

## New Regulation on Consumer Arbitration Committees was Published

29 Nov 2022

The Regulation on Consumer Arbitration Committees published in Official Gazette dated 21 September 2022 and numbered 31960 ("**Regulation**") repealed the former regulation ("**Abrogated Regulation**"). In this way, the working procedures and principles of the consumer arbitration committees, as well as the procedures and principles regarding their work and transactions, have been re-determined in general.

The prominent regulations in the Regulation are as follows:

- With the Regulation, it has become mandatory to apply to the consumer arbitration committee if the amount of dispute is less than TRY 30.000.00. If the dispute is over TRY 30.000,00, it is obligatory to apply to the court, but it is possible to apply to the consumer arbitration committee by waiving the portion exceeding TRY 30.000.00 of the disputable amount. In the Abrogated Regulation, the limit was 15.530,00 TL.
- The separation of duties determined according to the threshold of the disputable amount has been removed. As per the Abrogated Regulation, a distinction was made between metropolitan and non-metropolitan provinces and districts, but now the amount in question has no effect on the determination of the arbitral tribunal.
- Applications can be made by hand, by mail, or electronically, by the consumer or through a proxy. If there is inaccuracy or missing information in the application, in this case, it is possible to request additional information/document from the applicant by giving 7 days to submit the requested information/document. This provision did not exist in the Abrogated Regulation.
- It is regulated that the decisions on applications made to the consumer arbitration committee are required to be held within 6 months at the latest. This term can be extended by a maximum of 3 months, depending on the nature of the application. In the Abrogated Regulation, the extension time was arranged as 6 months.
- Completion of the decision process has been regulated, making it possible to request the completion of the decision within 15 days following the notification of the decision, in cases where no decision has been made regarding the requests that were not decided in the first application.
- Decisions must be notified to the parties within 15 days from the date of the decision, through the technical infrastructure established in accordance with the provisions of the Tax Procedure Law, if this is not possible, in accordance with the provisions of article 7/a of the Notification Law. If they are not notified via electronic media, they are sent by registered letter.
- As a result of the objection case brought against the decision of the committee given in favor of the consumer, if the decision is to be annulled, the attorney's fee will be awarded against the consumer, based on the relative tariff according to the minimum attorney fee tariff. However, in case the decision is annulled due to the submission of an information or document to the court, which has not been presented to the committee although it is available, no litigation expenses or attorney's fees shall be imposed against the consumer.

Please see this [link](#) for the full text of the Regulation published in the Official Gazette dated 21 September 2022 and numbered 31960 (only available in Turkish).

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