From the Directorate General of Civil Aviation:

REGULATION ON AIR PASSENGER RIGHTS (SHY-PASSENGER)

SECTION ONE
Purpose, Scope, Basis, Definitions and Abbreviations

Purpose

ARTICLE 1- (1) The purpose of this Regulation is to define and arrange the rights of the air passengers and the situations where these rights are applicable; and the minimum rights of them in case of denied boarding, cancelled or delayed flights.

Scope

ARTICLE 2- (1) The Regulations hereby shall include the passengers;

a) who have the related reservation confirmed for the related flight for all the scheduled or non-scheduled flights operated by air transport operators of Turkish origin from/to the Turkish airports and by air transport operators of foreign origin from Turkish airports, and who come to the check-in counter before the flight except the flight cancellations stated on the Article 6,

1) at the time specified or envisaged by an air transport operator, a tour operator or an authorized travelling agency in advance and in writing (including the electronic media) or;

2) before the time specified by the airline at the ticket sales or in the event that no time is specified, at least forty five minutes before the departure time announced,

b) who are transferred to another flight other than the one stated on the ticket by an air transport operator or a tour operator regardless of the reason,

c) who travel free of charge and with a directly or indirectly non-public discount ticket and with miles or credits accumulated.

(2) The Regulations hereby shall be effective for the passengers transported only by powered fixed winged aircrafts.

(3) The Regulations hereby shall not affect the rights of passengers which are stated in the Regulations on the Procedures and Principles on the Implementation of Package Tour Contracts published in the Official Gazette dated 13/6/2003 and numbered 25137. The Regulations shall not be valid in the event that the package tour is cancelled for another reason other than the cancellation of the flight.

Basis

ARTICLE 3- (1) The Regulations is issued;

a) based on the sub-clause (g) of the paragraph 1 of Article 9 of the Law on the Organization and Roles of the General Directorate of Civil Aviation dated 10/11/2005 and numbered 5431,

b) in parallel with the EU By-Law 11.02.2004 – 261/2004 (EC).

Definitions

ARTICLE 4- (1) The definitions in the Regulations hereby shall have the meanings stated below.

a) Ticket: A valid printed or electronic document which gives the right to transport, which is issued or approved by an air transport operator or its authorized agency,

b) Great Circle Method: The method used to calculate the shortest distance between two points (DİSTij=3962.6*arccros((sin(Yi)*sin(Yj))+(cos(Yi)*cos(Yj)*cos(Xi-Xj))) where X is the longitude measured as the degree multiplied by 57,3 in order to transform it to radian, while Y is the latitude value multiplied by -57,3).

ç) Director General: Director General of Civil Aviation,

ç) Volunteer: The person who is ready to waive his/her flight voluntarily or accepting the conditions and in return for the benefits to be provided by the air transport operator performing the flight although he/she has a ticket the reservation of which is approved within the scope of the provisions stated in the paragraph one of Article 2 and who answers in the positive way to the call of the air transport operator for passengers,

d) Person with restricted mobility: Any person with restricted mobility who requires special care and adaptation of the services provided to all of the passengers according to his/her personal needs while using the transportation service due to any physical handicaps (permanently or temporarily sensorial, mental or physical handicap), mental handicaps, age or any other reason for a handicap,

e) Airport operator: Real and private legal persons and public institutions and organizations in charge of the operation of the airport,

f) Air transport operator: A commercial air transport operator with a valid operator certificate;

g) Cancellation: Not operating a flight planned before and in which at least one seat is reserved,

ğ) Force majeure: The situations which affect the operation of the air transport operator performing the flight such as especially political instability, the meteorological conditions not suitable for performing the related flight, natural disasters, security risks, unexpected flight safety deficiencies and strikes,

h) Package tour: The tours sold or promised to be sold all inclusive and together with at least two of the touristic services including transportation, accommodation and the ones not considered auxiliary to them and covering more than twenty four hours or including overnight accommodation,

ı) Reservation: The situation where a passenger has a ticket showing that the passenger is accepted and registered to a certain flight by an air transport operator or tour operator or a certificate issued and approved by an airline or tour operator,

i) Travel agency: Commercial enterprises which provide transportation, accommodation, trips, sports and entertainment services to tourists for profit, which give information to them about tourism and provide all the related services.

