

## **Turkish Ministry of Commerce introduces the “Commercial Electronic Message Management System”.**

The Regulation regarding the Amendment of the Regulation on Commercial Communications and Commercial Electronic Messages has been published in the Official Gazette dated 04.01.2020 and numbered 30998 (“Regulation”).

The Regulation amends the provisions of the Regulation on the Commercial Communications and Commercial Electronic Messages published in the Official Gazette dated 15.07.2015 and numbered 29417 and introduces a new system called the “Commercial Electronic Message Management System” (Ticari Elektronik İleti Yönetim Sistemi) (“İYS”).

Accordingly, the İYS will regulate the processes of obtaining consent from individuals for the commercial electronic messages, the right of individuals to reject such messages and the management of complaints. The İYS will also enable individuals to see to which companies consent has been given and to cancel the said consents.

In this framework, Commercial Electronic Message has been defined as “all messages including data, audio and video that are sent for commercial purposes and that are carried out electronically by means of telephone, call center, fax, automatic dialing machines, smart voice recorder systems, e-mail, sms”.

Pursuant to the Regulation, effective as of September 1, 2020, all real or legal persons willing to send commercial electronic messages have to be registered in the İYS, the commercial electronic messages shall not be sent to individuals without consent of such individuals over the İYS and the consents obtained by means other than the İYS shall be registered in the İYS within 3 (three) business days after they have been obtained (otherwise, they will be deemed invalid). The real or legal persons engaged in electronic commerce activities (“service providers”) will have the burden to prove that the consents, which were not obtained through the İYS, have been duly obtained by other means determined under the Regulation.

Existing consents that have already been duly obtained shall be registered to the İYS until June 1, 2020. Accordingly, existing consents that are not registered in the İYS before June 1, 2020 will be considered invalid. At the end of such period, the İYS shall send a message to individuals informing that the consents have been registered to the İYS and can be cancelled over the İYS. Such consents shall be deemed valid unless they are cancelled by September 1, 2020. In other words, individuals have to verify the consents registered in the İYS until September 1, 2020. Commercial electronic messages sent after the expiry of this period will be deemed approved by individuals. The Ministry of Commerce is entitled to postpone the dates stated in this paragraph for a period of 3 (three) months.