

TRAVEL AGENTS REGULATION

Number and Date of the Reference Act: 1618 - 14.9.1972

Publication and Announcement in the Official Gazette: 05.10.07 ó Issue: 26664

PART ONE

Purpose, Scope, Legal Basis and
Definitions

ARTICLE 1- (1) The purpose of this Regulation is to set out the establishment and operating principles of travel agents and branches, the scope of the services and qualifications thereof, the qualifications of the travel agency owners, the personnel and business places, the guarantees, written or visual materials for promotional purposes prepared by the professional organizations having the characteristics of public institution, the qualifications and criteria of tourist transport vehicles, transfer personnel and transfer vehicles. Scope

ARTICLE 2 - (1) This Regulation shall apply to travel agents.

Legal Basis

ARTICLE 3 -(1) This Regulation is prepared on the basis of Articles 4 and 10 of the Travel Agents and Association of Travel Agencies Act no. 1618, dated 14/9/1972.

Definitions.

ARTICLE 4 - (1) The following terms, as and when used in this Regulation, shall have the following meanings;

- a) Ministry: means the ministry of Culture and Tourism,
- b) Investigation and evaluation form: means the form showing the investigation and evaluation of documents pertaining to travel agent transactions,
- c) Operating license; means the license allowing to operate as a travel agent,
- ç) Act: means the Travel Agents and Association of Travel Agents Act no. 1618, dated 14/9/1972,
- d) Customer: means the person who buys travel agent services for himself/herself or for others,
- e) Package tour: Under the scope of a program pre-determined by the travel agent, means the tours, by which at least the two of transportation, accommodation and other touristic services which are not considered as ancillary thereto are sold together, and which are sold as all-inclusive, or which are promised to be sold so, and the service of which lasts for a period longer than twenty four hours, or which involves overnight accommodation;
- f) Package tour agreement: means the pre-drafted written agreement, a copy of which must be submitted to the customer, and by which at least the two of transportation, accommodation and other touristic services which are not considered as ancillary thereto are sold together, and which are sold as all-inclusive, or which are promised to be sold so, and the service of which lasts for a period longer than twenty four hours, or which involves overnight accommodation;
- g) Booking: means the booking and other check-in transactions made in the name of the customer in respect of scheduled or non-scheduled services of land, naval and air vehicles or in respect of any accommodation, food-beverage and entertainment services, and
) Travel agent: means the business entity which, for profit purposes, is entitled to provide information to tourists about tourism, to create tours and package tours, to provide services such as accommodation, transportation, tour, sports and entertainment for tourism purposes, and which may market the product it created, itself or through the agency of other travel agents,
- h) Travel agent compulsory insurance policy certificate: the certificate given compulsorily to the customer as per the act,

,) Insurance agreement: In respect of package tours sold in Turkey by travel agents; the agreement which shows that liabilities as may arise from the failure to provide to customers the services undertaken including the bankruptcy of the travel agent or the failure to provide the same in accordance with the undertaking are insured at least up to the amount of package tour price organized under the scope of package tour they organized,

i) Transfer: Means the service of transport provided by the travel agent to the tourist, up to the starting point of the tour or package tour organized, during any stage or at the end of it, from locations such as border crossing and border gate, marinas, coach station, railway station, port or airport where interprovincial or international transport services are provided to the facilities of accommodation or from such facilities to the locations where such transport services are provided or from the start point of the program to the accommodation facility or at the end of the program, from the facility to the start point of the program by means of a vehicle, regardless of any schedule,

j) Tour: means the commercial activity which covers both the introduction of, and transportation to, at least one of Turkey's historical, natural, cultural and touristic values, which is sold, or promised to be sold for a single price covering such services, and the service of which covers a period shorter than twenty four hours or which does not involve accommodation,

k) Tourist: means the person who directly benefits from the travel agent's product,

l) TURSAB: means the Association of Turkish Travel Agencies,

m) Compulsory insurance: In respect of package tours sold in Turkey; means the insurance which provides insurance of liabilities as may arise from the failure to provide to customers the services undertaken under the scope of the package tour organized by travel agents, including the bankruptcy of the travel agent or the failure to provide the same in accordance with the undertaking, at least up to the amount of package tour price.

