

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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New Regulation on Over-the-Top Services by BTK: Authorization Required for Apps Like WhatsApp, Telegram, and Zoom

The Information and Communications Technologies Authority (BTK) has introduced a draft regulation covering applications such as WhatsApp, Telegram, and Zoom, inviting public opinion. According to this draft, which amends the Authorization Regulation for the Electronic Communications Sector:

- Over-the-Top Services are defined as person-to-person electronic communication services that provide voice, text, and visual communication to subscribers and users with internet access, independent of any operator or internet service.
- Over-the-Top Service Provider (OTSP) refers to individuals or legal entities providing such services.
- OTSPs exceeding the monthly unique access or user threshold determined by the BTK will be subject to additional regulations related to consumer rights, competition protection, network and information security, personal data protection, interoperability, sectoral data reporting, public order, and national security, in addition to the provisions in the regulation.

- OTSPs that have not been authorized, and whose monthly average unique access or user number is one million or more, must apply to BTK for authorization by the end of March of the following year.
- OTSPs will operate through fully authorized representatives of their anonymous or limited companies established in Turkey and will be included in the BTK's authorization process.
- OTSPs providing services without authorization will be subject to administrative fines ranging from 1 million to 30 million TRY. If the fine is not paid within the period and authorization is not obtained within six months after the notification, the internet traffic bandwidth of the related service can be reduced by 95%. If the obligations are not met within three months after this decision, access to the relevant application or website may be blocked.
- BTK will have the authority to directly block access to Over-the-Top service providers, regardless of their authorization status, in matters related to national security, public order, and public health.
- The public is invited to submit their opinions on this regulation via email or the opinion submission form by April 28, 2025.

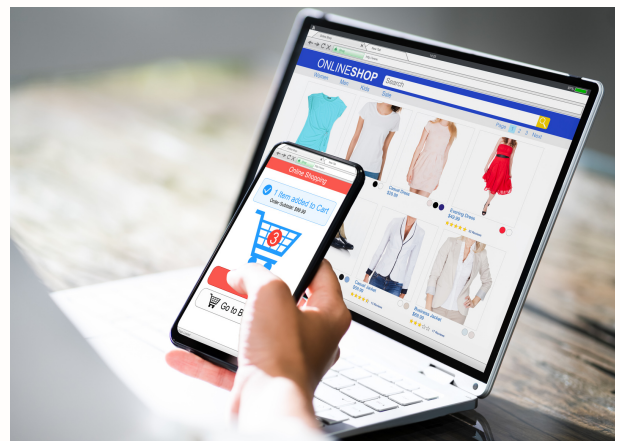


New Era in E-Commerce Product Safety: Regulation Enters Into Force

The regulation, which sets safety standards for products sold online, began to be applied as of April 1, 2025.

The "Market Surveillance and Inspection Regulation for Products Placed on the Market via Remote Communication Tools," published by the Turkish Ministry of Trade on October 30, 2024, and after a five-month transition period, introduces significant regulations to protect consumers in online shopping:

- All products sold online are covered by the regulation. However, products sold through ready-meal platforms are excluded.
- E-commerce sellers will be required to clearly state the manufacturer's or importer's information, contact details, and all safety marks related to the product in Turkish on product listings. This ensures that consumers can access detailed product information, just like in physical stores.
- Companies selling products from abroad to Turkey will be required to appoint a local representative in Turkey. Companies that do not meet this requirement will be blocked from accessing the Turkish market.
- E-commerce marketplaces will be required to establish a "Product Safety Contact Point" where consumers can report product safety and conformity issues.
- If unsafe products are detected on any website, the related listing must be removed within 24 hours. If no action is taken within this time frame, access to the listing will be blocked.
- This new regulation aims to protect consumer rights and enhance safety in online shopping.



€500 Million GDPR Fine for TikTok from the Irish Data Protection Authority!

The Irish Data Protection Authority is preparing to impose a €500 million GDPR fine on TikTok.

As part of an ongoing investigation into the transfer of EU citizens' data to China by TikTok, it has been reported that a draft decision has been reached and that a one-month consultation with other European data protection authorities has been completed without any objections.

