

TURKISH CIVIL AVIATION ACT
Act No: 2920

Date enacted:14.10.1983

PART ONE

Purpose, Scope and Definitions

Purpose

ARTICLE 1 - The purpose of this Act is to regulate in line with our national interests and international relations, the activities in the steadily and rapidly developing field of civil aviation where advanced technology, speed and safety are factors of high importance.

Scope

ARTICLE 2 - This Act is applicable to civil aviation operations of public agencies and organisations and natural persons and private law corporate bodies. Unless expressly stated, State aircraft are not covered hereunder.

Definitions

ARTICLE 3 - The meanings of terms used in this Act are defined below:

- a) Turkish Airspace - The airspace above land and territorial waters under the sovereignty of the Republic Of Turkey.
- b) Aircraft - Every type of device capable of deriving support and cruising in the air.
- c) State Aircraft - Aircraft used by the government in military, security and customs services.
- d) Turkish Civil Aircraft - Aircraft other than those defined as state aircraft and owned either by the Turkish State, public corporate bodies or private Turkish citizens.
- e) Aerodrome - Places on land and water, specially prepared for the landing and take-off of aircraft with facilities for the maintenance and for meeting other needs of aircraft, embarking and disembarking of passengers, loading and unloading of freight.
- f) Ferry Flights - Flights without passenger or cargo; flights made before registration to bring aircraft into the country when purchased or leased, and flights with partially failing engine not affecting its airworthiness.

PART TWO

General Provisions On Air Traffic

CHAPTER ONE

Provisions On Turkish Air Sovereignty

Turkish Air Sovereignty

ARTICLE 4 - The Republic Of Turkey has a full and exclusive right of sovereignty over the Turkish airspace.

Use of Turkish Airspace

ARTICLE 5 - Turkish airspace shall be used by aircraft as provided by this Act and other related legislation.

Aircraft to operate in Turkish airspace

ARTICLE 6 - Aircraft listed below may fly in the Turkish airspace, if provided that they are airworthy:

- a) Turkish state aircraft
- b) Turkish civil aircraft registered with the Turkish aircraft register
- c) Aircraft authorised to fly in Turkish airspace pursuant to agreements signed by Turkey.

Every type aircraft not listed above is subject to the authorisation of Ministry of Transport and Communications to fly in Turkish airspace. Prior to issuing an authorisation, the Ministry of Transport and Communications must obtain the opinions of the General Staff and the Ministry of Foreign Affairs.

Flight prohibitions and restrictions

ARTICLE 7 - The Council of Ministers, based on favourable opinion of the general staff, may for reasons of public order and security or for military purposes, as a temporary or lasting measure, prohibit or restrict flights in the whole or certain part of the Turkish airspace or over certain regions thereof. Other restrictions aimed at ensuring flight safety to be jointly determined by the General Staff and the Ministry of Transport and Communications may be enforced by Ministry of Transport and Communications, irrespective of this provision.

Restrictions on air routes and aerodromes

ARTICLE 8 - The Ministry of Transport and Communications in co-ordination with the

General Staff shall determine the air routes to be followed and aerodromes to be used by aircraft entitled to fly in Turkish airspace and by other aircraft.

Use of aerodromes having customs offices

ARTICLE 9 - Aircraft going to or coming from foreign countries must take off and land only at airports having customs offices.

In exceptional cases, permission may be granted to use an aerodrome that does not have a customs office based on a decision to be jointly taken by the Ministries of Communications, Customs and Monopolies and Interior.

If, for emergency reasons landing was made at other than designated aerodromes with customs offices, the pilot-in- command shall immediately report the case to the aerodrome manager, if any, or if no aerodrome manager is available to the nearest civil administrator or police chief, and keep the aircraft together with the passengers and cargo under security until authorised officials have taken over the situation.

CHAPTER TWO

Civil Aircraft accidents

Reporting aircraft accidents

ARTICLE 10 - All kinds of civil aircraft accidents shall be reported through the most expedient means to the Ministry of Transport and Communications by the pilot-in-command, or when this is not possible, by a crew member, the operator and local officials.

Preliminary measures

ARTICLE 11 - Activities that will interrupt the safe progress of the research and investigation, other than the necessary rescue and relief operations and the measures for the protection of life and property, shall not be carried out and preservation of evidential material shall be ensured.

The local civil authorities shall take the necessary measures in this respect.

Investigation of causes to accident

ARTICLE 12 - Each civil aircraft accident is technically inspected and investigated in detail to ascertain accident causes and the way it occurred for the purpose of preventing its recurrence and assuring security of life and property in civil aviation.

Board of investigation

ARTICLE 13 - The Ministry of Transport and Communications shall assign a board, to be composed of experts who have a recognised competence in civil aviation matters, to conduct the investigation of the accident. This board shall, for the purposes specified in the above article, carry out all investigations and examinations, collect evidence and when necessary co-operate with or ask the assistance of the security forces and judicial authorities. In cases required by the specific circumstances of the accident, the investigation board may avail itself of the services of experts.

The composition of the investigation board, the conduct of the investigation, the powers and responsibilities, the rescue and relief operations in aircraft accidents shall be prescribed in a regulation of the Ministry of Transport and Communications. The regulation in question shall pay due regard to international conventions to which Turkey is a party.

Investigation report

ARTICLE 14 - The board of Investigation shall present to the Ministry of Transport and Communications in a detailed and well substantiated report the findings made and conclusions arrived at during the investigation, recommending corrective actions aimed at preventing the recurrence of similar accidents. Members of the Board, partly or entirely disagreeing with the contents of the report may present their personal views in a supplemental report.

The Ministry of Transport and Communications shall forward one copy of the report to concerned parties and announce the approval of report to the third parties in the Official Gazette. The announcement in the Official Gazette will indicate where and how the report is available for perusal.

Application by analogy

ARTICLE 15 - Even in cases where accidents do not result with death or injury, the Ministry of Transport and Communications is authorised to take actions by analogy, within the principles laid down in this chapter, with respect to incidents deemed significant for the sustenance of life and property safety in civil aviation.

