

## Client Alert

### OCTOBER 2024



#### THE LAW ON THE AMENDMENT OF THE LAW ON CONSUMER PROTECTION AND SOME OTHER LAWS HAS BEEN PUBLISHED IN THE OFFICIAL GAZETTE

On 30.10.2024, The Law on the Amendment of the Law on the Protection of Consumers and Certain Laws was published in the Official Gazette. The important amendments are presented to your attention as follows.

##### Amendments to Law No. 6502 on Consumer Protection;

- The expression “or distance” has been added next to the expression “written” in Article 22/3 of the Law. Thus, in distance sales contracts, informations also can be provided in writing or digitally.
- The phrase “or by permanent data storage” has been added to Articles 31 and 39 of the Law. Thus, after digital documents are transmitted to consumers, this information can be permanently stored.
- According to Article 47/A added to the Law,
  - Companies that will engage in direct sales activities are required to be capital companies.
  - By introducing the prohibition of compulsory purchase and membership fees, it has been added to the article that direct sellers may not impose a compulsory entrance fee or any purchase condition for consumers to join or remain in the system. In addition, it has been added that financial obligations such as packages, dues or renewals that are not foreseen to be sold to consumers for entry into the direct selling system cannot be imposed.
  - Consumers have the **right to withdraw without penalty within 30 days** for products or services purchased within the scope of direct sales without any justification. Within this period, the consumer may notify the direct sales company or the seller by exercising the right of withdrawal.
  - Direct selling companies are obliged to establish an information system where consumers can submit their requests.
- The first paragraph of Article 47/A defines the direct selling system. “*The direct sales system is the sales system created by the direct sales company and in which direct sellers, who are not employed with an employment contract and who operate under the names of independent representatives, distributors, consultants and similar names in return for benefits such as commissions, premiums, incentives and rewards, market goods or services to consumers*”. It is stipulated that administrative fines will be imposed on those who violate the law specified in the second and third paragraphs of the mine by amending paragraph 77/17 of the article of the same law.

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Administrative fines within this scope;

- For direct sales companies, an administrative fine of **5 million Turkish Liras** will be imposed for each violation.
  - For those who violate the fourth, fifth and seventh paragraphs of the same article, a fine of **2,200 Turkish Liras** will be imposed for each violation detected.
  - Companies that violate the sixth paragraph of the same article will be **given three months** to correct their deficiencies. If the conditions to be corrected are not corrected within this period, an administrative fine of **1 million Turkish Liras** will be imposed.
- The law stipulates that the amount of fines to be imposed for violations of the law will be determined by taking into account the severity of the violations, the profit or loss obtained as a result of the violation, and the economic situation of the companies committing the violation.

The full text of the Law can be accessed at [resmigazete.gov.tr/eskiler/2024/10/20241030-4.htm](https://resmigazete.gov.tr/eskiler/2024/10/20241030-4.htm)

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**Best Regards,**

**Balay Eryiğit Erten Attorney Partnership**