j) Final destination: The point of destination on the ticket or the arrival of the final flight in case of directly connected flights assuming that the arrival time planned before can be fit provided that the appropriate connected flights are not taken into consideration,

k) Scheduled flight: The flights the departure times and prices of which are announced before and performed in a regular and publicly available way,

l) Non-scheduled flight: The flights other than the schedules flights not depending on a certain order,

m) Tour operator: The person who organizes package tours permanently or from time to time, who sells or offers them for sale directly or through a sales representative,

n) Denied boarding: Within the scope of the provisions envisaged in paragraph 1 of Article 2, the denied boarding of the passengers although they have a valid ticket with an approved reservation record for being accepted to the aircraft, except the conditions in which there are reasonable grounds for denied boarding such as health, safety, security and unsuitable travelling documents,

o) Air transport operator performing the flight: An air transport operator performing or planning to perform the flight with a passenger under the existing contract or instead of another legal or real person who has a contract with that passenger,

ö) Check-in: Determining the seats in the aircraft and baggage claim procedures, if any.

p) Ground handling company: In accordance with the provisions of the Airports Ground Handling Regulations published on the Official Gazette 28/8/1996 – 22741 (SHY-22), the company in the status of a private legal entity which receives a work permit in order to perform ground handling at airports,

r) Passenger: People travelling by airlines.

SECTION TWO
Codes of Practice

Denied Boarding

ARTICLE 5- (1) In the event that a denied boarding is envisaged on a flight, the air transport operator performing the flight shall make an announcement to find volunteers who shall waive their reservations in return for the benefits to be agreed on between the related passenger and the air transport operator performing the flight and shall assist these volunteers in accordance with the provisions of Article 9. Such assistance shall be realized in addition to the benefits stated in this paragraph.

(2) In the event that sufficient number of volunteers does not exist to enable to allow boarding of the rest of other passengers who have reservations, the air transport operator performing the flight may deny the boarding of the passenger at its own discretion.

(3) In the event that the boarding of the passengers is denied involuntarily, air transport operator performing the flight shall be liable to immediately fulfill its liabilities stated in Articles 8, 9 and 10.

Cancellation of flights

ARTICLE 6 - (1) In case that a flight is cancelled, the air transport operator performing the flight;

a) shall offer help to the related passengers in accordance with the provisions of Article 9.

b) shall offer help to the related passengers in accordance with the provisions of clause (a) of paragraph one of Article 10 and paragraph two of Article 10 and in case of route changes, in the event that the expected departure time of the new flight is within the day or days after the planned departure time for the flight cancelled, shall also offer the assistance stated in the clauses (b) and (c) of paragraph 1 of Article 10 additionally.

(2) In accordance with the provisions of Article 8, passengers shall have the right to receive indemnification from the air transport operator performing the flight;

1) In the event that the passengers were not informed of the cancellation at least two weeks before the planned departure time,

2) As long as they were not informed of the cancellation two weeks to seven days before the planned departure time, and not offered a route change which allows them to depart maximum 2 hours before the planned departure time and to arrive in maximum four hours from the planned arrival time,

3) As long as they were not informed of the cancellation at most seven days before the planned departure time and not offered a route change which allows the passengers to depart maximum 1 hour before the planned departure time and to arrive in maximum two hours from the planned arrival time.

(3) When passengers were informed of the cancellation, the air transport operator performing the flight shall also be liable to provide information about the possible alternative ways of transportation to the passengers.

(4) Although the air transport operator performing the flight takes all the possible precautions, in the event that it can prove that force majeure causes the cancellation, it shall not be liable to pay compensation in accordance with the provisions of Article 8.

(5) The burden of proof regarding whether passengers are informed of the cancellation and when they are informed shall be on the part of the air transport operator performing the flight.

(6) In the event that the passenger contact information is not provided or provided wrong to the air transport operator despite requested by the air transport operator, the air transport operator shall have no liability.

Delay of the flights

ARTICLE 7- (1) As of the planned departure time of a flight, the air transport operator performing the flight shall offer the following considerations to the passengers, in the event that the delay

a) is two or more than two hours for the flights shorter than 1500 kilometers (including 1500 km) and for domestic flights,

b) is three or more than three hours for the flights between 1500 and 3500 kilometers (including 3500 km),

c) is four or more than four hours for the flights longer than 3500 kilometers,

1) The assistance stated in the clause (a) of paragraph one of Article 10 and paragraph two of Article 10.

2) The assistance stated in the clauses (b) and (c) of paragraph one of Article 10, if the expected time of departure is within the day or days after the announced time of departure.

3) The assistance stated in the clause (a) of paragraph one of Article 9, when the delay is at least five hours,.