The wreckage

ARTICLE 16 - In case the accident has resulted with the wrecking of the aircraft, the owner can, within 90 days, pick up the wreckage after having paid for the costs of protection.

Missing aircraft

ARTICLE 17 - The court may rule an aircraft missing after 90 days the last message was received from it. The court of jurisdiction is the court at the place the aircraft has been registered. The court that has ruled an aircraft missing will, on its own initiative, advise the Ministry of Transport and Communications of the situation. The provisions of the Civil Code and Article 25 of the International Civil Aviation Convention ratified by Law No. 4749, dated 5 June 1945 are reserved for the persons aboard the aircraft.

CHAPTER THREE

Commercial Airline Operations

Authorisation

ARTICLE 18 - As a preliminary condition to transport passengers or cargo or passengers and cargo against compensation for commercial purposes or to engage in other commercial activities natural persons and corporate bodies must obtain the Ministry of Transport and Communications authorisation.

Authorisation may be subject to certain conditions and time limit. Authorisation will not be issued in cases where the national security or public order may be jeopardised or natural persons or charter members of corporate bodies and their authorised officials have been convicted of disgraceful acts like embezzlement, graft, corruption, bribery, theft, swindling, forgery, abuse of confidence, fraudulent bankruptcy, smuggling offenses other than for personal use and consumption, acts of duplicity in public bids, purchases and sales, disclosure of state secrets, offenses against the state listed in Turkish Penal Code, Volume 2, Chapter 1 or openly inciting others to perpetrate such offenses or offenses against transportation and communication means specified in Article 384 of the Turkish Penal Code.

Operator's Certificate

ARTICLE 19 - Natural persons or corporate bodies to engage in air transportation of passengers or cargo or passengers and cargo for commercial purposes for compensation must obtain from the Ministry of Transport and Communications an operator's certificate in addition to the authorisation required under Article 18.

Application and accompanying documents

ARTICLE 20 - Conditions required for application and documents to be attached therewith by applicants - natural persons and corporate bodies - for the issuance of authorisation and operator's certificate by the Ministry of Transport and Communications to carry for commercial purposes passengers or cargo or passengers and cargo in aircraft for compensation or hire shall be prescribed in regulations to be prepared by said Ministry.

Review

ARTICLE 21 - The application shall be reviewed by the Ministry of Transport and Communications for adequacy and in consideration of national interests. During this review an appraisal shall be made of the operation to be established with regard to the national economy, national security, national transportation policy and principles of planned development. For this purpose the Ministry of Transport and Communications may consult the concerned Ministries and the State Planning Organisation.

Issuance of Operator's Certificate

ARTICLE 22 - Natural persons and corporate bodies who have obtained the authorisations required under Article 18 above, shall apply to the Ministry of Transport and Communications for an operator's certificate, stating that they have implemented the projects attached to their application for said authorisation.

The Ministry of Transport and Communications having ascertained, after necessary reviews and inspections, that the projects were implemented, shall issue the certificate. The operator's certificate is not transferable. The certificate shall in particular mention the trade name of the certificate holder, the type of transportation, regions or routes to be served and the restrictions specified in the authorisation document.

Displaying the Certificate

ARTICLE 23 - The holder of an operator's certificate must display copies of the certificate at conspicuous places in his establishment, to be easily noted and read by customers and concerned businessmen.

Compliance with the Certificate

ARTICLE 24 - The certificate holder must carry out the operations of his enterprise in strict compliance with the terms and conditions set out in the certificate. The obligation to carry and conduct air services is determined according to the conditions stipulated in the authorisation document.

Tariffs and rates

ARTICLE 25 - The certificate holder cannot put flight tariffs and fare rates into effect unless approved by the Ministry of Transport and Communications and made known to the public at least 15 days in advance, except if foreign exchange operations are involved.

Carriage of mail

ARTICLE 26 - Operators holding certificates for scheduled air transportation service are obligated, when requested, to carry in each scheduled flight mail for compensation.

Rates to be charged, shall be fixed according to the rules prescribed by Law 5584 on Postal Services and by the conventions of the World Post Union.

Inspections

ARTICLE 27 - To ensure air traffic safety, all public agencies and organisations and natural persons and private law corporate bodies operating Turkish civil aircraft are subject to technical inspections to be made or have made by the Ministry of Transport and Communications.

Principles of the inspection to be performed, selection of inspectors and their powers and responsibilities shall be laid down in regulations to be drawn up by the Ministry of Transport and Communications.

Presenting information and documents

ARTICLE 28 - Certificate holders are obligated to furnish all technical and economic information required for the inspection.

Notification and approval of changes

ARTICLE 29 - Following issuance of authorisation, the operator must have all changes to be effected on general conditions, schedules and tariffs relating to transportation approved by the Ministry of Transport and Communications.

Revocation of Certificate

ARTICLE 30 - Should the certificate holder act in contravention to the provisions in this chapter and fail to take corrective action within the period to be specified in the

Ministry of Transport and Communications ' notification sent to him for the remedy of the discrepancies, the certificate may, at the expiry of such period, be suspended or immediately revoked for some or all of the lines served.

Right of air cabotage

ARTICLE 31 - Transportation of passengers, mail and freight by air for commercial purposes between two points within the boundaries of the Republic of Turkey can be effected with Turkish registered aircraft.

Demonstrations

ARTICLE 32 - Organising of contests and demonstrations to be participated by state aircraft and parachutists other than civil and military aircraft is subject to the authorisation of the Ministry of Transport and Communications.

Authority for organising contests and demonstrations to be participated by military aircraft and paratroopers is vested with the Chief of General Staff. However, the Ministry of Transport and Communications shall be informed of the event for purposes of ensuring flight safety.

Foreign airline operators

ARTICLE 33 - Provisions applicable to foreign operators who are to run airline services between foreign countries and Turkey shall be determined by the Ministry of Transport and Communications based on bilateral and multilateral agreements to which Turkey is a party and the principle of reciprocity.

