

Turkey Introduces Regulations on Service Providers' Liabilities in e-Commerce and the Transactions Through the Public Electronic Platform

27 Mar 2019

Turkey has introduced regulations on service providers' liabilities in e-commerce, as well as transactions to be conducted through the public electronic platform.

The Regulation Regarding Amendment on Service Providers' Liabilities in e-Commerce ("**Amendment Regulation**") by Turkey's Ministry of Trade ("**Ministry**") was published in Official Gazette number 30687 on 15 February 2019, entering into effect the same day.

With the Amendment Regulation, Article 11 of Regulation on Service Providers and Agent Service Providers in Electronic Commerce regarding the burden of proof and retention period of electronic registers published in Official Gazette number 29457 dated 26 August 2015 has been amended.

Accordingly, if the subscription agreements are concluded through a common electronic platform, the service provider will bear the burden of the proof as well as being responsible for the following:

- Saving the electronic registers regarding e-commerce transactions,
- Submitting these registers to the Ministry, if requested.

Furthermore, Article 2 regulating the scope of the Communiqué Regarding e-Commerce Information System and Notification Liabilities dated 11 August 2017 has also been amended with the Communiqué Regarding Amendment on the e-Commerce Information System and Notification Liabilities ("**Amendment Communiqué**") published in the same Official Gazette.

As per the Amendment Communiqué, the Communiqué provisions will not be applied to the following:

- The service providers and agent service providers concluding agreements exclusively through e-mail, phone call, SMS or similar communication instruments enabling direct communication in an electronic platform.
- The common public electronic platform providing public services from a single point for subscription agreements.

Please see this [link](#) for full text of the Amendment Regulation (only available in Turkish).

Please see this [link](#) for full text of the Amendment Communiqué (only available in Turkish).

Related Practices

- [International Trade Regulation](#)
 - [Information Technologies](#)
-

Related Attorneys

- BENAN ARSEVEN
- BURCU TUZCU ERŞEN, LL.M.
- FULYA KURAR, LL.M.

Moroglu Arseven | www.morogluarseven.com