PART TWO

Travel Agent Services, Categories and Operating Principles

Services provided by Travel Agents

ARTICLE 5-(1) The services provided by travel agents are as follows:

a) The travel agency business and activities are carried on by travel agents established in accordance with the Act. It is prohibited for persons or entities who are not actually travel agents to provide, in consideration for a price, services to consumers, which services are defined as exclusive services of travel agents. The exclusive services of travel agents are as follows:

1) promotes, creates, markets or sells domestic / international tours or package tours with or without overnight stay in connection with or without a schedule for individuals or groups,

2) makes the reservation and sells the tickets of land, naval and air transport vehicles and the companies owning such vehicles,

3) Sells all or a part of the services generated by travel agents subject to authorization by the travel agent owning the product,

4) Ensures transfer,

5) Organizes and sells, for profit purposes, tours or package tours which covers the organization, provision, marketing and realization of accommodation, transportation, touring, food-beverage, entertainment, sport activities, congress-conference, religious, health, training, cultural, scientific and professional researches, travel for encouragement or support purposes and such other services included therein,

6) For profit purposes, creates, markets or sells such services without a charge for catering, encouragement or support purposes, which services will be provided by the person or entity by whom the price is paid.

b) Other services and business that may be performed and provided by travel agents are as follows:

- 1) A travel agent may sell products covering tourism activities acceptable to national and international institutions,
- 2) A travel agent may provide information about foreign currency, visa and customs procedures governing the tourist regarding the tourism or the matters required by the tourism activity, may execute such transactions / procedures,
- 3) A travel agent may sell touristic books, pictures, post cards, souvenirs and information material that a tourist may need, at the business places or vehicles of travel agents,
- 4) A travel agent may rent at home and abroad for commercial vehicles such vehicles with or without a driver intended exclusively for the carriage of passengers or their personal effects, which vehicles have a seating capacity of 15+1 or less, for a definite period of time subject to a written agreement.

Services not considered Travel Agent Business

ARTICLE 6- (1) The services not considered a Travel Agent Business are provided below.

- a) For commercial purposes and requirements, the business of renting the vehicles in respect of which they act in capacity as the operator in accordance with the Highway Traffic Law no. 2918, dated 13/10/1983 to such persons and entities who are not directly considered customers, in accordance with the applicable legal arrangements,
- b) The marketing, booking and selling of their own products at such places and in such manners as allowed by the legal arrangement governing the accommodation, entertainment, transport and Ministry-licensed yacht enterprises.

Categories of travel Agents

ARTICLE 7- (1) Travel agents are classified under three categories on the basis of the services they provide;

- a) Category A Travel Agent: A travel agent falling into this category may provide any and all travel agent services.
- b) Category B Travel Agent: A travel agent falling into this category provides booking and ticket sale services relating to the land, naval and air transport vehicles and performs the booking and sales of tickets for tours organized by travel agents falling into Category A.
- c) Category C Travel Agent: A travel agent falling into this category may promote, produce, market or sell domestic tours only for Turkish subjects.

(2) Furthermore, the travel agents falling into Category B and C provides the services assigned thereto by a travel agent falling into Category A and promotes, markets or sells the products of such agents.

(3) It is necessary that any such duty as may be assigned by a travel agent under Category A to a travel agent under Category B or C be documented under a written document or agreement. Such duty may not be organization of a tour or package tour in its entirety, which falls into the services of category A travel agent, by a travel agent falling into the category B or C.

PART THREE

Application and Startup Procedures for Travel Agents

Application

ARTICLE 8- (1) The legal entities who wish to be granted a license to operate as a travel agent shall lodge an application to our Ministry to get registered as a travel agent by serving an application letter and a document relating to name registration, if any.

(2) If the travel agent titles / names specified in the application has been found appropriate by the Ministry, the applicant and TURSAB shall, accordingly, be informed in writing.

Application Documents for the Startup of a New Travel Agent

ARTICLE 9 (Amended - O.G.: 19.3.2010 - 27526 / article 1) (1) The legal entities wishing to get granted a license to operate as a travel agent shall lodge an application to TURSAB by serving the original or certified copies of the following documents within thirty days as of the notification by the Ministry that the title of the travel agent has been found appropriate. If the original copies are not submitted where it is necessary to submit the original copies of such documents / certificates, after confirming faithfulness of the document / certificate against the original copy thereof, the relevant officer shall write the name and title, and so certify such documents / certificates.

- a) Letter of Application,
 - b) The declaration which specifies the date and issue of the Trade Registry Gazette in which the articles of association was published, evidencing that tourism and travel agent business are stated among the business activities of the applicant entity,
 - c) The Certificate of Trade Registry which also includes the authorized signatory or signatories,
 - ç) The letter of undertaking regarding the agent title as provided in Annex-1,
-
- d) For the purposes of applicant joint-stock companies, the declaration of Turkish Identity Number and criminal record of the board members and persons who are authorized to represent the company, and for the purposes of other companies, of all partners and the persons who are authorized to represent the company,
 - e) The list of signatories authorized to represent the legal entity,
 - f) The document pertinent to the personnel referred to under Article 35 of the Travel Agents Regulation, Social Security Institution Business Place code, the declaration including the Turkish Identity Number of the employed personnel,
 - g) On the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30.