CHAPTER FOUR

Aerodromes and Facilities

Establishment and operation

ARTICLE 34 - Aerodromes are established and operated by the government and public corporate bodies. The Ministry of Transport and Communications shall as a result of co-ordination with the General Staff determine the needs and standards for civil-purpose aerodromes, runways, hangars, service and operation installations and the re-construction and development of related systems and facilities. Relevant expropriations, studies, projects, stake-outs repairs and constructions works are carried out by the Ministry of Transport and Communications and Public Works shall carry out the activities in close co-ordination and co-operation.

The construction and operations of aerodromes and landing strips by natural persons and corporate bodies is subject to the authorization of the Ministry of Transport and

Communications upon concurrence of the General Staff.

The authorisation may be limited with time and obligation requirements. Authorisation will not be issued in case where there are reasons to believe that the national security, public order and public health may be endangered; in case of unauthorised use the authorisation will be revoked. If necessary, aerodrome and landing strip may be expropriated.

Provisions of International Civil Aviation Convention ratified by Act 4749, dated 5.6.1945 are reserved.

Aerodromes open to international air traffic

ARTICLE 35 - Aerodromes having adequate technical properties and facilities for affecting effecting customs clearance, passport control, health examinations and the like operations may be opened to international air traffic.

Restrictive measures

ARTICLE 36 - Restrictions may always be imposed on the use of an aerodrome open to international air traffic or the aerodrome be temporarily closed if the air traffic at the aerodrome or the airspace above it so warrant or for reasons of public order. The decisions taken will be made known to the concerned in a manner and way deemed appropriate by the Ministry of Transport and Communications

Where there are more than one aerodrome in an area, the Ministry of Transport and Communications could for reasons of public interest arrange their use and allocate each one to certain types of aircraft or to a specific part of air or commercial operations.

Rates

ARTICLE 37 - The rates to be charged for the use of aerodromes and their facilities and for compensating services provided shall be fixed in tariffs to be prepared. Prepared tariffs shall take effect after approval by the Ministry of Transport and Communications.

Provisions of International Civil Aviation Convention ratified by Act 4749, dated 5.6.1945 are reserved.

Aerodrome Manager

ARTICLE 38 - A manager shall be appointed to each civil aerodrome to ensure services are carried out in an orderly manner.

Provisions of Act 2677, dated 10.6.1982 on the performance of duties and services at Civil Aerodromes, seaports and border gates are reserved.

Use of Military Aerodromes

ARTICLE 39 - Use of aerodromes belonging to the Turkish Armed Forces by civil aircraft will be arranged for in protocols to be signed between the General Staff and the Ministry of Transport and Communications, while use of civil aerodromes by state aircraft will be arranged in protocols signed between the Ministries owning the aircraft and the Ministry of Transport and Communications. Use of military aerodromes by foreign air carriers depends on General Staff's approval following co-ordination of the matter among the concerned Armed Force Command and the Ministries of Foreign Affairs, Interior, Customs and Monopoly.

Security Measures

ARTICLE 40 - The Ministry of Transport and Communications takes and inspects measures at public and private aerodromes necessary to ensure security of life and property, to maintain passenger and goods traffic in safety and to protect against fire and other dangers.

The Ministries of Interior, Customs and Monopoly, Health and Social Assistance shall extend necessary support and co-operation to the Ministry of Transport and Communications in carrying out this duty.

Provisions of Act 2677, dated 10.6.1982 on the performance of duties and services at civil aerodromes, seaports and border gates are reserved.

Flight Safety

ARTICLE 41 - To ensure flight safety the Ministry of Transport and Communications shall establish and implement the planning, programming and principles of services like traffic control, communications, navigational installations and facilities, meteorological services, illumination, removal of obstacles etc. It will provide relevant installations and systems in consonance with modern technology through subordinate or concerned organisations.

Rescue and relief

ARTICLE 42 - To ensure flight safety and protection of life and property the Ministry of Transport and Communications shall set up a rescue and relief organisation consisting of skilled personnel and will have them supplied with equipment and material in adequate number and quality.

The endangered crew of an aircraft which suffered an accident, local security forces and other authorities are obligated to assist the rescue and relief team in

accomplishing its mission.

A regulation shall lay down the principles of setting up the rescue and relief organisation, its duties, responsibilities and functioning.

Services

ARTICLE 43 - The Ministry of Transport and Communications shall take necessary measures at the aerodromes and other places deemed necessary to collect in an accurate and precise manner and to disseminate to the concerned parties meteorological, air traffic and flight data regarding Turkish airspace and airspace under the responsibility of Turkey in an effort to ensure the performance of civil aviation operations in a safe, regular and speedy manner.

The mode and conditions under which the service is to be carried out and be available, shall be prescribed in a regulation.

Ground services

ARTICLE 44 - The Ministry of Transport and Communications is authorised to take or have necessary measures with the aim of carrying out passengers' and cargo traffic and all kinds of services at the aerodromes in conformance with modern civil aviation principles and national interests.

Flight and Communication Services

ARTICLE 45 - In order to ensure safe, rapid and regular civil aviation operations at the aerodromes, the Ministry of Transport and Communications is under the obligation to directly build or have all kinds of traffic, communication and signalling systems and installations conforming to modern technology built through its subordinate or related organisations.

Taking Necessary Measures in the Turkish airspace

ARTICLE 46 - In compliance with the provisions of international agreements to which Turkey is a signatory party, the Ministry of Transport and Communications shall take and implement such measures conforming to modern technology as are required to conduct safe, rapid and regular air traffic operations, ensure communications and flow of information, and provide meteorological service in the Turkish airspace.

Restriction on Structures

ARTICLE 47 - Unless authorisation has been obtained to build within an area to be designated and principles to be determined by the Ministry of Transport and

Communications it is prohibited to erect buildings, structures and installations or plant trees in the

environments of aerodromes and related facilities and equipment, of a height and nature that will obstruct traffic, flight safety and communication and endanger navigation and aerodrome security.

