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Dear Readers,

As Şengün Academy, we are proud to address you with our June bulletin to capture both national and global developments.

We discuss the developments in our guest industry, corrugated fiberboard, on a global and Turkish scale. We reveal the market volume, efficiency, risks, and expectations regarding the corrugated fiberboard industry and provide transparent information flow.

On one of the special days of June 5th June World Environment Day, we touch upon essential points regarding the environment theme and present you with current environmental news in this challenging period when the world is struggling with the climate crisis.

We throw light on the exceptional cases of various sectors, the agreements of commissions, and new proposals under our “Global News” heading, where we compile news about the business and legal world in line with our goals of keeping up with developments and current events and opening the door to innovations.

In our heading “News from Şengün,” we touch on the events we take place with our dynamic team and the developments within our organization. We share the details of the events that we participate in.

We are excited to announce that we accelerated our works after post-pandemic regarding the Global Green Center, which came to life under the umbrella of Şengün & Partners Attorney Partnership, and the social networks that we share with weekly, Directors and Officers Liability Insurance article we prepared within the scope of Şengün Insurance studies and the Business World and Law Association which acting with the mission of improving the development of information exchange and interaction between different sectors.

We have also carefully prepared our Legality June 2022 issue, trying to present a unique selection.

We wish you pleasant reading,

Istanbul, 01 June 2022

Şengün Academy

Articles





Review of a decision requiring two-factor authentication for remote access to personal data

The Personal Data Protection Board (“Board”) performs inspections to protect and supervise personal data in cases brought to its attention by complaints or breach claims. If it detects a breach due to its assessment and evaluation, it appoints a data controller to resolve the issue and monitor it. In this case, the data controller has 30 days to act on the Board’s decision after receiving it. Therefore, the board’s decisions must be followed to identify which actions and procedures can be considered a breach to prevent non-compliance.

The Board gathered and agreed on decision no. 2022/388 of 21 April 2022 due to several complaints made to the Personal Data Protection Authority (“Authority”). The decision questions whether it is a violation of the Law on Protection of Personal Data

(“Law”) to enable users to access property information for enquiring details on the property tax and the relevant tax return via online services of municipalities by entering the T.R. identity number solely.

The decision refers to the provisions of article 12 in the Law, titled “*Obligations concerning data security.*” The first clause of the article states, “*The controllers are obliged to take all necessary technical and administrative measures to provide a sufficient level of security to a) prevent unlawful processing of personal data, b) prevent unlawful access to personal data, c) ensure the retention of personal data.*”

Pursuant to clause 4 in article 12, “*the controllers and processors shall not disclose the personal data they learned to anyone in breach of this Law. Neither shall they use such data for purposes other than processing. This obligation shall continue even after the end of their term.*”

Moreover, clause 5 in the same article sets forth that “*in case other parties collect the processed data through unlawful methods, the Controller shall notify the data subject and the Board within the shortest time; where necessary, the Board may announce such breach at its official website or through other methods it deems appropriate,*” thus instructing data controllers regarding the unlawful acquisition of personal data by third parties.

In addition to the provisions above, the Board requires two-factor authentication in remote access to personal data as an administrative and technical measure in its Personal Data Security Guidelines published on the Authority’s website. The requirement aims to prevent third parties from accessing personal data remotely.



What is two-factor authentication proposed by the Board?

Two-factor authentication confirms the user's identity in two steps to protect better personal information and other resources that the user will access. Thus, an additional security measure is applied to the relevant account or system, which is illustrated in the decision as follows: "Single-factor authentication" may require a user to enter their T.R. identity number and date of birth, whereas "*two-factor authentication*" may necessitate the user to enter their unique password, or the SMS code sent to their mobile phone along with their T.R. identity number to access the system.

Betül Önal, Associate



A close-up photograph of a stack of cardboard boxes. The focus is on the texture of the corrugated fiberboard, showing the characteristic wavy pattern of the fluted inner layer. The boxes are stacked in a way that shows the edges and the layered construction. The lighting is soft, highlighting the natural brown color of the cardboard.

Guest Sector: Corrugated Fiberboard



Overview Of The Corrugated Fiberboard Market

Corrugated fiberboard is one of the most eco-friendly packaging materials, thanks to its raw material, paper.

History of corrugated fiberboard manufacturing in Turkey and worldwide

Corrugated fiberboard was first used in the United States in the 1870s. While Albert Jones invented corrugated paper in 1871, G. Smyth produced a single-face corrugated board, and Oliver Long created and obtained the patent for the modern corrugated fiberboard in 1874. Turkey was a latecomer to corrugated fiberboard manufacturing; the material was initially produced by Türkiye Selüloz ve Kâğıt Fabrikaları A.Ş. (“SEKA”) in İzmit in 1954, 83 years later than its invention. After 1960, the private sector accelerated corrugated fiberboard manufacturing with significant progress from 1975 to 1995.

