



# Amendments Brought under the 8<sup>th</sup> Judicial Package

**MARCH 2024**

The Law on Amendments to the Criminal Procedure Law and Certain Other Laws numbered 7499 (the Law), which is publicly known as the “8<sup>th</sup> Judicial Package” has been adopted as law and came into force after it was published in the Official Gazette dated 12 March 2024 and numbered 32487.

## Summary

- Time limits for appeal, regulated particularly in the Enforcement and Bankruptcy Law No. 2004, the Criminal Procedure Law No. 5271 and the Consumer Protection Law No. 6502, in line with The Civil Procedure Law No. 6100 are uniformed;
- Several amendments on the criminal regulations are introduced, including amendments on the simple trial procedure regulated under the Criminal Procedure Law, institution of deferral of announcement of the verdict, time limits for appeal and the minimum and maximum amounts of judicial fines regulated under the Turkish Criminal Law No. 5237;
- Monetary limit regulated in Misdemeanors Law No. 5326 is updated;
- Several amendments on the Settlement of Applications to the European Court of Human Rights by Payment of Indemnity Law No. 6384 are introduced; and
- Comprehensive amendments on the Personal Data Protection Law No. 6698 (the PDPL) are introduced.



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## Amendments on Time Limits

With the Law, time limits designated as “days” in terms of right to appeal have been changed to “weeks” and “months” and the weekly time limits have been set as 2 weeks by making amendments on the relevant provisions of the Enforcement and Bankruptcy Law, the Criminal Procedure Law, the Consumer Protection Law, the Judgeship of Execution Law No. 4675, Misdemeanors Law No. 5326, Child Protection Law No. 5395 and the Civil Procedure Law.

Further, to ensure more effective use of the right to legal remedies, strengthen legal security and prevent loss of rights, clear regulations are introduced with respect to the appeal time limits which provides such limits to commence from the date of notification of the reasoned decision instead of pronouncement of the judgement. Prior to the Law, depending on the type of the judicial authority, certain time limits for resorting to legal remedies commenced with the pronouncement of the judgement, hence the individuals have suffered from loss of rights during litigation proceedings, especially in cases not pursued with an attorney. With the amendments, it is aimed to establish uniformity in this respect and enable the parties to exercise their right to fair trial more efficiently.

## Major Amendments on Criminal Regulations

### Regulations on the Institution of Deferral of Announcement of the Verdict

- With the Law, the regulation stating that defendants sentenced to imprisonment for a term of two years or less or to a judicial fine may be granted with a deferral of announcement of the verdict decision is preserved.
- Confiscation decisions granted together with the deferral of announcement of the verdict decisions will be executed upon finalization of the deferral of announcement of the verdict decision.
- With the amendment, the provision stipulating that the deferral of announcement of the verdict decision cannot be granted in case the defendant does not accept it is abolished.
- It is regulated that an appeal before regional courts can be filed against deferral of announcement of the verdict decision, except for the deferral of announcement of the verdict decisions given on matters that are not subject to appeal before regional courts. Deferral of announcement of the verdict decisions rendered on appealable matters can also be appealed by the parties involved. Under the previous regulation, only the matter of whether the decision regarding the deferral of announcement of the verdict was given in accordance with the procedures and conditions was examined upon objection, however, appeal procedure was not available for deferral of announcement of the verdict decision itself.

### Amendments on Appeal Time Limits

As explained above, the Law stipulates that, as in civil proceedings, appeal can be requested within 2 weeks from the date of notification of the reasoned decision in criminal proceedings.

### Amount of Judicial Fine

The Law provides for a redefinition of the amounts for judicial fines regulated in the Turkish Penal Code, to be at least TRY 100 and at most TRY 500 per day.

## **Amendment on the Law on Misdemeanors**

The Law stipulates an increase in the monetary limit from TRY 3,000 to TRY 15,000 for the finalization of decisions issued upon application against administrative fines regulated in the Law on Misdemeanors.

## **Provisions Regarding the Indemnity Commission**

- With the Law, name of the “Law No. 6384 on Settlement of Applications to the European Court of Human Rights by Way of Indemnification” has been amended as “Law No. 6384 on Duties and Working Procedures/Principles of the Indemnity Commission”. In line with this amendment, a new commission called the “Indemnity Commission” within the Ministry of Justice will be established.
- Claims for non-pecuniary damages, based on allegations of violation of rights arising from the delay in concluding investigations and prosecutions within the context of criminal law, as well as trials within the context of private law and administrative law, and claims for pecuniary and non-pecuniary damages arising from protective measures will now be directed to the Indemnity Commission, instead of the Constitutional Court. This provision lays out a significant change by transferring some of the Constitutional Court's authority concerning individual application reviews to the Ministry of Justice.

## **Amendments on the PDPL**

- With the Law, certain amendments on the provisions regarding the processing conditions of special categories of personal data and data transfer abroad, as well as the amount and scope of administrative fines regulated in the PDPL have been made.
- For detailed information on the amendments on the PDPL, you can refer to our relevant article.