The Ministry of Transport and Communications can order installations such as structures, buildings, poles, trees that may imperil flight safety around aerodromes and flight safety facilities, removed.

The Ministry of Transport and Communications is authorised to ask that signs to be visible to the plain eye or marker beacons to be placed on certain obstacles and locations in order to be seen by air navigators. Addressees of such requests are obliged to comply.

The Ministry of Transport and Communications based on opinions received from concerned agencies shall draw up and issue for the aerodromes plans and rules covering aforesaid subjects.

Matters specified in above paragraphs are subject to the restrictive and penal provisions of Act 6785 on Development and Construction and Act 1605 amending such Act. Cases not covered by the penal provisions of said laws shall be subject to the penal provisions of this Act.

ARTICLE 48 - Restrictions imposed under Article 47 cannot be less than the standards and recommendations set forth in the annexes to the International Convention on Civil Aviation, as certified by Act 4749, dated 5.6.1945.

CHAPTER FIVE

Maintaining Aircraft Registers

Turkish Civil Aircraft

ARTICLE 49 - A civil aircraft is considered to be a Turkish civil aircraft under the following conditions:

- a) Aircraft owned by public agencies such as occupational organisations, associations, political parties, trade unions or foundations, all established pursuant to Turkish Laws, whose executive positions are held by a majority of Turkish nationals.
- b) Aircraft owned by trade companies, co-operative societies and their unions registered in the Turkish Trade Register, with a majority of Turkish nationals holding executive and representational powers and the voting majority of which according to the articles of association consists of Turkish stockholders or

partners.

Maintaining aircraft register

ARTICLE 50 - A register shall be maintained at the Ministry of Transport and Communications for the registration of Turkish civil aircraft. This register shall be called " aircraft register".

Provisions of Article 917, Civil Code, are applicable by way of analogy to civil aircraft registers.

Openness of the register

ARTICLE 51 - The aircraft register is open to the public. Persons who have proved that documents pertaining to the register regarding completion of a registration is related with their request are authorised to examine the yet un-finalised registration operations and register files and to take copies of said documents provided they have paid for their costs.

Validity of register records

ARTICLE 52 - The acquisition of title, mortgage or other real right by a person who, based on the record in the aircraft register acted in good faith shall be legally valid.

The provision of the preceding paragraph shall also be applicable to cases where an obligation arising by reason of a right registered in favour of a person in the aircraft register has been fulfilled or such a beneficiary performs acts of disposal with third persons on such registered right.

In cases where registration has been stipulated as a condition for the acquisition of the right, the date of request for registration shall be taken as basis for the good faith.

Objection to register records

ARTICLE 53 - Objections to the effect that register records do not reflect the actual legal status could be annotated to the record in the register.

Such objections will be annotated based on a court decision for provisional distraint or with the consent of the person whose right is likely to be affected in consequence of changing the register record. At court's ruling for a provisional distraint no evidence proving the strong likelihood of jeopardising the right shall be sought.

Registration of Turkish Civil Aircraft

ARTICLE 54 - A civil aircraft entered into the Turkish civil aircraft register must be

deleted from the records of its previous register.

Temporary registration

ARTICLE 55 - An aircraft brought into the country in accordance with relevant regulations shall be temporarily registered, if it is to be operated for at least six months by the government of Turkey or public incorporated bodies or Turkish nationals or incorporated bodies meeting the conditions set forth in Article 49 herein above.

Application for registration

ARTICLE 56 - To have the civil aircraft registered the owner must comply with the terms and conditions stipulated in this Act and file an application with the Ministry of Transport and Communications.

Registration shall not be effected until legal status has been finalised in case of an objection substantiated with documents to the applicant's right of ownership or to the effect that requirements for registration have not been met. However, acknowledgement of the application and the objection against it shall be established with a protocol which shall be kept in the registration department.

A certificate of registration shall be issued to the registered civil aircraft.

Contents of the register

ARTICLE 57 - The civil aircraft register and the certificate of registration shall contain the following information:

- a) The civil aircraft's:
 - (1) Manufacturer trade name and address
 - (2) Date of manufacture and serial number
 - (3) Type, model and trademark designated by the manufacturer
- b) Owner's:
 - (1) Name and surname, address, trade name if any trade register enrolled and record number, (if a natural person)
 - (2) Type of company, trade name, trade register enrolled and record number (if trade partnership)
 - (3) Name and headquarters, (for other corporate bodies)
- c) Mode of acquisition
- d) Registration marks assigned.

In case any of such records have changed, the concerned certificate holder shall apply to the register authorities and have the changes entered in the register and the certificate of registration.

General provisions on registration

ARTICLE 58 - A registered Turkish civil aircraft cannot, but bear national and

registration marks as designated by relevant regulation provisions and cannot be enrolled in the register of another state.

An aircraft enrolled in the Turkish aircraft register shall bear Turkish national and registration marks.

Exception

ARTICLE 59 - A Turkish civil aircraft registered on condition that its record is free of mortgage, lien and similar restrictive clauses and annotations pertaining to creditor's rights, could, following the concurrence of the General Staff and Ministry of Foreign Affairs, be authorised by the Ministry of Transport and Communications for operation by and solely in the names of foreign natural persons or corporate persons not meeting the requirements of Article 49 hereunder.

In such a case the aircraft's record with the Turkish aircraft register shall be deleted.

General requirements for registration

ARTICLE 60 - Following are the requirements for the registration of a civil aircraft:

- a) Pursuant to Article 49 the aircraft be deemed as a Turkish civil aircraft.
- b) Be not registered in another country and if ever registered, a document proving deletion of such registration must be presented.
- c) Have an airworthiness certificate issued by the Ministry of Transport and Communications.

Record deletion on Ministry's own initiative

ARTICLE 61 - The Ministry of Transport and Communications shall, in the following cases, delete on its own initiative records of civil aircraft with the Turkish aircraft register.

If a Turkish civil aircraft:

- a) Has lost the conditions required in Article 49 to be deemed a Turkish civil aircraft or its title of property transferred to somebody who does not meet such conditions.
- b) Is enrolled in the register of a foreign country or its record with the register of a foreign country has not been deleted despite its entry in the Turkish register.