SEKA, Turkey’s only public entity in the corrugated fiberboard market, seized operations in 1993. Today, 91 corrugated fiberboard manufacturers are operating in 114 plants across Turkey.

Latest figures for Turkey

The packaging business expanded due to the Covid-19 epidemic in 2020, with the awareness that packaging was necessary and healthy. Thus, the corrugated fiberboard

market grew 12% in 2020, 15% in the first half of 2021, and 10% in the first quarter of 2022. The industry generates nearly TRY15 billion each year with constant growth. According to the Corrugated Fiberboard Manufacturers’ Association (“OMÜD”), Turkey produced 2.5 million tonnes of corrugated fiberboard in 2020, making it the industry’s sixth-largest European market.

Despite Covid-19, the corrugated fiberboard business has grown significantly, assisting enterprises in packing, transporting, storing, and delivering masks, medications, and food to fulfill consumers’ urgent and vital demands throughout the pandemic.

With rising urbanization, export, and e-commerce, the sector is expected to thrive in an age where consumption is highly valued

Corrugated fiberboard and sustainability.

Corrugated fiberboard is compatible with the European Green Deal and other sustainability goals focused in the European Union and throughout the world. Even though corrugated fiberboard production is known to generate air pollution, corrugated boxes are recyclable and sustainable. Still, Turkish packaging companies must adhere to national and international environmental requirements.

In line with the information above and the “Regulation on Packaging Waste Management,” and to protect and sustain the environment, corrugated fiberboard manufacturers should:

- pay attention to specific environmental criteria, production and marketing of packages with relevant terms and features, and obligations and responsibilities of businesses,
- prevent the creation of packaging waste and reduce the amount of inevitable packaging waste to be disposed of by using reuse, recycling, and recovery strategies,
- manage packaging and packaging waste with established management systems, including deposit management system and zero waste management system, based on the principles of circular economy and resource efficiency,

- implement the deposit management system while
- Following the strategies and policies adopted by the Turkish Environment Agency (“TÜÇA”) in line with their duties and powers in managing packaging and packaging waste.

If corrugated fiberboard manufacturers violate this regulation, they might suffer administrative penalties.

Today, the Turkish packaging industry boasts world quality standards, with an increasing number of companies granted ISO 9000, ISO 14001, and ISO 22000 standards. The Turkish corrugated fiberboard market has significantly improved its packaging design to compete worldwide.

Risks and forecasts

The corrugated fiberboard manufacturers have experienced significant cost fluctuations due to volatile exchange rates since the beginning of the year, which forces them to focus on developing alternative solutions and selling in different markets.

To that end, they can export to countries that are more logistically accessible, regardless of distance, since exports to some countries may cost more due to a lack of logistical capabilities.

As a result, manufacturers must consider whether the country of arrival has a port and whether it is suitable for land transport. In its part, Turkey should develop relations with the Association of Southeast Asian Nations (“ASEAN”), whose members include Indonesia, Malaysia, Thailand, Philippines, Singapore, and Vietnam. Turkey will undoubtedly benefit from improving its economic and commercial ties with ASEAN.

In conclusion, corrugated fiberboard manufacturers should receive legal assistance to comply with sustainability standards and fulfill their obligations under the packaging waste control regulation and other related legislation.





Special Days



World Environment Day, June 5

The environment is the physical, social, economic, and environment where people and other lives live and interact. Seas, streams, lakes, forests, beaches, mountains, and countryside are the elements that make up the natural environment. The protection of the domain is a standard part of all lives. World Environment Day is celebrated on 5 June each year to encourage people to take action towards this end.

World Environment Day and Environment Theme

With a decision taken at the United Nations Environment Conference held in Stockholm, Sweden, in 1972 to protect and develop our environment, June 5th was accepted as World Environment Day. World Environment Day, held annually since 1974 and managed by the United Nations Environment Program (UNEP), has celebrated millions of people and has become a central global platform for environmental access.



This critical day, hosted by different countries every year, will be hosted by Sweden in 2022 with the decision of the United Nations.

Every year, a different theme is determined and highlighted on World Environment Day by the organization of the United Nations Environment Program (UNEP). The theme for 2022 is “Only One World,” and the campaign slogan focus on “Living Sustainably and in Harmony with Nature.” Our joint responsibility is to meet today’s needs from natural resources without compromising the needs of future generations and to protect our natural resources. In this context, the #OnlyOneEarth hashtag calls for collective, transformative action on a global scale to celebrate, preserve and restore our planet.