Cancellation of an Application

ARTICLE 10 (Amended - O.G.: 19.3.2010 - 27526 / article 2) (1) Any application shall be cancelled if and where the applicant, within thirty days as of the notification that the title of the agency is deemed appropriate, fails to apply to TURSAB, or the applicant fails to complete any missing document / certificate or procedure, which may be discovered and notified by TURSAB after such application to TURSAB within thirty days as of the date of notification, or the applicant submits any inaccurate information or document / certificate.

(2) Subject to the applicable provisions of the Turkish Penal Code, a criminal complaint shall be filed to the Chief Public Prosecutor's Office about the applicants who submit inaccurate documents or make false statements.

Member Registration Fee

ARTICLE 11- (1) The travel agent candidates, who are determined to meet the qualifications and conditions referred to under the legislation in consequence of the investigation and review as will be made by TURSAB, shall be registered as a member of TURSAB upon such candidates ensure the payment of the member registration fee.

Cancellation of Membership During Application

ARTICLE 12 - (1) The memberships of the applicants who may not obtain an operating license due to the fact that the application of the travel agent candidate, who was deemed appropriate by TURSAB, and notified to the Ministry, was found inappropriate by the Ministry, shall be cancelled, and the member registration fee thereof shall be returned thereto by TURSAB.

Certificate of Organization and Operating License

ARTICLE 13- (1) Travel agents shall be deemed so only and if they register with TURSAB as a member and obtain an operating license to be granted by the Ministry. The travel agent shall start its operations and business only after obtaining the operating license from the ministry.

Startup of a Branch

ARTICLE 14 - (1) The conditions sought from travel agents and the principles governing the foundation of travel agents shall also apply to branches.

PART FOUR

Investigation, Auditing, Evaluation and Certification

Investigation and Evaluation on Documents / Certificates

ARTICLE 15 (Amended - O.G.: 19.3.2010 - 27526 / article 3) (1) - TURSAB shall carry out an investigation and evaluation on information and documents / certificates submitted or stated thereto with respect to the application lodged, and confirm the accuracy of the statement of criminal record by reference to the relevant authority.

Auditing and Evaluation On Site

ARTICLE 16 - (1) TURSAB shall perform an investigation and evaluation about whether or not the business place of the travel agent at the specified address meet the conditions referred to under Article 17, and whether or not the records for the personnel are kept.

(1) (Addition - O.G.: 19.3.2010 - 27526 - article 4) Where it deems necessary, the Ministry shall perform an audit about whether or not the business place of the travel agent at the specified address meet the conditions referred to under Article 17, and whether or not the records for the personnel are kept. Qualifications of a Travel Agent's Business Place

ARTICLE 17- (1) The business place of a travel agent must meet the following qualifications and conditions.

- a) The business place must be located at a place accessible freely and equally by those who wish to benefit therefrom,
- b) A writing or a signboard identifying the travel agent or bearing a travel agent title must be visible from the outside of the business place,
- c) In consideration of the place and location thereof, the business place must have a size in line with the business of a travel agent as required for the category, and it must be orderly arranged,
- ç) Telephone, fax, and electronic communication device for online operation of travel agent must be available at the business place,
- d) No other business or activity should be allowed at the business place other than the travel agent business and services as referred to in the legislation. Notification

ARTICLE 18 (Amended - O.G.: 19.3.2010 - 27526 / article 5) (1) - TURSAB shall, in writing, notify its opinion about the result of the application to the Ministry and the Applicant. In the case of applications not found appropriate, the reasons shall be stated. In the case of applications which are found appropriate, the original copies of the investigation and evaluation form, certificate of trade registry, guarantee for establishment as referred to under Article 30 on the basis of the values given under Article 29, the letter of undertaking relating to the title / name of the travel agency as given under Annex-1 and the list of signatories authorized to represent the legal entity shall be enclosed to the letter sent to the Ministry.

Objection and Audit

ARTICLE 19- (1) If the application is refused by TURSAB, the applicant may file an objection to the Ministry within ten days as of the date of receiving the notification. The objection shall be finalized by the Ministry. The Ministry, when it deems necessary, shall perform an audit about whether or not the business place of the travel agent at the specified address meet the conditions referred to under Article 17, and whether or not the records for the personnel are kept.

Certification and revocation of license

ARTICLE 20 (Amended article and heading - O.G.: 19.3.2010 - 27526 / article 6) (1) If any document and/or certificate is discovered to be missing in consequence of the investigation and evaluation made by the Ministry, the application file shall be returned to TURSAB to ensure the completion thereof. If the missing document or incomplete procedures as notified by TURSAB are not completed within 30 days as of the receipt of notification, the application shall be deemed refused, and cancelled.

(2) The eligible applicants whose applications are deemed appropriate shall be granted by the Ministry an operating license, and the same shall be notified to TURSAB.