This provision is equally applicable to aircraft whose term of operation, according to Article 55, has expired.

Deletion on request

ARTICLE 62 - In case a Turkish civil aircraft has actually or assumedly been destroyed or lost in full, its record with the register shall, at the request of its owner, be deleted and its certificate of registration revoked.

Deletion of the register record and protection of the right of mortgage

ARTICLE 63 - Before a Turkish civil aircraft's record with the register has been deleted the mortgagees recorded in the register shall be advised of the situation. Mortgagees whose address is unknown shall be advised through public media and in both cases they shall be allowed 30 days of time to file their objections. In case no objection has been filed or the objection has been found groundless by the court, the record shall be deleted.

Otherwise, the record shall be deleted after an annotation has been written down to the effect that the rights of mortgage creditors are reserved.

Bylaw on aircraft register

ARTICLE 64 - The classification of aircraft, the determination of the ones not subject to registration, the establishment and the way the aircraft register shall be maintained, the qualifications of the personnel, the way of substantiating and registering legal relationships, the rules pertaining to the correction, changing and deletion of records and the rules to be observed in the application of Article 55, shall be prescribed in a bylaw.

Legal status of aircraft

ARTICLE 65 - Unless otherwise provided by this Act, aircraft are subject to the provisions of the legislation on movable goods.

Establishment of right of property and other real rights

ARTICLE 66 - In order to establish, assign and transfer right of property and other real rights on the whole or a part of an aircraft it is required and sufficient to execute a written contract. Agreements on the transfer of ownership shall not be valid unless executed in writing.

Agreements and/or contracts shall not be binding upon third persons, unless entered in the aircraft register.

Acquisition of ownership of aircraft not subject to registration

ARTICLE 67 - In transferring full or partial ownership of an aircraft not subject to

registration, the contracting parties may agree to the transfer of title before delivery has taken place.

Accessories and complementary parts

ARTICLE 68 - Accessories and complementary parts of the aircraft are subject to the provisions of articles 619 and 621 of the civil code.

Mortgage on the aircraft

ARTICLE 69 - To secure the recovery of a loan granted, a right of mortgage may be established on the aircraft. The mortgage on the aircraft entitles the creditor to recover the amount lent from the cost of the aircraft. Mortgages can be established even to secure prospective credits or a conditional amount due.

Contractual mortgages

ARTICLE 70 - Mortgage on an aircraft can be established and entered in the register on the basis of an agreement reached between owner and creditors.

Agreements on establishment of mortgage rights must be in writing and signatures certified by a notary public.

Statutory mortgage

ARTICLE 71 - A manufacturer or repairer may request that a statutory mortgage be established on the aircraft for amounts due them from the manufacture and repair of the aircraft.

Articles 809, 810, and 811 of the civil code shall apply to the establishment of statutory mortgage.

Joint mortgage

ARTICLE 72 - In case when more than one aircraft have been mortgaged to cover an amount lent, each one of them shall be liable for the payment of the whole debt, unless liable amounts based on an agreement to the contrary have been specified in the register.

Mortgage on a foreign currency basis

ARTICLE 73 - For debts to be paid in foreign currency, a mortgage on a foreign currency basis may be established upon authorisation by the Ministry of Finance. Such authorisation must be entered in the register.

Contents of the mortgage record

ARTICLE 74 - The mortgage record of the civil aircraft shall contain the following information:

- a) Name, surname and address of the creditor
- b) Amount owed and interest rate;
- c) Maximum amount including interest secured by the mortgage, if amount due the creditor is not fixed or is changeable
- d) In case debenture bonds issued to order or bearer have been procured under the mortgage and mortgage is to be established for the whole debt, a representative in lieu of the creditor representing all debtors and creditors shall be registered; if it is to be established for the enterprise issuing the debenture bonds a right of pledge on the mortgage in favour of the bond holders shall also be registered.

Securing credits

ARTICLE 75 - Provisions of Articles 790/1 and 791 of the Civil Code are applicable to the credits to be secured by mortgaged civil aircraft.

Mortgage coverage

ARTICLE 76 - Articles 777 and 778 of the Civil Code are applicable to the mortgage coverage.

Insurance

ARTICLE 77 - In case an aircraft has been insured by its owner or by somebody else on his behalf, the mortgage shall also cover the insurance indemnity. The insurer cannot claim unawareness of the mortgaged status of a registered aircraft.

Insurance amount

ARTICLE 78 - Unless otherwise agreed to, in case of a loss of an aircraft or its damage in consequence of an accident or when the conditions stipulated in the insurance policy governing the insurance warranty have materialised, the mortgagee shall be entitled to an indemnity payable by the insurer in the amount

of the mortgage established on the insured aircraft. Before making any payment the insurer is obligated to request the determination of all registered mortgages.

Payments made without considering mortgagees' rights shall not release one from liability.

Insurer's right of succession

ARTICLE 79 - In proportion with the owed amount he has repaid, the insurer shall become legal successor to the rights of the creditor/mortgagee. However, succession cannot be claimed to the disadvantage of the creditor nor to the disadvantage of creditors/mortgagees of the same or next degree to whom the insurer's liability is still continuing.

Owner's right of rejection

ARTICLE 80 - The owner of the mortgaged aircraft may put forward against the creditor/mortgagee the debtor's rights of rejection and objection as well as preclude the creditor from recovering the amount due him from the aircraft as long as he can annul the legal transaction constituting the basis of his debt.

If the creditor has been recognised the chance to set off accounts with his debtor's receivable amount becoming due, the owner is entitled to the same right.

Owner's right shall not be affected by debtor's renunciation of a rejection or objection.

Right of payment

ARTICLE 81 - Should the amount owed become due with respect to the owner, or should the debtor be entitled to pay his debt, the owner may pay the debt.

The owner may settle the amount claimed by the creditor either by way of depositing it or through clearing.

