

CIRCULAR
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SUBJECT:

A TAX PROCEDURAL LAW COMMUNIQUE HAS BEEN PUBLISHED REGARDING THE PRACTICE OF ELECTRONIC NOTIFICATION

Summary: Documents prepared by tax offices, of which taxpayers must be given notification as per the provisions of the Tax Procedural Law (TPL), may henceforth be additionally sent to the e-notification addresses kept by the tax offices. Taxpayers who are obliged as per the communiqué should apply to their respective tax offices before 01.01.2016 in order to receive their e-notification addresses. Taxpayers who apply before 01.01.2016 may receive e-notifications as of 01.10.2015. The electronically-signed notification document shall be deemed to have been served at the end of the fifth day following delivery to the addressee's electronic address.

The **Electronic Notification System** represents, in summary, the system through which notification documents are sent to the addressees' electronic notification addresses via information systems, and by which they are electronically documented and delivered. TPL General Communiqué No. 456 (Communiqué), published in the Official Gazette dated 27.08.2015 and No. 29458, sets forth the methods and principles applicable to electronic notification, through the Revenue Administration, with documents prepared by tax offices and of which addressees must be notified as per the provisions of the TPL, and provides explanations regarding the electronic notification system and operation thereof.

1. PERSONS WHO SHALL RECEIVE ELECTRONIC NOTIFICATIONS

The technical infrastructure related to electronic notifications is established, and the **electronic notification addresses** suitable for notification **are generated within the INTERNET TAX OFFICE.**

Persons who are **obliged to use electronic addresses** suitable for notification under the Communiqué and who are eligible for electronic notifications are specified below.

- a) **Corporate taxpayers;**
- b) Those who are **liable for income tax** with respect to **commercial, agricultural and professional earnings** (excluding those whose income is determined by simplified taxation and farmers who are not subject to actual basis taxation);
- c) Those who **opt to** receive electronic notifications.

Taxpayers who are eligible for online notification are obliged to apply within the periods specified in the Communiqué (**before 01.01.2016**), receive their electronic notification addresses and use the electronic notification system.

In addition to the taxpayers specified above, persons who wish to receive electronic notifications may optionally utilize the system.

2. NOTIFICATION LIABILITY AND OBTAINING AN ELECTRONIC NOTIFICATION ADDRESS

2.1. Notification by Corporate Taxpayers and Obtaining an Electronic Notification Address

Corporate taxpayers who are obliged to use the electronic notification system should submit the “Electronic Notification Request Form (for Companies and Other Legal Entities),” a sample of which is provided as annexed to the Communiqué (ANNEX:1), to their respective tax offices **before 01.01.2016**. Such taxpayers shall submit the said form in person, through their legal representatives or through persons specifically authorized, by a notarized letter of proxy, to perform activities related to the electronic notification system.

Corporate taxpayers that have **been registered with a tax office as a taxpayer after** the effective date of the obligations under this Communiqué herein (**i.e. after 01.01.2016**) are obliged to submit the Electronic Notification Request Form **within 15 days** following the first date of business.

Following evaluation of the application, eligible taxpayers shall be provided an internet tax office username, passcode and password. Thus, such taxpayers will have obtained an electronic notification address.

2.2. Notification by Individual Taxpayers and Obtaining an Electronic Notification Address

Individual taxpayers who are obliged to use the electronic notification system should electronically fill out and submit the “Electronic Notification Request Form (for Real Persons),” a sample of which is provided as annexed to the Decree (ANNEX:2), through the internet tax office **before 01.01.2016** and start using the electronic notification system.

Such taxpayers may also submit the said form to their respective tax offices in person, by themselves or through their legal representatives or persons specifically authorized, by a notarized letter of proxy, to perform activities related to the electronic notification system.

Individual taxpayers who apply electronically through the internet tax office shall not be provided an internet tax office username, passcode and password. Such taxpayers shall be able to use the electronic notification system following an ID verification to be performed at every login.

Applications of individual taxpayers, who apply in person or by proxy, shall be evaluated, and eligible taxpayers shall be provided an internet tax office username, passcode and password.

Individual taxpayers who shall use the system by electronically applying through the internet tax office or applying in person shall have obtained an electronic notification address.

Individual taxpayers who have **been registered with a tax office as a taxpayer after** the effective date of the obligations under this Communiqué herein (**i.e. after 01.01.2016**) are obliged, **during registration**, to fill out the form provided as annexed to the Communiqué (ANNEX: 2) and submit the same to the relevant tax office in person or through their legal representatives or persons specifically authorized, by a notarized letter of proxy, to perform activities related to the electronic notification system.

2.3. Notification by Persons Who Opt to Receive Electronic Notifications, and Obtaining an Electronic Notification Address

Legal entities and organizations without legal entity status that do not bear any obligation under the Communiqué but opt to receive electronic notifications shall be able to use the system by applying to their respective value-added tax or withholding tax offices as described in Article (5.1) of the Communiqué.