(3) To re-obtain the operating license, the travel agent shall lodge an application to the Ministry along with the following documents and/or certificates.

- a) Letter of application,

- b) In respect of the re-obtainment of the operating license, the declaration of the date and issue of the Trade Registry Gazette in which the resolution of the board of directors - in the case of joint stock companies - and the resolution of the general meeting of shareholders - in the case of other companies - were published,
- c) The list of signatories authorized to represent the legal entity.

PART FIVE

Change of Agent Title, Trade Name, Address, Category, Type, Shareholding or Board of Directors and Merger (*) Application for Change

ARTICLE 21 (Amended - O.G.: 19.3.2010 - 27526 / article 8) (1) The written notification served to TURSAB with respect to application for change shall be deemed to have been served to the Ministry.

(2) Pursuant to Articles 21 and 28, TURSAB shall perform an investigation and evaluation on the original or certified copies of the information and documents / certificates submitted, and where statement of criminal records are required, TURSAB shall confirm the accuracy of the statement of criminal records with reference to the relevant authority. If the original copies are not submitted where it is necessary to submit the original copies of such documents / certificates, after confirming faithfulness of the document / certificate against the original copy thereof, the relevant officer shall write the name and title, and so certify such documents / certificates.

(3) TURSAB shall, in the case of change of address, perform an investigation and evaluation as to whether or not the business place at the specified address meet the qualifications and conditions referred to under Article 17 and whether or not the records for the personnel are kept.

(4) If the result of the investigation and evaluation by TURSAB is affirmative, the letter of application, investigation and evaluation form and, if required in respect of the application, the certificate of registry about the last status and the following documents, whichever is relevant to the application, shall be submitted to the Ministry.

a) In the case of change of agent title, trade name, category, conversion, change of trade name after merger; the original copy of the guarantee of establishment as referred to under Article 30, out of the values given under the article 29,

b) In the case of change of agent title, trade name, conversion, change of trade name after the merger; the letter of undertaking for the agent title as given in Annex-1,

c) In the case of change of trade name, conversion, shareholding or the board of directors, and merger; the list of signatories authorized to represent the legal entity,

(5) The documents and certificates shall be investigated by the Ministry, and if any document / certificate is discovered to be missing in consequence of the investigation performed pursuant to paragraph 6 of this article, TURSAB shall be notified to complete the missing document / certificate.

(6) In the case of change of address; the Ministry, when it deems necessary, shall perform an audit about whether or not the business place of the travel agent at the specified address meet the conditions referred to under Article 17, and whether or not the records for the personnel are kept.

(7) The Ministry shall issue an operating license for the applicants whose applications are found appropriate, other than the cases of the change of shareholding or the board of directors and where the trade name is not changed after the merger. In the case of change of operating license, TURSAB shall be informed accordingly.

(8) Where the letter of application is directly submitted to the Ministry, the application shall be sent to TURSAB for evaluation.

(9) In respect of the statements or documents referred to under Article 21 and 23, if any statements made or any documents submitted are inaccurate, such application shall be cancelled.

(10) Subject to the applicable provisions of the Turkish Penal Code, a criminal complaint shall be filed to the Chief Public Prosecutor's Office about the applicants who submit inaccurate documents or make false statements.

Change of Agency Title / Name

ARTICLE 22 (Amended - O.G.: 19.3.2010 - 27526 / article 9) (1) The travel agent shall submit its application for the change of title to the Ministry.

a) If the ministry finds the application for the change of title appropriate, the same shall be advised to the applicant and TURSAB in writing.

b) The applicant shall submit to TURSAB the following documents within thirty days as of the receipt of the letter by the Ministry regarding the change of agent's title.

1) Letter of Application,

2) On the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30,

3) the letter of undertaking regarding the agent title as provided in Annex-1.

Change of Trade Name

ARTICLE 23 (Amended - O.G.: 19.3.2010 - 27526 / article 10) (1) In the case of change of trade name, the travel agent shall apply to TURSAB along with the following documents.

a) Letter of Application,

b) The declaration containing the date and issue of the Trade Registry Gazette in which the former and new trade name of the agent is published,

c) The certificate of trade registry which also includes the person or persons authorized to represent in respect of the then current status, ç) The list of signatories authorized to represent the legal entity,

d) On the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30.

Change of Address

ARTICLE 24 (Amended - O.G.: 19.3.2010 - 27526 / article 11) (1) In the case of change of address including the branches, the travel agent shall apply to TURSAB along with the following documents.

a) Letter of Application,

b) The declaration containing the date and issue of the Trade Registry Gazette in which the former and new address of the agent are published,

c) For the then current status, the certificate of trade registry which also includes the person or persons authorized to represent,

Change of Category

ARTICLE 25 (Amended - O.G.: 19.3.2010 - 27526 / article 12) (1) In the case of change of category, the travel agent shall apply to TURSAB along with the following documents.

a) Letter of application,

b) On the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30.