Succession

ARTICLE 82 - If the owner is not at the same time a debtor, he can succeed the creditor in the proportion he paid the amount claimed. Succession cannot be claimed to the disadvantage of the creditor.

Foreclosure

ARTICLE 83 - Foreclosing action against the mortgaged property to recover the amount due the creditor can be initiated only through the court of execution (court bailiff).

In case of debtor's failure to pay his debt, any agreement authorising the creditor to the title of property of the aircraft shall be deemed null and void.

Assignment and release of mortgage

ARTICLE 84 - With the assignment of the credit amount secured under the mortgage, the new creditor also becomes the new mortgagee. The credit amount and the mortgage cannot be assigned separately. Assignment of the amount owed to the creditor shall be effected in writing and entered in the register.

The mortgage shall be released upon liquidation of the amount owed to the creditor, creditor's cession and assumption of ownership and mortgage by the same person.

Upon release of the mortgage its record with the register shall be deleted. In case the owner is in a position to put forward a defence that will render claim to the mortgage permanently impossible, he may ask the creditor to denounce the mortgage.

CHAPTER SIX

Aircraft Flight Rules

Inspection and checking of aircraft

ARTICLE 85 - Civil aircraft shall be inspected and checked for airworthiness before and after entered in the Turkish aircraft register under circumstances specified in a regulation to be drawn up by the Ministry of Transport and Communications.

Certificate of Airworthiness

ARTICLE 86 - Terms and conditions governing issuance, suspension or revocation of the certificate of airworthiness for Turkish civil aircraft and authorities and responsibilities therefor shall be prescribed by regulations to be prepared by the Ministry of Transport and Communications with provisions of international agreements to which Turkey is a party, reserved.

Exceptional cases

ARTICLE 87 - By authorisation of the Ministry of Transport and Communications civil aircraft may conduct test, check or ferry flights in Turkish airspace without a valid airworthiness certificate.

Application on comparative basis

ARTICLE 88 - Requirements for the validity of airworthiness certificates issued by the competent authorities of foreign states to Turkish civil aircraft and for issuance of airworthiness certificates to foreign civil aircraft in Turkey shall be determined by the Ministry of Transport and Communications within the principles set forth in preceding articles.

Aircraft documents

ARTICLE 89 - All aircraft operating in the Turkish airspace are required to carry the following documents issued in accordance with the current rules and regulations of the state they belong to, and to show them to competent authorities during their inspections:

- a) A certificate of registration evidencing their record with a central register.
- b) Nationality and registration marks
- c) Certificate of airworthiness
- d) Documents of the crew
- e) Certificate of radio installations
- f) Insurance policy
- g) Other certificates required by laws and regulations

Provisions of international agreements to which Turkey is a party, are reserved.

State aircraft

ARTICLE 90 - Foreign state aircraft to operate in Turkish airspace must comply with Turkish laws and related rules. Authority for prescribing rules relevant to operations of Turkish state aircraft in Turkish and international airspace is vested with the government of the Republic of Turkey. Provisions of Article 3 of the Chicago Convention are reserved.

Take off and landing

ARTICLE 91 - Civil aircraft cannot land and take-off in places other than aerodromes determined within the principles prescribed by this Act.

Measures to be resorted to for the protection of life and property and take-offs and landings based on prior authorization of the Ministry of Transport and Communications are not covered by above provision.

Air Routes

ARTICLE 92 - Civil aircraft are required to follow the air routes determined in accordance with the principles set forth in this Act and to comply strictly with the instructions of the air traffic control authorities.

In cases where instructions on the safety of life and property must be disregarded the pilot-in-command shall immediately report the situation to the competent air traffic control unit and act as instructed.

In emergencies the pilot-in-command may take measures deemed necessary by him, assuming responsibility therefor and reporting the situation to the competent air traffic control unit as soon as possible.

Prohibitions

ARTICLE 93 - The following is prohibited during flight:

- a) To bail out except in emergencies,
- b) To perform acrobatic flight or similar air demonstrations,
- c) To throw out things, pour out or empty containers overboard except in plant protection spraying or to pick up something from the ground except for fire-fighting aircraft.
- d) To shoot photographs of locations where picture taking is prohibited.
- e) To tow anything or carry anything contrary to the normal use of the aircraft.
- f) To conduct any activity of advertising or propaganda nature.
- g) To carry arms, ammunition, all kinds of war materials, explosives, flammables, destructive and abrasive materials, poisonous gases, nuclear fuel, all kinds of solid, liquid and gaseous substances determined to be dangerous to the safety of life and property.
- h) To conduct broadcasting and communications other than those required for the accomplishment of the service.

Authority to issue special or general authorisations for exceptions from above prohibitions is vested with the Ministry of Transport and Communications.

Before issuing such authorisation the Ministry of Transport and Communications shall, if necessary, consult the concerned Ministries and the General Staff.

Obligation to land

ARTICLE 94 - For reasons of life and property safety an aircraft is obligated to land in an aerodrome indicated in the instructions issued by the competent authorities.

In enforcing the preceding paragraph the Ministry of Transport and Communications shall if necessary co-operate with the General Staff, the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Customs and Monopolies.

CHAPTER SEVEN

Civil Aviation Personnel

Proficiency license

ARTICLE 95 - Pilots and personnel required to operate an aircraft must, in order to carry out operations, obtain proficiency licenses from the Ministry of Transport and Communications and have such licenses periodically renewed.

The Ministry of Transport and Communications shall prescribe in a regulation category determination for the personnel required to hold proficiency licenses and for other aviation personnel as well as the rules governing the issuance, validity, renewal, revocation and record keeping of the licenses.

Proficiency licenses issued by foreign states

ARTICLE 96 - Proficiency licenses appropriately issued by competent authorities of a foreign state, duly validated, shall under the international agreements to which Turkey is a party, be accepted as valid for the purpose of implementing this law.

The preceding paragraph shall not be applicable in cases where the state issuing or approving the proficiency license or the state of a license holder of foreign nationality have committed intentional acts against Turkish civil aircraft or proficiency licenses issued under this Act or their holders.

