

Electronic Service Now Required for Certain Parties in Turkey

7 Jan 2019

From 1 January 2019, it becomes mandatory in Turkey to make notifications to certain parties via the National Electronic Services System ("**UETS**"), which will be established by the Turkish Post ("PTT").

The Electronic Services Regulation ("**Regulation**") was published in Official Gazette number 30617 on 6 December 2018.

Parties Which Must be Notified Electronically

Under the Regulation, notifications sent to the following parties must be made electronically:

- All private-law legal entities, including those established by law.
- Corporations with more than 50% of capital owned by the state.
- Local administrations, as defined in the Public Finance Management and Control Law numbered 5018.
- Public administrations stipulated in annexes (I), (II), (III) and (IV) of the Law numbered 5018, as well as their subsidiary institutions with circulating capital.
- Funds and surety funds established by law, along with other public institutions established by specific laws.
- Government business enterprises and their subsidiary corporations, institutions or businesses.
- Public professional organizations and their superior organizations.
- Corporations with more than 50% of capital owned by the state, or corporations which are managed by government business organizations.
- Civil and administrative jurisdictional authorities.
- Execution offices.
- Notaries.
- Lawyers registered to the bar.
- Registered mediators and experts.
- Entities which are affiliated with individuals who are entitled to act as agents before arbitrators.

Applying for an Electronic Service Address

The institutions, organizations and associations noted above must apply for an electronic service address by 1 February 2019.

Real or legal persons not mentioned above can also obtain an electronic service address. However, in such cases, services to these individuals and entities will be required to be made electronically.

Procedure for Electronic Service

The procedure for electronic service under the Regulation is as follows:

- The authority making the electronic service prepares the electronic service message and delivers it to UETS.

- The time-stamped and encrypted electronic service message is sent to the addressee, while PTT ensures security for the system.
- Electronic service is deemed to be served upon the end of the fifth day following the delivery of the message and the relevant statutory time period will commence as of this date.
- An addressee who wishes to get delivery messages regarding the electronic services must notify the PTT of an e-mail address or a cell phone number which can receive SMS messages. The PTT will send e-mail delivery messages to the addressee free of charge, but a fee will apply for SMS messages. Messages which are delayed or fail to be delivered will not impact the validity of the electronic service.
- The PTT will keep records for 30 years, which are deemed to be definitive evidence, unless proven otherwise. The records state:
 - The serving authority delivered an electronic service message to UETS.
 - The message was received by the addressee.
 - The message is deemed to be delivered
- The PTT allocates storage space to all electronic service users for a fee. If the storage space is full, the data will be kept open for the user's access for at least six months after it is deemed to be delivered. The data will then be deleted, starting from the oldest.
- If electronic service cannot be made due to a force majeure, services will be made as per other procedures set forth in the Services Law.

The full text of the Regulation can be found at this [link](#) (only available in Turkish).

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