Similarly, **individuals** who do not bear any obligation under the Communiqué shall be able to use the system by applying through the internet tax office or applying to the tax office of their domicile addresses in person or through their legal representatives or persons specifically authorized, by a notarized letter of proxy, to perform activities related to the electronic notification system, as described in Article (5.2) of the Communiqué.

2.4. Obtaining an Internet Tax Office Username, Passcode and Password

Taxpayers who have applied to use the electronic notification system through the Electronic Notification Application Form annexed to the Communiqué shall be provided a closed envelope by the related tax office, containing the internet tax office username, passcode and password to be generated by the system upon application.

A “Delivery Certificate“ shall be prepared upon delivery of the password envelope to the taxpayer or to the authorized representative, including the representation “A closed envelope containing the username, passcode and password to be used in activities related to the Electronic Notification System and the Internet Tax Office was delivered to _____, a taxpayer registered at the _____ Tax Office Administration/Directorate with tax ID _____.” Such minute shall be dated and signed by taxpayer or his/her representative authorized through a notarized letter of proxy, the manager/tax office manager or deputy manager. A copy of the Delivery Certificate and the Electronic Notification Request Form shall be kept in the taxpayer’s file.

3. SENDING OF THE ELECTRONIC NOTIFICATION AND DELIVERY TO THE ADDRESSEE

Documents of which the taxpayer must be notified as per the provisions of TPL shall be electronically signed, and delivered to the electronic notification address of the related taxpayer by the Administration on behalf of the tax office.

The electronic notification system shall be accessible through the INTERNET TAX OFFICE.

Individuals and legal entities having an internet tax office username, passcode and password may access their electronic notification addresses using their passwords. Real persons who do not have an internet tax office username, passcode and password shall access their electronic notification addresses through an ID verification to be performed at every log-in.

According to Article 107/A of TPL, the electronically-signed notification document **shall be deemed to have been served AT THE END OF THE FIFTH DAY following the delivery** to the addressee’s electronic address.

Event logs (all information system transaction records kept during the provision of the electronic notification service) and **Transaction Time Information** (time information regarding the generation, modification, transmission, receipt and/or recording of electronic data) shall be added and **stored in the archives for thirty years** in an accessible manner. The Administration shall take all necessary precautions for secure access to the system upon provision of account access information, and evidence records regarding electronic notifications shall be provided to the addressee or the relevant authorities upon request.

4. SIGNING OFF FROM THE ELECTRONIC NOTIFICATION SYSTEM

Taxpayers who have been obligatorily or optionally registered in the electronic notification system shall not be allowed to sign off from the system except in the following situations:

For legal entities, the electronic notification address shall be deactivated as of the date of deregistration from the trade registry (including change of form and mergers). For individuals, in cases where the addressee is deceased, or the administration determines that he/she has been declared absent, the electronic notification address shall *ex officio* be deactivated as of the date of decease/resolution. The electronic notification address of the deceased shall be deactivated upon the application of his/her heirs to the relevant tax office.

5. RESPONSIBILITY OF THE ADDRESSEE

The Addressee is defined in the Communiqué as *“Those who shall receive electronic notifications.”*

Addressees shall be responsible for:

- a) Duly, completely and accurately submitting the Electronic Notification Request Form to the tax office;
- b) Submitting to the tax office any change in the previously submitted information prior to or on the date of such changes;
- c) Adhering to all conditions specified in the Electronic Notification Request Form;
- ç) Protecting the username, passcode, password, etc., provided for utilization of the system, not to share the same with third parties or allow utilization of the same by others;
- d) Informing the tax office immediately in cases where it is detected that the username, passcode and password information is improperly possessed by a third party.

The legal consequences of failure to comply with the abovementioned liabilities lie with the addressee, and all notifications will be taken into consideration upon receipt by the tax office.

6. PENAL CLAUSES

Individuals and legal entities who are obliged to register in the electronic notification system and fail to comply with the liabilities stipulated by Communiqué herein shall be subject to penal sanctions

provided in Repeated Article 355 of TPL, as per Articles 148, 149 and Repeated 257 of the same Law. Following imposition of penalty, an ex-officio-generated internet tax office username, passcode and password shall be sent to the relevant taxpayer (in the case of individuals) or to the legal representative thereof (in the case of legal entities and organizations without legal entity), and notifications shall thereafter be sent electronically.

7. OTHER MATTERS

When an addressee needs to be notified of documents as per the provisions of TPL, the documents may be sent either through the electronic notification system or in accordance with the other notification provisions specified in TPL.

As technological harmonization of the electronic notification system is in progress for the affiliated tax office directorates (district treasurers), taxpayers registered at affiliated tax office directorates are outside the scope of the Decree.

The practice of Electronic Notification shall commence as of 01.01.2016.