Current Environmental News

• African cities turn to “green” buses to fight against pollution



Nearly half of the 6.4 million people living in Tanzania prefer minibusses, public vehicles, as their primary mode of transportation. These vehicles drive through congested streets and crowded urban areas, and they cause air pollution, posing serious health risks to commuters and city dwellers. In particular, it is said by experts that the situation will worsen as the urban population in Africa increases by 2 billion by 2050.

Environmental damage and human health risks will be reduced by decarbonizing the transportation sector and switching to cleaner buses. Indeed, about 95 percent of the Earth’s transportation energy still comes from fossil fuels, and the sulfur levels in these fuels create harmful particulate matter, including black carbon,

known as soot/smog when burned. In this context, the United Nations Environment Program (UNEP) is helping African cities move towards decentralized public transport, including electrified buses. Building on its successful campaigns to eliminate leaded gasoline and reduce sulfur levels in diesel fuels, UNEP develops strategic roadmaps and conducts readiness assessments to lay the foundation for a low-carbon future for public transport.

UNEP’s push for corporate-free buses in Africa traces back to the 2002 World Summit on Sustainable Development in Johannesburg, where the Partnership for Clean Fuels and Vehicles (PCFV) was established.



From Somalia to China, designers embrace sustainable fashion

Sustainable fashion has become a concept whose reflection on our lives is increasing rapidly with the adverse developments in the world. Most of the clothes used in the fashion industry are produced with plastic materials, and the microplastics they contain cause pollution that cannot be cleaned in the oceans. However, even the production stages have adverse effects on human health.

Designer Nimco Adam, known as the Queen of Tie Dye in Somalia, spends hours dipping fabrics into chemical dye barrels and loses his sense of smell one day.

After this event, the famous designer said, “I realized that I was harming myself and the planet by being exposed to all these chemicals because of my work. Since then, sustainability has become my life and my mission.” Currently designs for numerous fashion companies, Adam moves away from chemicals and synthetic materials, using traditional African textiles woven from hemp, bamboo, and bark. These are natural dyes and are extracted from roots like turmeric. Such changes have made him the pioneer of sustainable fashion.

Experts say sustainability is essential for the fashion industry, which is responsible for 8% of all carbon dioxide emissions, consumes 215 trillion liters of water annually, and spends enough water to fill

86 million Olympic swimming pools. The United Nations created the UN Alliance for Sustainable Fashion in this context. This alliance consists of various UN and partner organizations, including UNEP, the International Labor Organization, and the World Bank Group. The coalition has been helping the fashion industry contribute to the Sustainable Development Goals, humanity's blueprint for a better future, since March 2019. For example, UNEP has collaborated with the International Trade Center to provide policy recommendations for a better textile sector in Kenya. Thus, Kenyan small and medium-sized businesses now rely on technical support to innovate their business models and improve their production environments.

In addition, Bettina Heller, United Nations Environment Program (UNEP) Textile Program Officer, announced that UNEP would also launch a global roadmap that will outline how actors within the textile industry can work together to promote sustainability.

98% of the society in Turkey wants a sustainable life

Brands For Good has announced the results of Turkey's Responsible Consumption Behaviors: Socio-Cultural Trend Tracker 2022 (Socio-Cultural Trend Tracker 2022). According to this, Most Turkish societies, such as 98%, strive to act responsibly on environmental and social issues.



based on the research are: Using energy-efficient solutions, choosing durable products, preventing water and food waste, recycling, plant-based nutrition, choosing eco-friendly products, supporting women and girls, expanding equality and equality of opportunity, and making noise to magnify the effect.

Considering all this news and research, it is seen that critical studies have been carried out to protect the environment and increase sustainability around the world. Watching nature and protecting our planet is crucial for all regions and income groups. Because, as stated in the campaign slogan #OnlyOneEarth, "In the universe are billions of galaxies, in our galaxy are billions of planets, but there is Only One Earth."

I congratulate the World Environment Day with the wishes of increasing social awareness about protecting our nature and leaving a livable, healthy, and green world to future generations.

İrem İslam, Associate



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GLOBAL NEWS



Commission carries out unannounced inspections in fashion sector

The Commission started unannounced inspections at the factories of companies in the fashion sector in the member states on 17th May. At the same time, official requests for information were sent to several companies.

The Commission concerns that certain companies in the fashion sector might have acted against the cartel ban and the ban on anti-competitive practices. During the inspections, the Commission officials were accompanied by their colleagues from the relevant national competition authorities.

It is stated that the audits do not directly mean violation of the competition law and should not create any bias for the possible investigation of a company. No legal deadline has been set for completing investigations regarding anti-competitive conduct and it is not yet clear how long the audits will continue.

Google is facing a lawsuit again.



Texas Attorney General Ken Paxton filed a lawsuit against Google in a lawsuit he filed against Google last year, alleging that Google collects location data and that the collection of this data is not dependent on user consent. In the lawsuits heard in Texas courts, the court decided in favour of Google and ended the process.