(2) The air transport operator performing the flight shall be liable to offer assistance to passengers within the time limits stated above regarding each distance segment under all conditions stated in the paragraph one.

Right to compensation

ARTICLE 8- (1) When referred to this article, a compensation of Turkish Lira equivalent of 100 Euros shall be paid to passengers for domestic flights. For international flights, the passengers shall be given;

a) a compensation of the Turkish Lira equivalent of 250 Euros for all the flights of 1500 kilometers or shorter,

b) a compensation of the Turkish Lira equivalent of 400 Euros for all the flights between 1500 and 3500 kilometers,

c) a compensation of the Turkish Lira equivalent of 600 Euros for all the flights longer than 3500 kilometers,

While calculating the Turkish Lira equivalent of the compensation debts, the exchange rate when the ticket is purchased, i.e. the foreign exchange rate of the Turkish Republic Central Bank on the day of the payment for the ticket shall be taken as basis.

(2) In case of denied boarding or cancellation, the planned final destination point shall be taken as basis while calculating the distance.

(3) In accordance with Article 9, in the event that the passengers are offered a route change with an alternative flight which does not exceed the planned arrival time the reservation of which is performed

a) for two hours for the flights of 1500 kilometers (including 1500 km) or shorter,

b) for three hours for the flights between 1500 and 3500 kilometers (including 3500 km),

c) for four hours for the flights longer than 3500 kilometers,

the air transport operator performing the flight can reduce the compensation envisaged in the paragraph one at the rate of 50%.

(4) The compensation stated in the first paragraph can be paid in cash, via electronic remittance, bank payment orders or bank cheques. However, in case of existing written consent of the passenger, it can also be paid with travel vouchers and/or other services.

(5) In calculating the distance given in the first and second paragraphs, the great circle method is used.

Right to reimbursement or route change

ARTICLE 9- (1) Under the circumstances referred to this Article, the passengers shall be given the right to choose among the following options:

a) In the event that it does not make any sense to complete the undone part or parts of the travel and the travel planned by the passenger, to pay all of the ticket price over the price on which the ticket is purchased in cash, via electronic remittance, bank payment orders or bank cheques or with the passenger's written consent, to refund via travel vouchers and/or other services for the done part or parts of the travel within maximum seven days; moreover, to provide a free return flight which would allow the passenger to return the first point of origin at the earliest opportunity.

b) to provide the route change to the final destination at the earliest opportunity under the similar transportation conditions.

c) to make the route change under the similar transportation conditions to the final destination on the date to be considered suitable by the passenger depending on the seat availability.

(2) The provisions stated in the clause (a) of the first paragraph shall be also valid for the passengers the flights of which form a part of the package, except the right of compensation to be arised from the provisions of the Regulations on the Procedures and Principles on the Implementation of Package Tour Contracts.

(3) In the event that more than one airport service to a city or a region, when the air transport operator performing the flight offers a flight to passengers with an approved reservation to an alternative airport, the air transport operator performing the flight shall be liable to cover the

transfer expenses of the passenger from the alternative airport to the original one to which reservation is approved or to another closer point of destination accepted by the passenger.

Right to get service

ARTICLE 10- (1) When referred to this article, the following services shall be provided to passengers free of charge.

a) According to the waiting period;

1) Hot and cold beverages at reasonable amounts for the delays between two and three hours,

2) Breakfast or lunch depending on the time of the day in addition to hot and cold beverages for the delays between three and five hours,

3) Additional hot and cold beverages and an additional snack in addition to hot and cold beverages and breakfast or lunch depending on the time of the day, for the delays for five hours and more.

b) In the situations where one or more than one night accommodation is necessary or an additional accommodation is necessary for passenger, accommodation at a hotel or at an appropriate accommodation facility.

c) Transportation between the airport and the accommodation place (hotel, etc.).

(2) In addition to the services stated in the paragraph one, it is compulsory to offer two telephone conversations, fax messages or e-mail services without any charge and time limitation.

(3) The air transport operator performing the flight shall be liable to pay special attention to meet the requirements of the people especially with restricted mobility and their accompanying person, and children who travel alone.

Upgrading or downgrading

ARTICLE 11- (1) The air transport operator performing the flight shall not claim any additional payment if a passenger is upgraded.

(2) In the event that the air transport operator performing the flight downgrades a passenger, in addition to the refund of difference between the ticket prices, it is also compulsory to pay to the passenger;

a) %30 of the ticket price for the flights of 1500 kilometers (including 1500 km) or shorter,

b) %50 of the ticket price for the flights between 1500 and 3500 kilometers (including 3500 km),

c) %75 of the ticket price for the flights longer than 3500 kilometers,

in cash, via electronic remittance, bank payment orders or bank cheques or with the passenger's written consent, via travel vouchers and/or other services within maximum seven days.