Conditions under which proficiency licenses issued by a foreign state to Turkish nationals shall be considered valid, are to be prescribed in a regulation.

Revocation and suspension of licenses

ARTICLE 97 - A license shall be revoked when the minimum qualifications required for its issuance have been lost.

When the qualifications required for the issuance of a license have undergone temporary changes, licenses shall be suspended until it has been determined that eligibility conditions have been restored.

Administrative measure

ARTICLE 98 - The Ministry of Transport and Communications is authorised to suspend the licenses of civil aviation personnel subjected to an investigation or prosecution by the legal authorities on charges that they have acted in violation of the rules on the maintenance of life and property safety prescribed by this Act and relevant bylaws and regulations until such investigation or prosecution has been concluded.

Relevant provisions of the penal code are reserved.

Training and instruction

ARTICLE 99 - Pursuant to Article 58 of National Education Basic Law 1739 high schools and their equivalents attached to the Ministry of Transport and Communications may be opened with the objective of training skilled manpower in the field of civil aviation and prepare students in this field for higher learning. Natural persons and corporate bodies may also open schools with the same objective according to the principles of Law 625 on Private Educational Establishments.

To train manpower in the field of civil aviation, schools of higher learning may be established according to the principles of Law 2574 on Higher Education.

Powers and responsibilities of the pilot in command in general

ARTICLE 100 - The pilot-in-command bears prime responsibility for operating the aircraft in a manner that ensures safety of life and property and is authorised to take necessary measures in emergencies.

Administrative powers and responsibilities of the pilot in command

ARTICLE 101 - The pilot-in-command is authorised to take measures ensuring security and order in the aircraft and for this purpose to give orders to the passengers, the personnel and to everyone else in the aircraft and, if necessary, to order them out of the aircraft.

The pilot-in-command shall establish with an official record births and deaths occurring in flight and report them to the local authorities at the first aerodrome of landing; in a foreign country he shall report them or have them reported to the Turkish Consulate and on returning home he shall submit a detailed report.

The pilot-in-command is responsible for the appropriate keeping and availability in the aircraft of all books, records and papers required by laws, bylaws and regulations to be kept and made available in the aircraft during flight.

Penal powers and responsibilities of the pilot-in-command

ARTICLE 102 - The pilot-in-command is obligated to gather and save all evidence pertinent to crimes committed in the aircraft and authorised in situations where safety of life and property is jeopardised and harm may result from the delay of investigation, to conduct the investigation until concerned officials take charge of the case and to search up the passengers, the personnel and everyone else on the spot, to search and temporarily seize their personal effects and luggage. The pilot-in-command may personally use these powers or have them used through other persons.

However, to ensure taking of legal action the pilot-in-command must as soon as possible take the case to the concerned authorities, or, if abroad, report it or have it reported to the Turkish Consulate and in both cases submit a detailed report.

Special provisions

ARTICLE 103 - Public agencies and organisations and natural persons and private corporate bodies may draw up instructions prescribing the powers, duties and responsibilities of the pilot-in-command, provided they do not contravene provisions of this Act. Compliance with such instructions, however, shall not absolve the pilot from responsibility in view of statute rules.

Passenger's obligations

ARTICLE 104 - The passengers must comply with the provisions of international agreements to which Turkey is a signatory party and this Act as well as with the instructions of the airport authority and the carrier and are obligated to refrain from all acts and behaviour that will affect the safety of life and property and disrupt the discipline and orderliness of the voyage.

Provisions of international conventions

ARTICLE 105 - Provisions of the 1963 Convention of Tokyo the 1970 Convention of the Hague and the 1971 Convention of Montreal to which Turkey is a party are reserved in the matters provided for in this chapter.

PART THREE

Transportation by Air

CHAPTER ONE

Domestic Lines Carriage Contracts Applicable provisions

ARTICLE 106 - Provisions applicable to domestic air transportation shall, unless provided for in this Act, be the provisions of international agreements to which Turkey is a signatory party and unless provided for in such agreements, the provisions of the Turkish Commercial Code.

Contract on passenger carrying - ticket

ARTICLE 107 - In contracts on passenger carrying, the carrier is obligated to issue to the passenger a ticket conforming to international standards which shall contain the following information:

- a) Carrier's name or trade name and address
- b) Passenger's full name
- c) Ticket's number, date and place of issue.
- d) Fare; if ticket issued free of charge, a note to this effect.
- e) Points of departure, destination and transfer, if any
- f) Remark that the transportation is subject to the provisions of this Act regarding limited liability.

Existence or validity of carriage contract shall not be affected by carrier's admission on board a passenger without a ticket or with a ticket not containing the above information, but carrier shall not enjoy the benefits under the provisions of this Act absolving or limiting his liability.

Luggage and personal effects

ARTICLE 108 - The carrier, according to the terms and conditions of the carriage contract, is obligated to carry the luggage and personal effects of the passenger free of charge.

Luggage label

ARTICLE 109 - For each piece of luggage delivered to the carrier, a luggage label containing the following information shall be issued to the passenger:

- a) Carrier's name or trade name and address

- b) Passenger's full name and date and number of passenger's ticket
- c) Date and number of luggage label
- d) Weight of luggage
- e) Delivery place
- f) Contents and value of luggage if specifically stated by passenger.
- g) A statement to the effect that the transportation is subject to the provisions of this Act regarding limited liability.

Existence or validity of carriage contract shall not be affected by carrier's admission on board a luggage without a label or with a label containing none of the above information, but carrier shall not enjoy the benefits under the provisions of this Act absolving or limiting his liability.

The luggage label shall be issued in duplicate one copy of which shall be attached to the luggage and the other retained by the passenger. It shall state that luggage will be delivered to bearer.

Provided, provisions of paragraphs one and two are reserved, the carrier may not write down that part of the information required on the passenger's label which already appears on the passenger's ticket or may only issue a luggage identification tag, in combination with the ticket.

