

AMENDMENTS TO THE REGULATION ON COMMERCIAL ADVERTISEMENT AND UNFAIR COMMERCIAL PRACTICES

Amendments (“Amendments”)¹ to the Regulation on Commercial Advertisement and Unfair Commercial Practices (“Regulation”) published in Official Gazette numbered 31737 on February 01, 2022. We present the significant amendments in advertising and commercial practices in the digital media that will come into force on March 1, 2022, below for your information.

1. Personalized Price

The prices offered by analyzing the purchasing behavior and other personal data of the consumers regarding goods or services is defined as "personalized price". In the case of offering price to the consumer in that manner, both **personalized price and price determined by the seller/supplier must be present in the same place.**

2. Sale Advertisements

In discount sales advertisements for a good or service, in addition to the start and end dates of the discounted sale and the quantity of the goods or services offered for sale in limited numbers, it is mandatory to specify the **price before the discount.**

To determine the sales price before the discount in discount sales advertisements, the lowest price in the last 30 days shall be the basis. When calculating the discount rate in advertisements for perishable goods like fruit and vegetables, the basis shall be the price before the discount. **The burden of proof regarding these matters shall be on the advertiser.**

3. Advertisements on Financial Services

In advertisements that indicate that a good or service is offered for sale with a tied credit, information regarding the **maturity of the loan, the interest rate, the monthly and annual percentage value of the total cost of consumer and the repayment conditions are required to be provided** in the same area the advertisement published or on a **website which is directed via a link or a warning sign, where consumers can get detailed information.**

4. Ranking

According to article 28/A of Amendment; in case of ranking by comparing the price, quality and similar aspects of a good or service offered for sale on the internet, **the ranking criteria** required to provide in the same area of ranking or with a warning sign that **directs consumers to a website or a pop-up screen where consumers can get detailed information.** It is mandatory to include the phrase "advertisement" in the ranking results displayed based on advertising or sponsorship and similar agreements.

5. Consumer Evaluations

¹ For Access: <https://www.resmigazete.gov.tr/eskiler/2022/02/20220201-6.htm>

On the internet, if the sellers and providers or the service providers that mediate the establishment of distance sales contracts on behalf of sellers and providers, enable consumers to evaluate a good or service, or a seller or providers, **these evaluations can only be made by the buyers of the relevant goods or services. The principles and rules determined for the publication of these evaluations** will be displayed in the area where the evaluations are published or on a **pop-up screen where consumers are directed with a link or warning sign.**

Consumer reviews shall be published without making any positive or negative discrimination, after making necessary examinations **according to an objective criterion** such as date, evaluation grade, ranking by seller or supplier **for at least one year.** Issues related to consumer evaluations **that are not allowed to be published within the framework of the determining principles will immediately be notified to the consumer who makes the evaluation.**

Consumer reviews that contain health claims shall not be published.

If the **consumer/seller/supplier reports** that the consumer grievances related to the evaluated good or service have been **eliminated by the seller or the supplier,** the situation **shall be published without delay in the same place as the first evaluation** after the necessary verification has been made.

To increase the sales of a good or service, **it will not be possible to agree or purchase a service to make inaccurate evaluations or to use expressions that approve the good or service.**

6. Publication of Consumer Complaints

In addition to the obligations imposed by the Regulation, with Amendment's Article 28/B, **seventy-two hours shall be given to the vendors/providers to exercise their right to make a statement or reply before the publication of the evaluation about themselves, by the complaint platforms.**

The evaluations will not be published **before seventy-two hours or if it will be understood as they do not reflect reality.** An **effective communication method shall be provided to the sellers/providers** who will use their right to explain and respond to the evaluation, **regardless of the membership system of the platform, fee or similar applications.**

7. Deceptive Commercial Practices

The deceptive commercial practices given as examples in the annexes of the regulation have been expanded with the following practices;

- **Purchasing events tickets outside the specified limits via software that automates the purchasing process and selling the tickets again or reselling at a higher price to customers.**
- **Using methods for negatively affect consumers' will to make decisions or aim to cause changes in favour of the seller or provider in the decision they will make under normal conditions.**

To increase the sales price of the goods or services offered to the consumer by acting as if they are affected by these situations although it is not affected by price changes such as the cost of input and the increase in the exchange rate **excluded from the scope of deceptive commercial**

practices.

8. Preparation of Manuals

Guidelines to be prepared by the Board of Advertisement which aims to protect the consumers against commercial advertising and unfair commercial practices shall be published on the website of the Ministry of Commerce and implemented together with the Regulation.

Kind Regards,

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* As the explanations given in our newsletter are prepared pursuant to the legislation in effect in the Republic of Turkey and the disclosures made to the public by the relevant official authorities, in case of uncertainty, we advise you to seek advice and support from us before the final transactions are carried out. Otherwise, our Law Firm cannot be held responsible for the actions to be taken on the basis of the explanations contained herein and the consequences of such actions.