However, taxpayers who submit requests prior to such date may receive electronic notifications as of 01.10.2015.

Best Regards,

**DENGGE İSTANBUL YEMİNLİ
MALİ MÜŞAVİRLİK A.Ş.**

ANNEX:

TPL General Communiqué No.456

(*) Explanations contained in the Circular Note is for information purposes only. We recommend that you seek the opinions and support of an expert advisor prior to realizing any final transactions on any matter of hesitance. Our office shall not assume responsibility with respect to any damage that may arise as a consequence of transactions performed based only on the explanations contained in our circular note.

(**) For any opinions, comments and questions regarding our circular note, please contact our experts specified below.

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**TAX
ADMINISTRATION
DIRECTORATE**

**ELECTRONIC NOTIFICATION REQUEST FORM
(FOR COMPANIES AND OTHER LEGAL ENTITIES)**

To the Tax Office Administration/Directorate

Legal Representative/Proxy of Institution			
Name, Surname		Name, Surname	
Tax/T.R. ID Number		Tax/T.R. ID Number	
Cellular Phone 1		Cellular Phone 1	
Cellular Phone 2		Cellular Phone 2	
E-mail Address		E-mail Address	
Signature		Signature	

Legal Representative/Proxy of Institution			
Name, Surname		Name, Surname	
Tax ID Number/T.R. ID Number		Tax ID Number/T.R. ID Number	
Cellular Phone 1		Cellular Phone 1	
Cellular Phone 2		Cellular Phone 2	
Email Address		Email Address	
Signature		Signature	

COMPANY INFORMATION			
Tax ID Number			
Title			
Place of Incorporation		Date of Incorporation	
Trade Registry Number		Date of Registration	
Telephone Number		Mersis Number	
Email Address		Facsimile Number	
Address			
Other Contact Information			

NOTIFICATION PREFERENCES

Short Message Service

E-mail

With regard to the use of the electronic notification system, we hereby acknowledge the following;

- I shall be responsible to ensure confidentiality and security of the username and personal password provided by the Revenue Administration of the Ministry of Finance for electronic notification and information queries via the Internet, protect such username and password, and prevent utilization of the same by unauthorized persons,
- All technical and administrative measures set by the Administration shall be taken in order to prevent events that would cause harm to, impair the security of, or disrupt healthy operation of the infrastructure and software systems provided by the Administration for electronic notifications,
- I shall take all measures in order to prevent disruptions, and the records generated by the Revenue Administration of the Ministry of Finance shall precede in case of disputes that may arise despite such fact,
- The Revenue Administration of the Ministry of Finance shall not, in any manner, be responsible for forgotten, stolen or lost username and personal password, exploitation of the same by third persons, or any consequence thereof.
- I hereby declare the accuracy of the abovementioned personal information and other information, and I am authorized to represent on behalf of _____, based on the annexed document dated __/__/_____.

As I already have an Internet Tax Office username and password, I wish to use my password for receiving electronic notifications.

Authorized Person

Name, Surname /Seal

Date:

Signature:

ANNEX: (Documents evidencing that the signer of the form is authorized, and the signatory circular shall be annexed.)



**TAX
ADMINISTRATION
DIRECTORATE**

ELECTRONIC NOTIFICATION REQUEST FORM

(FOR REAL PERSONS)

To the Tax Office Administration/Directorate

TAXPAYER INFORMATION			
T.R. ID Number		Tax ID Number	
First Name		Last Name	
Place of Birth		Date of Birth	
Telephone Number		Facsimile Number	
Cellular Phone	1 .	2 .	
Email Address	1 .	2 .	
Address			
Other Contact Information			
SIGNATURE			

NOTIFICATION PREFERENCES	
<input type="checkbox"/>	Short Message Service
<input type="checkbox"/>	E-mail

With regard to the use of the electronic notification system, we hereby acknowledge the following;

- I shall be responsible to ensure confidentiality and security of the username and personal password provided by the Revenue Administration of the Ministry of Finance for electronic notification and information queries via the Internet, protect such username and password, and prevent utilization of the same by unauthorized persons,
- All technical and administrative measures set by the Administration shall be taken in order to prevent events that would cause harm to, impair the security of, or disrupt healthy operation of the infrastructure and software systems provided by the Administration for electronic notifications,
- I shall take all measures in order to prevent disruptions, and the records generated by the Revenue Administration of the Ministry of Finance shall precede in case of disputes that may arise despite such fact,
- The Revenue Administration of the Ministry of Finance shall not, in any manner, be responsible for forgotten, stolen or lost username and personal password, exploitation of the same by third persons, or any consequence thereof.
- I hereby acknowledge and declare the accuracy of the personal information and other information provided above.

As I already have an Internet Tax Office username and password, I wish to use my password for receiving electronic notifications.

Name Surname :

Date:

Signature: