

WEEKLY NEWSLETTER

Metin & Cicek Attorney Partnership Weekly Newsletter



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Capital Markets Board of Türkiye (Principle Decision dated 09/10/2025 and numbered 54/1810)

Pursuant to the Circular on Keeping Commercial Books Not Related to Business Accounting in Electronic Format, which entered into force on July 1, 2025; for legal entities keeping their board of directors' decision book through the Electronic Commercial Book System, no notary approval will be required for the board of directors' decisions created in the system. This application is valid until a new decision is made.



Decision of the Personal Data Protection Board dated 04/09/2025 and numbered 2025/1572

Published in the Official Gazette dated October 1, 2025, and numbered 33034, the "Personal Data Protection Authority's Board Decision No. 2025/1572 dated September 4, 2025 ("Decision"), the phrase "data controllers who are natural or legal persons with an annual employee count of less than 50 and an annual financial balance sheet total of less than 100 million Turkish Liras, whose main activity is not the processing of special category personal data" has been updated and amended.

- With this amendment, the updated phrase is now "data controllers who are natural or legal persons with an annual employee count of less than 50 and an annual financial balance sheet total of less than 100 million Turkish Liras, whose main activity is not the processing of special category personal data, as well as natural or legal persons responsible for data processing whose main activity is the processing of special category personal data, but who have fewer than 10 employees and an annual balance sheet total of less than 10 million Turkish Liras."
- Under this decision, it was decided by a majority vote that natural or legal persons who are data controllers whose main activity is the processing of special category personal data but who have fewer than 10 employees and an annual financial statement total of less than 10 million Turkish Liras are also exempt from the obligation to register and report to the Data Controllers Registry. This exemption does not mean that the obligations under the KVKK are eliminated.

Procedures and Principles Regarding Corporate Sustainability Reporting Expertise Published

The Public Oversight, Accounting, and Auditing Standards Authority's decision dated September 26, 2025, introduced the "Corporate Sustainability Reporting Expertise" system to enhance the quality of sustainability reporting in businesses.

Specialists will be responsible for preparing and analyzing ESG-based sustainability reports and ensuring their compliance with national standards.

To obtain a license, applicants must have at least a bachelor's degree, pass a two-module exam (sustainability and financial reporting), and have eight months of experience.

Licenses will be renewed every three years, and holders will be registered in the Authority's electronic registry. Fees will be determined by the KGK.

The regulation aims to establish a structure for sustainability reporting that is consistent with international standards, reliable, and professional.



Constitutional Court Decision No. 2020/35121

In its decision dated January 7, 2025, with application number 2020/35121, the Constitutional Court, in its review of the application alleging that the right of access to court was violated due to the dismissal of the case on the grounds of expiration of the time limit, based on the application of the rule regarding the special time limit for filing a lawsuit instead of the general time limit for filing a lawsuit in a case seeking the annulment of an administrative act, found that;



- Considering the existing judicial practices as of the date the decision subject to the individual application was rendered, it cannot be said that there is legal certainty/predictability regarding which lawsuit period should be taken as a basis, calculated, and applied if the specific lawsuit periods are not indicated in the proceedings.
- The Council of State's decision numbered E.2021/2, K.2022/1 emphasizes that, with regard to the time limits for filing a private lawsuit, if these time limits are not specified, it cannot be expected that the parties concerned would be aware of them.

For these reasons;

- It was decided that the right of access to court, guaranteed by Article 36 of the Constitution, had been violated,
- And that a retrial should be held.



Constitutional Court Decision No. 2020/84433

In its decision dated March 25, 2025, with application number 2020/84433, the Constitutional Court, in its review of the application alleging a violation of freedom of expression due to the rejection of the request for a retrial based on the Constitutional Court's violation decision, stated that:

- Failure to comply with the requirements of a violation decision issued by the Constitutional Court implies that the previously established violation continues.

- In this regard, examining claims that the requirements of the Constitutional Court's violation decision have not been fulfilled also falls within the jurisdiction of the Constitutional Court, which is authorized to examine individual applications.
- The court of first instance is obliged to conduct a retrial without waiting for the parties to file an application, as soon as the Constitutional Court's decision reaches it, unlike the institution of retrial regulated in the relevant procedural laws. Based on the reasons explained;
- It has been decided that the freedom of expression guaranteed by Article 26 of the Constitution has been violated.



Constitutional Court Decision No. 2020/37270

The Constitutional Court, in its decision dated January 8, 2025, with application number 2020/37270, regarding the application claiming that the right to property was violated due to the failure to compensate for the loss of value resulting from the allocation of properties facing the road to another location not facing the road as a result of urban planning, concluded in its review that:

It was concluded that the fair balance that should exist between the protection of the applicant's property rights and the public interest had been disrupted to the detriment of the applicant and that the intervention was not proportionate. Based on the stated reasons;

- It was unanimously decided that the property rights guaranteed by Article 35 of the Constitution had been violated,
- And that a retrial should be conducted.