According to Bloomberg, the Irish DPA, which serves as TikTok's primary regulator in Europe, plans to announce the €500 million penalty against TikTok's parent company, ByteDance, by the end of this month.

This fine is expected to be the third-largest GDPR penalty to date, following the €1.2 billion fine imposed on Meta in 2023 and the €746 million fine imposed on Amazon in 2021. Additionally, the Irish DPA had previously fined TikTok €345 million in 2023 for failing to adequately protect the privacy of children under 13 on its platform.



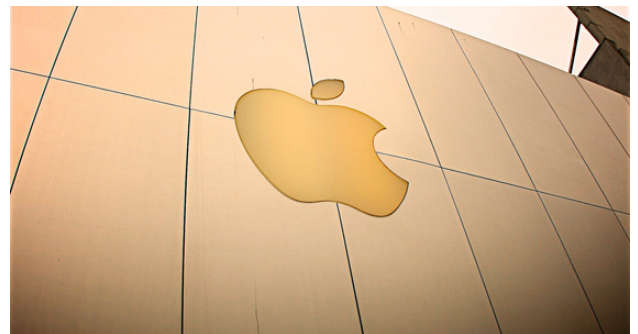
€150 Million Fine for Apple from the French Competition Authority!

Apple has been fined €150 million due to its App Tracking Transparency (ATT) feature, which allows iPhone and iPad users to control which apps can track them.

This penalty marks the first time Apple has been fined by a competition authority over its ATT feature. The investigation was launched by the French Competition Authority following complaints from various associations linked to online advertising.

In its statement, the competition authority clarified that while the main objective of ATT is not being criticized, the way it is implemented is deemed "neither necessary nor proportionate" to Apple's stated goal of protecting personal data. The statement also highlighted that the privacy tool particularly harms small publishers, who rely heavily on third-party data collection to sustain their business models.

Apple expressed disappointment with the French regulator's decision, noting that no concrete changes to the ATT privacy control tool had been requested.



Regulation on the Independent Practice of Health Professionals Published!

- *Official Gazette No. 32856, March 29, 2025*

This regulation establishes the procedures and principles regarding the establishment, activities, inspections, and closure of health service units that health professionals may open for independent practice. Only Turkish citizens and those with the right to practice independently can open such units. Legal entities cannot open these units, and a maximum of three professionals with the same title can jointly open a unit.

To open a health unit, an application must be made to the provincial health directorate, and the application will be reviewed by a commission. If the unit meets the necessary conditions, a license will be granted. The license is non-transferable, and in case of address changes, a new application must be made. If activities are not started within six months after the license is granted, the license will be canceled.

The units must meet specific physical standards, including necessary rooms, ventilation, and heating systems. Health professionals are responsible for ensuring the proper conduct of activities. Inspections will be conducted by the provincial health directorate, and activities that do not comply with the license will be penalized. The regulation aims to ensure that professional practices are carried out under specific standards.



Law Amending the Youth and Sports Services Law and Other Laws Published

- *Official Gazette No. 32857, March 30, 2025*

With the amendments to the Youth and Sports Services Law, it has been stated that the Ministry of Youth and Sports will train 8,000 athletes annually for the preparation of the Olympics, Paralympics, and Deaflympics. The Ministry will cover their nutrition, accommodation, and travel expenses.

Additionally, athletes will receive a monthly allowance, which cannot exceed the net minimum wage, but for those winning medals in the Olympics, Paralympics, and Deaflympics, the amount may be increased up to twice that amount. These payments will not be subject to taxes or garnishment. The Ministry will issue a regulation, in consultation with the Ministry of Treasury and Finance, to implement this provision.

Other amendments concern various laws, including changes to the announcement process for the Chamber General Assembly and Union General Assembly meetings in Law No. 3568, as well as new administrative fines for transporters added to the Road Transport Law No. 4925.

There were also increases in payments in the Social Security Law and various updates to the Turkey Wealth Fund and Higher Education Laws. These changes aim to ensure more effective implementation of the relevant regulations.

