WEEK 41/ 2025 ISSUE 29

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter

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Regulation Amending the Price Labeling Regulation Published

The Ministry of Trade has published the “Regulation Amending the Price Labeling Regulation,” which introduces various regulations concerning price labels, tariffs, price lists, and goods sold openly. These amendments aim to enhance consumer information and price transparency.

Notable changes:

- New definitions: The concepts of “dara” and “QR code” have been added to Article 4 of the Regulation. Accordingly, ‘dara’ refers to the weight of the container in which the goods are weighed, while “QR code” refers to the visual image that provides access to the price list.
- Electronic price display: The sales price information for goods such as books, magazines, and newspapers can now also be displayed via electronic devices. These devices must be in working order, easily accessible, and available in sufficient numbers.

Price list regulations:

- Price lists in restaurants, cafes, bakeries, and similar food and beverage establishments shall be displayed in a manner easily visible to consumers at the entrance door of the establishment, or at each door if there are multiple doors, and additionally on the tables where service is provided.
- Price lists may also be provided via QR code. However, upon consumer request, the price list must also be provided in physical form.
- All products offered must be included in the price list, and the number of products listed incorrectly or omitted will be used to determine the number of violations.
- These businesses are required to transfer their price list data to a digital system to be established by the Ministry. The procedures and principles for data transfer and which businesses will be included in this scope will be determined by the Ministry.
- If a service fee or any other fee is charged in addition to the prices indicated in the tariff or price list, this must be clearly indicated on the list.
- Tare requirement for open products: When determining the net quantity of products sold in open form, it is mandatory to deduct the tare (weight of the container).

Price to be used as a basis for discounted sales:

- In the sale of goods, the lowest price applied within the ten days prior to the date of the discount will be used as the basis for determining the price before the discount.
- For perishable goods such as fruits and vegetables, as well as services, the price immediately preceding the discounted price shall be taken into account.

In line with the changes, while ensuring easy access to tariff and price changes in favor of consumers, it is important for sellers to comply with the new restrictions introduced to avoid any sanctions during the process of creating tariff and price lists.

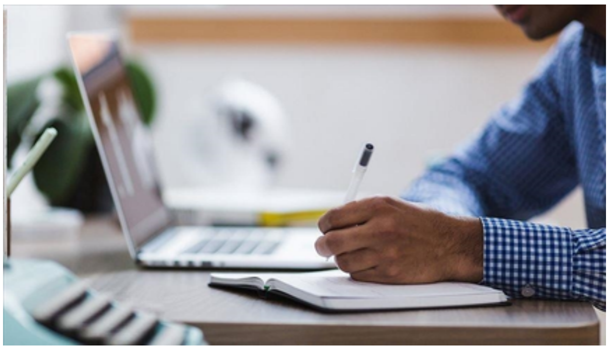
Regulation on Amendments to the Associate Professorship Regulation Published

The "Regulation on Amendments to the Associate Professorship Regulation" published by the Council of Higher Education aims to make the associate professorship application and evaluation processes more transparent, predictable, and in line with ethical principles.
Numerous important changes have been made to Article 6:
The evaluation criteria are clearly defined:

- Applications are evaluated in terms of the candidate's compliance with scientific ethical principles, fulfillment of minimum requirements, quality and originality of works, contribution to the field, and overall competence.
- However, meeting the minimum application requirements does not guarantee a successful evaluation outcome.

The amendments made in Article 7 detail the processes for detecting ethical violations and reapplying:

- The Higher Education Council (ÜAK) can check its own database to see whether candidates have received disciplinary penalties for violating scientific research and publication ethics.
- The Associate Professorship Commission sends the files of candidates found to have committed ethical violations to the relevant Ethics Commission.
- An ethical violation results in the following consequences:
  - The candidate's application is canceled.
  - The candidate can reapply at the earliest in the following third term.
  - The jury report containing the ethics violation finding is disclosed to the candidate, but other reports are not disclosed.
  - When the candidate reapplies, they must declare the publications subject to the violation.
  - These publications cannot be reused; otherwise, the application will be rejected by the Associate Professorship Commission.
  - The candidate's administrative, criminal, and legal liability remains reserved.



KVKK Data Breach Notification Regarding Cleverbridge GmbH

- KVKK Data Breach Notification Regarding Cleverbridge GmbHaIn the data breach notification submitted to the Board by Cleverbridge GmbH (Tunisstraße 19-23 50667 Cologne, Germany), acting as the data controller, it is summarized that:The breach occurred on September 10, 2025, and was detected on September 15, 2025.
- The breach occurred as a result of unauthorized access to the customer database of the data controller,
- The personal data affected by the breach included names, companies, email addresses, payment methods, the last 4 digits of the card, the card's expiration date, pricing details of purchased products, and recurring billing details,
- The group of individuals affected by the breach consisted of customers and potential customers,
- The number of individuals affected by the breach is 1,235.

The information is provided.

Constitutional Court Decision No. 2025/136

- The Constitutional Court, in its decision dated June 17, 2025, numbered 2025/136, ruled that Article 1 of the Law on the Protection of the Value of Turkish Currency, dated February 20, 1930, numbered 1567 , as amended by Article 1 of Law No. 6258 dated February 15, 1954, was challenged on the grounds that it violated Articles 2, 7, 13, and 35 of the Constitution, and requested that it be annulled.
- The rule has been assessed as directly affecting a significant portion of economic activities related to the trade of foreign exchange and valuable goods and their movement; in this respect, it is closely linked to fundamental rights such as the right to property, freedom of contract, and freedom of enterprise.
- It has been determined that, pursuant to Article 13 of the Constitution, fundamental rights and freedoms can only be restricted by law; however, the law does not provide a sufficient legal framework regarding the conditions and principles under which the broad regulatory authority granted to the President may be exercised.
- In this regard, it was concluded that granting the executive branch direct regulatory authority without establishing fundamental principles is incompatible with the principle of “non-transferability of legislative authority” guaranteed by Article 7 of the Constitution, and it was decided to annul the rule in question on the grounds that it violates Article 7 of the Constitution.
- Furthermore, Article 2 and Additional Article 5 of Law No. 1567, which could no longer be applied as a result of the annulment of Article 1, were unanimously annulled in accordance with the fourth paragraph of Article 43 of the Law on the Establishment and Judicial Procedures of the Constitutional Court.
- Due to the fact that the annulment ruling was deemed to create a legal vacuum that would violate the public interest, it was unanimously ruled that the Decision would enter into force nine months after its publication in the Official Gazette.

Constitutional Court Decision No. 2025/121

- The Constitutional Court, in its decision dated June 3, 2025, numbered 2025/121, Regarding the appeal filed on the grounds that paragraph (15) of Article 3 of the Labor Courts Law No. 7036 dated October 12, 2017, was contrary to Article 36 of the Constitution and requesting its annulment;
- The Court determined that paragraph (15) of Article 3 of Law No. 7036 imposes an obligation on the employee to "apply for mediation separately to both employers." However, it was assessed that if the employee is unaware of the principal-subcontractor relationship, this obligation could impose a disproportionate burden on the employee and, in this respect, carry the risk of violating the principle of proportionality.
- The Court pointed out that failure to fulfill this obligation could result in the employee losing their right to file a lawsuit. It was emphasized that this situation could have a deterrent effect on the employee's freedom to seek justice and, consequently, could undermine the essence of the freedom to seek justice guaranteed by Article 36 of the Constitution.
- Accordingly, it concluded that the fifteenth paragraph of Article 3 of the Labor Courts Law No. 7036 was contrary to Articles 13 and 36 of the Constitution and, on this basis, decided by a majority vote to annul it on the grounds that it violated the principle of proportionality and the right of access to court.

Announcement on Amendments to the Domestic Goods Announcement Published

- The Official Gazette dated October 15, 2025, published Circular No. SGM-2025/4, introducing comprehensive amendments to the Domestic Product Circular (SGM-2024/10). The regulation introduces new principles, particularly regarding domestic contribution ratio calculations, the classification of software products as domestic products, and the authorization of technical experts.
- Accordingly, a new document called the "Domestic Contribution Ratio Report" has been defined, and for products with a domestic contribution ratio below 51%, it can be issued by the relevant chamber or exchange upon the manufacturer's request. In order for software products to be considered domestic goods, a Technological Product Certificate issued by the Ministry of Industry and Technology is now required, and the domestic contribution ratio for software with this certificate will be accepted as 100%.
- New methods are envisaged for calculating the domestic contribution ratio, based on origin controls, the issuance of chamber or stock exchange reports for producers with an industrial registry certificate, and the assessment of inputs not produced domestically as if they were imported, using coefficients determined by the Ministry. In addition, electricity, water, natural gas, inputs related to intellectual property rights registered in Turkey, and products obtained from recycling will be considered 100% domestic inputs.
- Experts authorized by TOBB will be appointed as technical experts for a period of three years after completing their training by November 5, 2025.

The Circular leaves it to the discretion of the authorities whether to apply the provisions of the old Circular in public tenders conducted before January 1, 2026. Some provisions of the Circular will enter into force on November 5, 2025, while others will enter into force on January 1, 2026, and the Minister of Industry and Technology will be responsible for its implementation.

Public Oversight, Accounting and Auditing Standards Board Decision No. 75935942-050.01.04-[01/36258]

The Public Oversight, Accounting, and Auditing Standards Board has determined the procedures and prohibitions regarding the audit of documents attached to the petition for composition in its Decision dated October 11, 2025, numbered 75935942-050.01.04-[01/36258]. The Decision was taken to improve the quality of auditing, strengthen public confidence, and prevent non-compliance with legislation. Accordingly, auditors who have worked in audit firms whose operating licenses have been revoked or in audits that led to revocation shall not be able to participate in the preparation of audit reports related to pre-concordat projects for a period of three years from the date the administrative sanction decision becomes final. The decision entered into force on October 11, 2025, and the Chairman of the Board is responsible for its implementation.

Kamu Gözetimi Kurumu

Regulations on Emergency Medical Interventions That Non-Healthcare Personnel Are Authorized to Perform in the Absence of Healthcare Personnel Published

The Regulation on Emergency Medical Interventions That Non-Healthcare Personnel Are Authorized to Perform in the Absence of Healthcare Personnel, published in the Official Gazette dated October 17, 2025, No. 33050, the authorities of non-healthcare personnel working within the Turkish Armed Forces, the General Command of the Gendarmerie, the Coast Guard Command, and the Special Operations Directorate of the General Directorate of Security have been reorganized.

Under the regulation, this personnel will be able to perform basic emergency medical interventions until health services are provided, carry out their interventions only within the scope of their duties and units, and perform their duties under the supervision of the health team. Furthermore, the regulation emphasizes that (i) these authorities are limited to emergency situations, (ii) interventions will be coordinated as soon as access to a medical team is available, and (iii) the responsibilities of personnel during implementation are clearly defined. The regulation was prepared and enacted in coordination with the Ministries of Interior, National Defense, and Health.