Google's 'private browsing' feature was once the subject of the lawsuit in a privacy breach lawsuit filed by Paxton against Alphabet Inc. in January. According to Paxton, Google collects its data and re-presents it to users through advertisements, allowing its users to think that they are anonymized when they use private browsing.

In addition to Texas, lawsuits continue to be filed against Google in the Indiana, Washington, and Columbia counties.



Netflix defeats the comic book artist in the lawsuit against Umbrella Academy

The copyright lawsuit filed by the comic artist Atkinson, who claimed that his idea was stolen, for Umbrella Academy, which started broadcasting on Netflix on February 15, 2019, and reached a large fan base, was concluded in favour of Netflix.

According to Atkinson, Way copied the character 'Kingfish' he created for Way Rogue Satellite Comics. In the lawsuit in Texas Courts, US District Judge Robert Schroeder ruled in favour of Netflix, conceding that the Umbrella Academy comics creator Gerard Way's idea of a fish tank-headed villain was not stolen.

While both characters have enough similarities to justify continuing the lawsuit, Way, Dark Horse, or Netflix's access to Atkinson's work was cited as the reason for the decision. Atkinson claimed in the lawsuit that Way, known as the lead singer of the rock band My Chemical Romance, had access to his work. According to his testimony, Way, being a pretty die-hard comic book fan, could find the characters he created.

Schroeder dismissed the lawsuit Wednesday, saying Atkinson's new allegations were too speculative to show that Way was aware of his work.





EU cohesion policy: Commission adopts € 2 billion Partnership Agreement with Finland for 2021-2027

The Commission will provide €2 billion worth of support for Finland's investment strategies under the cohesion policy. The capital is envisioned to promote Finland's economic, social and regional cohesion, in particular with EU priorities such as green and digital transformation. It is also expected to benefit the competitive, innovative and sustainable development of the country.

Finland will use about 40% of the support it receives for green transformation. In this regard, it is stated that effective use of energy, taking



measures against the climate change and effective use of resources will be the focus. Also, measures will be taken to address and mitigate the negative social, economic and environmental impacts of halving peat production in Finland. The Commission's capital support will therefore encourage the country to achieve its 2035 carbon neutral target.



Consumer protection: Commission adopts stronger consumer rules for online financial services

Today, the European Commission adopted a reform in the existing EU rules on Distance Marketing of Consumer Financial Services regulating remotely sold financial services. The proposal will strengthen consumer rights and encourage the cross-border provision of financial services in the single market.

Actions in various areas have been introduced to ensure the promotion of the provision of financial services in the internal market and to ensure a high level

of consumer protection. In this regard;

- Easier access to the 14-day right of withdrawal for distance contracts for financial services will be introduced.
- It is envisaged to provide more open data on what information will be presented to the consumer before the contract is concluded.
- It is envisaged to introduce more comprehensive regulations to protect consumers who make online contracts in financial services.

The Commission's proposal will be put into practice, if deemed appropriate, after discussion by the Council and the Parliament.



Events News

Events



Networking event jointly organized by the International Chambers of Commerce and Trade Promotion Agencies

Senior Associate Ayşe Gültekin Tibet, LL.M. and Associate Burak Batuhan Birtane from Şengün & Partners Attorney Partnership participated in the networking event of International Chambers of Commerce and Trade Promotion Agencies held at Taksim Grand Hyatt Hotel on 17.05.2022.



“Best of Sales” event organized by Sales Network

As Şengün & Partners Attorney Partnership, our founding partner Nedim Korhan Şengün, Managing Senior Associate Gazali Soysal and Head of Technology and Business Development Departments İclal Arguc Demirtaş attended the Best of Sales event organized by Sales Network.

News

Şengün Global Green Center has started to share new developments regarding international and local legislation, including the European Union legislation, on a weekly basis. You can also follow the current news and articles published on LinkedIn and prepared by our professional team which includes its legal analysis approach in the information shared.

In business life, Managers face the risk of mistakes and losses within the scope of their work. It is crucial for companies to protect both the company and their managers from the damages that this responsibility may cause. Şengün Insurance Agency provides professional services on policy development, auditing and reporting. You can access the article titled ‘Directors and Officers Liability Insurance’ prepared within the framework of current developments by clicking on this link. <https://lnkd.in/d5AfNCBv>



The Business World and Law Association (IDHD), which acts with the mission of ensuring the developments and interactions between the actors operating in different sectors of the business and legal world, starts again its activities as of May 2022, which was suspended during the Covid-19 period. You can also follow the news and developments about IDHD via IDHD’s website (<https://isdunyasivehukuk.com/>) or social media platforms.

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