

Amendments to the Regulation on Contracts Concluded Outside Business Premises



On August 23, 2024, the Turkish Official Gazette published Regulation No. 32641, titled Regulation Amending the Regulation on Contracts Concluded Outside Business Premises ("Regulation"). This amendment introduces significant changes aimed at enhancing consumer protection in contracts concluded outside business premises, commonly known as "doorstep sales."

Key Amendments:

- 1. Expanded Scope of Exemptions: The Regulation broadens the scope of exemptions where the provisions do not apply, including:**
 - Sales conducted in fairs, carnivals, marketplaces, and shopping centers.
 - Sales where the total price of goods or services does not exceed 250 Turkish Liras.
 - Provision of cleaning services and the assembly, maintenance, and repair of goods.
 - Services related to betting, lotteries, and similar games of chance.
- 2. Mandatory Information in Contracts: The Regulation specifies that contracts concluded outside business premises must include:**
 - The essential characteristics of the goods or services.
 - The names and contact details of both the consumer and the seller or provider, including the seller's or provider's MERSIS number, if available.
 - Clear communication channels enabling the consumer to contact the seller or provider promptly, such as the seller's or provider's address, phone number, and email address.
 - Information on the seller's or provider's complaint handling procedures, if different from the contact details provided.
 - The total price of the goods or services, including taxes, in Turkish Lira.

- The date and location where the contract was concluded.
- The delivery or performance date.
- Payment details.
- Information on the conditions, duration, and procedure for exercising the right of withdrawal, if applicable.

3. **Enhanced Consumer Rights:** The Regulation introduces stricter requirements to facilitate the exercise of the right of withdrawal by consumers, ensuring that consumers are well-informed about their rights and the procedures to exercise them.

Implications for Businesses:

Businesses engaged in contracts concluded outside business premises must:

1. Review and update their contract templates to comply with the new mandatory information requirements.
2. Ensure that all communication channels are clearly specified and accessible to consumers.
3. Implement procedures to handle consumer complaints effectively.
4. Provide clear and comprehensive information regarding the right of withdrawal, including conditions, duration, and procedures.

Non-compliance with these provisions may result in administrative sanctions, including fines.

Conclusion:

The amendments to the Regulation on Contracts Concluded outside Business Premises aim to strengthen consumer protection by ensuring transparency and accessibility of information. Businesses must promptly adapt their practices to align with these changes to avoid potential legal and financial repercussions.