Conversion

ARTICLE 26 (Amended article and heading - O.G.: 19.3.2010 - 27526 / article 13) (1) In the case of conversion, the travel agent shall apply to TURSAB along with the following documents.

- a) Letter of Application,
- b) The declaration containing the date and issue of the Trade Registry Gazette in which conversion is published,
- c) For the then current status, the certificate of trade registry which also includes the person or persons authorized to represent,
- d) For the purposes of joint-stock companies, original copy of the declaration of Turkish Identity Number and criminal record of the board members and persons who are authorized to represent the company, and for the purposes of other companies, of all partners and the persons who are authorized to represent the company.
- e) The list of signatories authorized to represent the legal entity,
- f) On the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30.

Change of Shareholders or Board of Directors

ARTICLE 27 (Amended - O.G.: 19.3.2010 - 27526 / article 14) (1) In the case of change of shareholders or board of directors, the travel agent shall apply to TURSAB along with the following documents.

- a) Letter of Application,
- b) The declaration containing the date and issue of the Trade Registry Gazette in which, for the purposes of joint-stock companies, the change of board of directors, and for the purpose of other companies, the change of board of shareholders are published,
- c) For the then current status, the certificate of trade registry which also includes the person or persons authorized to represent,
- ç) For the purposes of joint-stock companies, original copy of the declaration of Turkish Identity Number and criminal record of the board members and persons who are authorized to represent the company, and for the purposes of other companies, of all partners and the persons who are authorized to represent the company.
- d) The list of signatories authorized to represent the legal entity.

Merger

ARTICLE 28 (Amended - O.G.: 19.3.2010 - 27526 / article 15) (1) In the case of merger, the travel agent shall apply to TURSAB along with the following documents.

- a) Letter of Application,
- b) The declaration containing the date and issue of the Trade Registry Gazette in which the former and new trade name of the agent is published,
- c) For the then current status, the certificate of trade registry which also includes the person or persons authorized to represent,
- ç) The letter of undertaking regarding the agent title as provided in Annex-1,
- d) For the purposes of joint-stock companies, original copy of the declaration of Turkish Identity Number and criminal record of the board members and persons who are authorized to represent the company, and for the purposes of other companies, of all partners and the persons who are authorized to represent the company.
- e) The list of signatories authorized to represent the legal entity,

f) If the merger resulted in the change of trade name; on the basis of the values referred to under Article 29, the original copy of the guarantee for establishment in such amount as referred to under Article 30.

(*)The phrase "Status" in the title of PART FIVE was amended as "Conversion" pursuant to the provision made by Article 7 of the Regulation published in the Official Gazette (O.G.) no. 27526, dated 19.3.2010, and included in the text.

PART SIX

Matters relating to

Guarantee

Guarantee for

Establishment

ARTICLE 29 - (1) Except for the obligations regarding the services as will be provided to customers and transport firms to which they will sell their tickets and for the obligations under the scope of insurance limit, travel agents and branches shall be obliged to fulfill all of their obligations arising from all travel agent transactions, on the basis of the values referred to under Article 34 of the Public Procurement Law 4734, to provide such an amount of guarantee as defined under Article 30 depending on the category of the travel agent as a security for the obligations and for the purpose of payment to the concerned parties by conversion into money by the Ministry in case of failure to fulfill such obligations, and to complete it within thirty days should the amount of guarantee reduce.

(2) If guarantee shall be provided in form of a letter of guarantee, definite letter of guarantee unlimited in time must bear the title of agent and the original copy thereof must be submitted to the Ministry.

(3) The guarantees to be provided other than letters of guarantee shall be paid to Ministry's Central Accounting Unit or to the Ministry Central Accounting Unit through the agency of accounting units of provincial or county General Budget Offices.

(4) In respect of guarantees, the matters about which no provision is contained hereunder shall be governed by the Law 4734 and relevant regulations.

(5) In cases where the application of the travel agent is not found appropriate, the guarantee shall be returned by the Ministry.

Amount of Guarantee

ARTICLE 30 - (1) The amounts of guarantees to be created on the basis of travel agent categories are specified below.

a) Seven thousand New Turkish Liras for travel agents falling into category A,

b) Six thousand New Turkish Liras for travel agents falling into category B,

c) Five thousand New Turkish Liras for travel agents falling into category C,

(2) For each branch, some 5% of the amounts referred to in the first paragraph shall be collectible.

(3) Where the Ministry deems necessary, the amounts of guarantee shall be increased and applied at such a rate equivalent to the revaluation rate determined and announced pursuant to the duplicate Article 298 of the Tax Procedure Law no. 213, dated 4/1/1961.

