

Postponements on Application of Certain Articles have been Introduced to the Regulation on Distance Contracts

29 Nov 2023

The Regulation Amending the Regulation on Distance Contracts ("**Amendment Regulation**"), published in the Official Gazette dated 4 November 2023 and numbered 32359. The Amendment Regulation does not introduce any fundamental changes to the scope of distance sales but postpones the effective date of provisions which have already been published.

The provisions whose implementation has been postponed to January 1, 2025 with the Amending Regulation are as follows:

- As of 1 January 2025, the details of the return costs need to be notified to the consumer within the scope of the seller or provider's obligation to provide preliminary information.
- Until 1 January 2025, the seller is obliged to return the payment to the consumer within 14 days from the date the consumer exercises the right of withdrawal. After 1 January 2025, the seller is obliged to return the payment for the goods subject to the right of withdrawal to the consumer within 14 days from the date of delivery to the carrier specified in the preliminary return notification. However, if the consumer returns the goods by a carrier other than the carrier specified for return, this obligation will start from the date the goods reach the seller.
- As of 1 January 2025, the intermediary service providers are obliged to establish and keep open a system uninterruptedly that enables consumers to submit and follow up their requests and notifications regarding the following issues during the use of the rights and obligations arising from the distance contracts established through the platform. In addition, the intermediary service providers are required to immediately forward these requests and notifications from consumers to the seller or provider. The intermediary service providers, in case they collect the price on behalf of the seller or provider, are jointly and severally liable with the seller or provider for the return of the goods or service price and delivery costs to the consumer within 14 days from the dates specified below.
 - from the date of receipt of the notification of the exercise of the right of withdrawal; in case the consumer exercises his right of withdrawal before the delivery of the goods or performance of the service,
 - from the date of receipt of the withdrawal notification; in case the consumer exercises his right of withdrawal after the delivery of the goods. However, in case the price has not been transferred to the seller,
 - from the date of delivery of the goods subject to the right of withdrawal to the carrier foreseen for the return or
 - from the date it reaches the seller if it is returned by a carrier other than the one foreseen for the return.
- Until 1 January 2025, unless the seller or provider makes an offer that the consumer will take back the goods, the consumer is required to send the goods back to the seller or provider or the person authorized by the seller or provider within 10 days from the date of the notification of the exercise of the right of withdrawal. As of 1 January 2025, this obligation of the consumer will be increased to 14 days.
- Until 1 January 2025, unless otherwise agreed by the parties, the consumer cannot exercise the right of withdrawal in the following contracts; (i) contracts for movables that are required to be registered and unmanned aerial vehicles that are subject to mandatory registry, (ii) contracts for mobile phones, smart watches, tablets and computers delivered to the consumer, (iii) contracts concluded by auction in the form of a live auction, (iv) contracts regarding the installation or assembly of the goods specified in the introduction and user manual by the seller or authorized service.

The full text of the Amendment Regulation is available at this [link](#). (Only available in Turkish)se

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