

Amendments were made in Remote Identification Methods of the Banks for the Remote Identification in Electronic Environment and Execution of Agreements.

23 Jun 2023

The Regulation Regarding the Amendment of the Regulation on Remote Identification Methods to be Used by Banks and the Establishment of Agreements in the Electronic Environment ("**Amendment Regulation**") has been published in the Official Gazette numbered 21201 and dated 25 May 2023 and has entered into force on 1 June 2023, in order to amend the procedures and principles of the Regulation on Remote Identification Methods to be Used by Banks and the Establishment of Agreements in the Electronic Environment ("**Regulation**").

Important details of the Amendment Regulation are as follows:

- Real person or persons authorized to represent legal entities will be able to carry out banking transactions through means of remote identification; however, for this process to be applicable, the term "Customer" in the Financial Crimes Investigation Board ("**MASAK**") Communiqué No. 19 will have to be amended to include legal entities.
- Similarly, you can access the MAG prepared on the Regulation on the Amendment of the Regulation on Measures to Prevent Laundering Proceeds of Crime and Financing of Terrorism, which entered into force upon being published in the Official Gazette dated April 5, 2023 and numbered 32154, paving the way for remote identification of legal entities, and the definition of "Customer" pursuant to MASAK Communiqué No. 19, through this [link](#).
- The remote identification procedure will be designed in accordance with the general principles on accessibility of banking services in the Regulation on Accessibility of Banking Services published in the Official Gazette numbered 29746 and dated 18 June 2016 and the checks set out in the Regulation will be carried out depending on the particular disability of the disabled person.
- Assistance may be obtained from third parties in case needed during the video call phase of remote identification of disabled persons, and the customer representative will be able to create photographs and/or screenshots of the third party and the front and back sides of their identity document.
- When identifying a legal entity, the real person shall be identified in accordance with the Regulation, and it shall be verified that he/she is authorized to represent the legal entity. This verification may be done on different occasions if there is more than one person authorized to represent the legal entity. If the person is already a customer of the same bank and is identified by logging in to any of the internet banking or mobile banking distribution channels, the verification of the identity document by near field communication as regulated in the Regulation will be deemed to have been met.
- The representation authority of the person will be verified by matching the information obtained from the person with the current information obtained from MERSIS and/or the Trade Registry Gazette. If required by the Bank, the customer representative will obtain a copy of the signature circular submitted by the person showing that the person is authorized to represent the legal entity and the

signature sample obtained from the signature circular will be compared with the signature sample in the identity document and/or MERSIS. In addition, the validity of the signature circular will be confirmed by using the date and journal number on the document. The Banking Regulation and Supervision Agency ("BRSA") will be able to verify the signature through the signature on the new identity card of the person as well as the MERSIS records; however since MASAK does not accept such confirmation, MASAK regulations will need to have to be amended.

- In addition, it will be confirmed that the information obtained regarding the legal entity matches the current information obtained by querying MERSIS, Trade Registry Gazette's and the database of the Revenue Administration.
- In the process of identification of the legal entity; necessary measures will be taken to reveal the real beneficiary of the legal entity. It can be stated that remote identification is also possible in this process.
- The BRSA will be authorized to determine the procedures and principles regarding the transactions to be performed by the customer representative in the Regulation through artificial intelligence-based methods, as in the remote identification processes of financing, factoring and commercial leasing companies.

You can access the Amendment Regulation in Turkish through this [link](#).

Related Practices

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