Guarantee in the case of Cancellation or Revocation of the Operating License

ARTICLE - (1) In case the operating license of the travel agent is cancelled by the Ministry or revoked due to the request of the relevant party or due to bankruptcy, the guarantee for establishment shall be retained by the Ministry for the purposes prescribed under the Act, for a period of one year as of the date of cancellation or revocation of the operating license. The guarantee shall be returned at the end of one year if not setoff is required. The Status of Creditors in Respect of Guarantee

ARTICLE 32 - (1) Where, due to the debts of the agent under the scope of point (e) of the Article 10 of the Act, the debt enforcement office requires the compensation of the receivables of the real or legal creditors of the agent by and with the use of guarantee for establishment of the agent, the Ministry shall ensure the payment of such amount through the guarantee and shall advise the same to the travel agent.

(2) The guarantee for establishment may not be transferred, pawned or seized due to another receivable other than liabilities.

Guarantee in the Case of Reduction of Guarantee Amount, and of Change of Category

ARTICLE 33 - (1) In the case of change of category, if there is any guarantee difference between two categories, which need to be returned, such difference shall be retained by the Ministry for a period of one year, and the guarantee shall be returned at the end of one year if no setoff is required.

(2) In the case of guarantee reduction in any manner and reason whatsoever, the guarantee shall be increased to the extent required within thirty days as of the notification by the Ministry.

PART SEVEN

Qualifications of Travel Agency Owner and Agent Personnel

Qualifications of a Travel Agency Owner

ARTICLE 34 - (1) The members of the board of directors and persons authorized to represent the in joint-stock companies, and all shareholders and the persons authorized to represent the company in other companies shall be required to meet the following qualifications.

a) To be over 18,

b) (Amended - O.G.: 19.3.2010 - 27526 / article 16) Even if the durations provided for under Article 53 of the Turkish Penal Code; to have not been sentenced to prison for a period of five years or longer due to an offense committed on purpose or due to offenses against Public safety, offenses against constitutional order or the functioning of this order, offenses against national defense, offenses against state secrets and espionage, petty or major embezzlement, defalcation, bribery, theft, fraud, forgery, breach of faith, fraudulent bankruptcy, bid rigging, rigging the performance of obligations, laundering of asset values from the offense, smuggling or tax evasion,

c) To have satisfactory commercial standing,

Ç) To have not been penalized as per the provision of the Article 30 of the Act. Qualifications of Travel Agent Personnel

ARTICLE 35 - (1) Travel agents shall employ at their parent office and at branch offices at least one personnel meeting one of the following qualifications.

a) To have completed a vocational school, associate's degree or bachelor's degree in the field of hotel management and tourism,

b) To hold an information office foreign language certificate of achievement,

c) To hold a Guide Certificate issued and granted by the Ministry.

(2) Those who hold an information officer certificate of achievement may be employed at category C travel agents in substitution for the personnel having the qualifications referred to in the first point.

(3) Travel agency owners who meet the qualifications referred to in the first point and who actually work in the agency shall be deemed an officer / employee of their agencies.

(4) (Amended - O.G.: 19.3.2010 - 27526 / article 17) Among the documents / certificates pertinent to such employee as will be employed at the travel agencies, the original copy of the foreign language officer certificate of achievement, the original or certified copies of other documents / certificates shall be submitted to, and archived at, TURSAB. If the original copies are not submitted where it is necessary to submit the original copies of such documents / certificates, after confirming faithfulness of the document / certificate against the original copy thereof, the relevant officer shall write the name and title, and so certify such documents / certificates.

(5) (Addition - O.G.: 19.3.2010 - 27526 / article 17) Travel agents shall be obliged to notify to TURSAB any changes in respect of their personnel, and to submit relevant documents. PART EIGHT
Obligations of Travel Agents

Continuity of Qualifications

ARTICLE 36- (1) Travel agent must maintain its qualifications required to obtain license. (2)

(Addition - O.G.: 19.3.2010 - 27526 / article 18) If a travel agent lodges and application to change its address written on the license, including the branches, the determination by the Ministry and TURSAB that the agent does not operate at the new address shall be considered as the loss by the agent of its qualifications to qualify for a license.

Obligation to Hang Travel Agent Operating License

ARTICLE 37 - (1) The travel agent operating license must be hanged at the parent office and branches of the agent, at a visible point, for the purpose of avoiding activities by unlicensed agents, ensuring the information of tourists and providing ease of audit.

