

RIGHT TO RESCISSION FROM DISTANCE SALES CONTRACTS IS BEING DELIMITED

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The amendments to the Distance Sales Regulation (“**Regulation**”) regulating the implementation of procedures and principles regarding distance sales contracts based on the 6502 numbered Consumer Protection Law (“**Law**”) were published on the Official Gazette on 23.08.2022.

One of the amendments to enter into force on 01.10.2022 is related to the contracts under which the consumers are entitled to rescission. Article 15 enumerating “Exceptions to the Right to Rescission” added new contracts to the list, introducing new contracts and products for which consumers are not able to exercise their rescission rights. According to this amendment, consumers are not allowed anymore to rescind the contracts:

- i. regarding movables which are subject to mandatory registration according to the Highways Traffic Law and unmanned aerial vehicles that are subject to mandatory registration,
- ii. regarding cellphones, smart watches, tablets and computers which have been delivered to the consumer,
- iii. made through a public auction,
- iv. goods that are specified in its introductory or instruction manuals to be set up or montaged by the seller or the authorized service and were set up or montaged accordingly

However, it should be noted that these amendments do not mean that the consumer does not have a right to withdraw regarding the goods mentioned in paragraphs ii. and iv. Consumers remain entitled to their rescission rights with regards to these goods prior to delivery / montage / setup without facing any sanctions. Article 9 of the Regulation whilst stipulating a 14-day period to exercise the rescission right starting upon delivery, also sets forth that this right can be exercised between the date of the contract and delivery as well. The said amendments, with respect to the concerned products, delimit only the rescission rights to be exercised after delivery.

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