food purposes and without medical and scientific reasons, shall be sentenced to imprisonment from six months to four years.
 - Anyone who sexually assaults or rapes animals shall be sentenced with imprisonment from six months to three years and judicial fine of not less than one hundred days.
 - Anyone who tortures or cruelly treats a pet or domestic animal by violating the prohibition of torture or cruel treatment of animals shall be sentenced with imprisonment from six months to three years.
 - Persons who make animals fight shall be sentenced with imprisonment from three months to two years or a judicial fine.

You can find the full text of the Law [here](#) (only available in Turkish).

Real Beneficiary Notification Obligation Has Been Introduced

General Communiqué No. 529 on Tax Procedural Law (**Communiqué**) has entered into force after being published in the Official Gazette dated 13 July 2021. Communiqué imposes an obligation to notify the real beneficiaries (especially corporate taxpayers) who are active as of August 1 2021 to the Turkish Revenue Administration (**GIB**).

Real beneficiaries are defined in the Communiqué as “*real person or persons who ultimately control or have ultimate influence over legal persons or unincorporated entities*”.

In addition, many organizations within the scope of Law on Prevention of Laundering of Crime Revenues are also obliged to report the real beneficiary information. For such notifications, the request of GIB is required. The obligors include institutions such as banks, financing and factoring companies, payment institutions, electronic money institutions and crypto asset service providers.

For corporate taxpayers, this notification shall be made in the annex of provisional tax returns and annual corporate tax return and remaining obligors are obliged to notify with an electronic form until the end of August of each year. The information subject to the notification is required to be kept for 5 years starting from the beginning of the calendar year following the notification and changes are required to be notified to GIB within 1 month.

The latest notification date for the first notifications within the scope of the Communiqué is 31th August 2021.

You can find the full text of the Communiqué [here](#) (only in Turkish).

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Answers. Not theories.

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About our firm

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