(2) (Amended - O.G.: 19.3.2010 - 27526 / article 19) Travel agent may not carry on business as a travel agent at its new address prior to the finalization of its request for change of address, including the branches thereof. Travel Agent Plaque and Obligation to Hang It

ARTICLE 38 - (1) Travel agents must hang the travel agent plaque issued by TURSAB with impressed stamp which contains travel agent's title, operating license number and its registry with TURSAB as a member, at parent office and branches, at a visible place, for the purpose of avoiding activities by unlicensed agents, ensuring the information of tourists and providing ease of audit.

Obligation to Provide Required Information and Documents / Certificates

ARTICLE 39 - (1) It is mandatory that the information and documents / certificates relating to the matters referred to under this Regulation be made available to auditors when so requested.

Documents / Certificates that must be available during Tours and Package Tours

ARTICLE 40 - (1) A travel agent must have the following documents during a tour and package tour.

- a) TURSAB-certified copy of the travel agent operating license,
- b) The list of customers in the tour or package tour,
- c) TURSAB vehicle license,
- ç) Copy of the agreement if the vehicle is rented by the travel agent,
- d) Tour or package tour program which also specifies the point of start,
- e) Copy of the compulsory insurance policy certificate

for package tour. Documents that must be kept at

Transfer Vehicles

ARTICLE 41 - (1) During a transfer activity by the transfer agent, the transfer personnel must hold the following documents / certificates.

- a) TURSAB-certified copy of the travel agent operating license,
- b) The list of passengers being transferred,
- c) TURSAB vehicle license,
- ç) Identity card of the transfer personnel,
- d) Copy of the agreement if the vehicle is rented by the travel agent.

Qualifications of Transfer Personnel

ARTICLE 42 - (1) During a transfer activity, the transfer agent must make available such personnel who meet the following qualifications.

- a) To be over 18,

- b) To be a graduate of at least primary or secondary school,
- c) To hold the transfer personnel identity card issued and given by TURSAB. Qualifications for Tourist Transport Vehicles

ARTICLE 43 (1) While the travel agent carries on its business activities, the passenger transport vehicles to be used for transfers, tours and package tours, the following qualifications shall also be sought in addition to the ones prescribed in the applicable legislation:

- a) Air conditioner, heating and cooling equipment,
- b) Audio system,
- c) Clean and orderly decoration.
- d) Compulsory Insurance

ARTICLE 44 - (1) Travel agents shall be obliged to take out a compulsory insurance policy during package tours and, prior to the start of package tour, to provide the customer with a copy of the package tour compulsory insurance policy and the package tour agreement which also contains the compulsory conditions referred to under the Consumer Protection Act 4077, dated 23/2/1995 and Article 5 of the Regulation on the Principles and Procedures of Package Tour Implementation Agreements as published in the Official Gazette no. 25137, dated 13/6/2003.

(2) The copy of the agreement and certificates retained by the travel agent must include a signed declaration that a copy thereof has been provided to the customer. If the customer purchased the package tour for others, the agent shall be obliged to provide the documents referred to under paragraph one. Written and Visual Materials for Promotional Purposes

ARTICLE 45 - (1) The local representatives of Turkish Union of Chambers and Exchange Commodities and Union of Chamber of Merchants and Craftsmen shall submit to the Provincial Directorate of Culture and Tourism the written or visual material they will prepare for promotional purposes to submit the same to travel agents which organize tours or package tours, each year until the end of November.

(2) In provinces, the visual materials prepared by a commission chaired by the Governor, consisting of one representative of Provincial Directorate of Culture and Tourism, TURSAB and relevant professional organizations shall be evaluated until the end of January of each calendar year. Commissions shall convene, and take its decisions by simple majority. In case of equality of the votes, the resolution shall be adopted by the casting vote of the chairman. The materials deemed appropriate by the commission shall be distributed to tourists by travel agents.

(3) The costs to arise with respect to the preparation, distribution, presentation of written or visual materials, any and all costs shall be covered by the relevant professional organizations wishing to distribute the material. PART NINE

Information Officer Exams

Launching Exams

ARTICLE 46 (1) The exams for information officer certificate of achievement and information officer certificate of foreign language shall be organized and conducted by TURSAB.

Notices

ARTICLE 47- (1) The date, place and principles of the exam shall be announced on one of three newspapers with highest circulation in Turkey, at least thirty days prior to the date of exam. Course

ARTICLE 48 - (1) For candidates wishing to take the exam, a course shall be organized by TURSAB during which basic tourism and travel agency information shall be taught in the city, where the exam will be conducted.

Combined Conduct of Exams for Information Officer Certificate of Achievement and Certificate of Foreign Language

ARTICLE 49- (1) The candidates failing in the information officer exam may not take the exam for information officer certificate of foreign language.

Conduct of Exams

ARTICLE 50 (1) Exam committee shall be composed by TURSAB.

(2) Exam supervisors shall be appointed by TURSAB.