(3) In case of downgrading, the prices on the date of purchasing the ticket shall be taken into consideration in refunding the ticket price.

People with restricted mobility or special needs

ARTICLE 12 - (1) The air transport operators performing the flight shall give priority to the transportation of the people with restricted mobility and their accompanying person and guide dogs certified to accompany and children travelling alone.

(2) In case of denied boarding, cancellation and all kinds of delays, people with restricted mobility and their accompanying person and children travelling alone shall be entitled to be provided service as soon as possible in accordance with the provisions of Article 10.

Right to Additional compensation

ARTICLE 13- (1) The right to compensation of passenger arising out of other laws and regulations shall be reserved. The compensation paid under the Regulations hereby can be appropriated from the related compensation.

(2) Save for the provisions of the related legislation, the right to claim compensation regulated in the paragraph one shall not be applied on the passengers who waived their reservations voluntarily within the scope of the provisions of the paragraph one of Article 5.

Fulfilling the right to compensation

ARTICLE 14 –(1) In the event that the air transport operator performing the flight pays compensation or fulfills its other obligations under the Regulations hereby, any provisions in the Regulations hereby cannot be interpreted as limiting the right to claim compensation from any person including the third parties in accordance with the applicable law.

(2) The Regulations hereby cannot restrict the right to claim compensation of the air transport operators performing the flight from a tour operator or another person with whom the air transport operators performing the flight has a contract.

(3) ,Any of the provisions of the Regulations hereby cannot be interpreted as restricting the right to claim any disbursement or compensation of a tour operator or a third person with whom the air transport operators performing the flight has a contract except the passengers from the air transport operators performing the flight in accordance with the applicable law.

Liability to inform passengers of their rights

ARTICLE 15- (1) The air transport operators performing the flight shall be liable to enable a legible notice in English and in Turkish to be seen by passengers clearly which states “Please request the text from the check-in counter or boarding gate which states your rights for the service you will be provided in case that your boarding is denied, your flight is cancelled or delayed at least for two hours” during the check-in.

(2) The air transport operator which denies boarding of the passenger or cancels a flight shall be liable to make a written notification to each affected passenger which states the compensation and assistance rules in accordance with the Regulations hereby. Moreover, the air transport operators performing the flight shall be liable to inform each passenger who is affected by at least two hour delay within this scope verbally, in writing or via electronic means.

(3) When the provisions stated in the article hereby are applied on the sight-disabled people, appropriate alternative methods shall be used.

Excluding the disclaimer

ARTICLE 16- (1) In accordance with the Regulations hereby, the liabilities against passengers cannot be restricted and limited with especially the provisions of the transport contracts and no exemption shall be granted for these liabilities.

(2) In the event that a passenger is not informed of his/her rights in accordance with the provisions of the Regulations hereby and even when the passenger accepts a compensation lower than the one provided for in the Regulations hereby, the passenger shall be entitled to take necessary actions before the authorized courts or bodies in order to get an additional compensation.

Change in the final destination

ARTICLE 17– (1) In the event that the final destination on the ticket is changed by the air transport operator due to an acts of god and the flight ends at a different airport, the air transport operator shall be liable to take the passengers to the final destination on the ticket as soon as possible using all the possible means of transportation.

Contracts

ARTICLE 18– (1) The air transport operators shall be entitled to add provisions including all the necessary precautions to prevent passengers from being legally and/or financially damaged during the performance of the provisions of the Regulations hereby on the contracts to be made with third parties.

Right to take legal action of passengers

ARTICLE 19- (1) In case of violation of the provisions of the Regulations hereby, passengers shall reserve the right to take legal action.

SECTION THREE
Miscellaneous and Final Provisions

Audits and sanctions

ARTICLE 20 – (1) The operators included in the scope of the Regulations hereby shall be audited by the Directorate General of Civil Aviation. The organizations and institutions not complying with the rules in the Regulations hereby shall be subjected to legal actions in accordance with the Article 143 of Turkish Civil Aviation Law 14/10/1983-2920.

Effective Date

ARTICLE 21– (1) The Regulations hereby shall be effective on 1/1/ 2012.

Execution

ARTICLE 22– (1) The provisions of the Regulations hereby shall be executed by the Director General of Civil Aviation.