(3) A separate committee may be created for foreign language exam. Type of Exam

ARTICLE 51- (1) Information officer and information officer foreign language exams shall be conducted in written form on subjects stated in the notice, and the information officer foreign language exam shall be conducted in written and oral form. Evaluation of Exam Results

ARTICLE 52 - (1) Information officer and information officer foreign language exams shall be evaluated separately. Scoring System

ARTICLE 53- (1) The exam evaluation shall be performed out of 100 points. The level of achievement for information officer exam is at least 70 points.

(2) The information officer foreign language exam shall be evaluated out of 25 points for translation from Turkish, 25 points for translation into Turkish and 50 points for oral exam. The candidate must achieve at least 70 points in this exam. Certificate of Achievement

ARTICLE 54 - (1) The successful candidates shall be granted an information officer certificate of achievement and information officer certificate of foreign language which bears TURSAB's certification, for the exam they succeeded.

PART TEN

Miscellaneous and Final Provisions

Audit of Activities

ARTICLE 55- (1) The authorities of the Ministry and TURSAB shall audit whether the qualifications sought for the business place of the travel agent are maintained and whether activities are in compliance with the legislation and relevant professional principles.

Repealed Regulation

ARTICLE 56- (1) The Regulation on Travel Agents as published in the Official Gazette no. 22747, dated 4/9/191996 was abolished. Transfer of License

PROVISIONAL ARTICLE 1 - (1) Applications to transfer the operating license of travel agencies owned by real persons to legal entities shall be evaluated, for once only, if the application is lodged until 13/1/2009. Change of Guarantee

PROVISIONAL ARTICLE 2- (1) The travel agencies established prior to 13/1/2007, being the date of effect of Law of Intellectual Property Rights no. 5571, dated 28/12/2006, Travel Agents and Association of Travel Agents Act, the Law for the Encouragement of Tourism and the Law on Amending Certain Acts, shall be obliged to provide the Ministry with the guarantee mentioned in the point (e) of the Article 10 of the Act within two years as of the date of effect of this Act, in accordance with the principles prescribed in the applicable articles of the Regulation. When the said guarantee is provided, the existing guarantee retained at the Ministry shall be returned. Change of License

PROVISIONAL ARTICLE 3-(1) The travel agents holding a temporary operating license for travel agents under Category A on 13/1/2007, being the date of effect of the Act no. 5571 shall be deemed to have passed to the operating license for travel agents under Category A. By the completion of the guarantee for establishment pursuant to provisional article 2, the licenses shall be renewed.

Satisfaction of the Qualifications Sought for Business Places

PROVISIONAL ARTICLE 4-(1) The travel agents certified at the date of publication of the Regulation shall satisfy the qualifications as referred under point (ç) of the first paragraph of the Article 17 within six days as of the date of effect of the Regulation. Governing Legislation

PROVISIONAL ARTICLE 5 (1) Any kind of applications made prior to the date of effect of this Regulation shall be governed by, and subject to, the provisions of legislation in effect at the date of application.

Effect

ARTICLE 57 6 (1) This Regulation shall take effect on the date of publication. Execution

ARTICLE 58 6 (1) This Regulation shall be executed by the Minister of Culture and Tourism. ANNEX -1

LETTER OF UNDERTAKING REGARDING THE TITLE OF THE AGENCY

We hereby agree and undertake that, if the title of the travel agency is discovered by the Ministry to have the same title with any title of an existing travel agency or a facility holding a tourism operating license, which title has previously registered at any registry office, or to have the nature to lead to confusion with any one of such titles, we shall, unconditionally, change the travel agency title with another title also acceptable to the Ministry and if we fail to take necessary actions within thirty days as of the announcement of the same by the Ministry, we understand that our failure to comply with the said obligation shall mean misleading actions.

Signature - Name of the person authorized
to Represent - Stamp

Annex-2 (Amended - O.G.: 19.3.2010 -
27526 / article 20)

DECLARATION OF TURKISH IDENTITY NUMBER AND CRIMINAL RECORD

a) For Turkish Subjects:

Turkish Identity Number :
Name and Surname :
Mother's Name :
Father's Name: :
Place of Birth :
Date of Birth (Day/Month/Year):
Place of Registry:
(Province, County, Street-Village)

I hereby declare and undertake that I meet the qualifications referred to under Article 8 of the Travel Agents and Association of Travel Agents Act 1618, and that I shall provide information in case any such qualifications change.

Date - Signature - Name

b) For Foreign Subjects:

Name and Surname :

Place of Birth :

Date of Birth (Day/Month/Year):

I hereby declare and undertake that I meet the qualifications referred to under Article 8 of the Travel Agents and Association of Travel Agents Act 1618, and that I shall provide information in case any such qualifications change.

Date - Signature - Name