Contract on freight transportation; Airway bill

ARTICLE 110 - When contracting for the carriage of goods, the carrier is required to issue to the forwarder an airway bill containing the following information;

- a) Airway bill's number, date and place of issue
- b) Carrier's name or trade name and address
- c) Forwarder's full name or trade name, if any, and address
- d) Consignee's full name or trade name, if any, and address
- e) Points of departure, destination and transshipment, if any
- f) Type, number, quantity and weight of cargo
- g) Value of cargo, if specifically stated
- h) Cost of transportation and payment conditions; in case of gratuitous transportation a note to this effect.
- i) If required, other necessary documents to be attached to the airway bill.
- j) A statement to the effect that the transportation is subject to the provisions of this Act regarding limited liability.

Existence or validity of carriage contract shall not be affected by carrier's admission on board a cargo without an airway bill or with an airway bill containing none of the above information, but carrier shall not enjoy the benefits under the provisions of this Act absolving or limiting his liability.

For more than one piece of cargo, the carrier is obligated, if so requested by the forwarder, to issue a separate airway bill for each individual piece.

Airway bill is issued in triplicate. The first copy is marked "For the Carrier" and signed by the forwarder. The second copy is marked "For the Consignee" and signed both by the carrier and the forwarder. The third copy signed by the carrier shall, following delivery of consignment, be furnished to the forwarder.

Forwarder's statement

ARTICLE 111 - The forwarder is responsible for all information and statements to be written down in the airway bill relating to the cargo and for the full and correct transmission of all information and documents required for delivering the shipment to the consignee.

The carrier is not obligated to investigate the correctness and adequacy of the information and documents furnished other than faults ascribed to carrier's personnel and representatives.

Evidential strength of the airway bill

ARTICLE 112 - The airway bill, unless proved to the contrary, shall constitute a conjecture to the existence of the carriage contract, its terms and conditions and to the delivery of the freight.

The information contained in the airway bill relating to the weight, dimensions, packaging and number of pieces of the cargo shall, unless proved to the contrary, be considered true; information relating to the quantity, volume and existing condition or obvious state of the cargo shall, provided it was inspected by the carrier in the presence of the forwarder and results of the inspection were written down on the airway bill, constitute an evidence against the carrier.

Forwarder's power of disposal

ARTICLE 113 - The forwarder, provided he has fulfilled all his obligations under the carrier's contract, shall have full right of disposal over the cargo until the consignee has, pursuant to the following article, started to use his right. Should the consignee abstain to accept the airway bill or the cargo or should required notifications fail to reach him, the forwarder shall regain the right of disposal.

In exercising this power the forwarder is obligated not to cause any harm to the carrier or other forwarders and is liable for any costs to be incurred thereunder.

When compliance with forwarder's instructions is not possible, the carrier is obligated to immediately advise the forwarder of the situation.

Should the carrier have fulfilled forwarder's instructions without asking for the return of the forwarder's copy of the airway bill, he shall be liable for any damage to be suffered by the holder of this copy of the airway bill, with right of recourse to the forwarder reserved.

Right of the consignee

ARTICLE 114 - In case the forwarder has not exercised his right he is entitled to, pursuant to preceding article, the consignee, provided he has complied with the terms and conditions of the contract upon arrival of the consignment is entitled to ask the carrier to deliver the cargo to him.

Unless otherwise decided, the carrier shall as soon as possible advise the consignee on the arrival of the shipment.

Should the carrier admit the cargo is missing or should the cargo not reach its point of destination seven days after the date it was due in, the consignee shall qualify for claiming his rights against the carrier he is entitled to under the carriage contract.

Use of rights

ARTICLE 115 - Either the forwarder or the consignee may independently claim on their own or somebody else's behalf the rights they are authorised under Articles 113 and 114, provided they have fulfilled their obligations required under the carriage contract.

Relationships between forwarder and consignee

ARTICLE 116 - Articles 113, 114 and 115 do not apply to reciprocal relationships of third parties to whom relationships between and rights of forwarder and consignee have been transferred.

Provisions of Articles 113, 114 and 115 may be deviated from only if open statements have been included in the airway bill.

Free transportation

ARTICLE 117 - Rules governing free transportation of passengers and cargo for duty or other special purposes in Turkish registered aircraft, other than the free transportation of passengers and cargo subject to rules set by the authorised body of the carrier, shall be prescribed in regulations of the Ministry of Transport and Communications.

CHAPTER TWO

Contracts on the use of aircraft

Leasing and chartering contracts

ARTICLE 118 - Relevant provisions of the Code of Obligations shall apply to dry leasing while wet leasing, leasing the whole or a part of an aircraft or charter contracts shall be subject to the relevant provisions of the Turkish Commercial Code.

Provisions of international agreements are reserved.

Written form

ARTICLE 119 - Leasing and chartering contracts shall not be valid unless executed in writing. In order to claim rights on the lease against third parties, the lease must be annotated in the aircraft register.

PART FOUR

Responsibilities Under the Carriage Contract

CHAPTER ONE

Cases of Responsibility

Liability for injuries of the passenger

ARTICLE 120 - The carrier shall be responsible for any corporal injury suffered by or, the death of a passenger which was caused by an accident occurring in the aircraft or while embarking or disembarking the aircraft.

Damage to the luggage or cargo

ARTICLE 121 - The carrier shall be liable for the loss or damage of a registered luggage or cargo caused by an incident which has occurred during transportation by air.

The term transportation by air, in the sense used in the preceding paragraph comprises the period the luggage or cargo remained under the care and custody of the carrier, whether on board an aircraft or in an aerodrome or in case of a landing outside an aerodrome on such landing ground. Cargo is subject to the provisions of Article 781 of the Turkish Commercial Code.

The period of transportation by air does not extend to any carriage by land, sea or

inland waters effected outside an aerodrome. If such carriages were made for the purpose of loading, delivering or transshipping required to fulfil the air

transportation contract obligations, all damages caused, shall unless proved to the contrary, be deemed to have taken place during the period of transportation by air.

Damages caused by delay

ARTICLE 122 - The carrier is liable for damages owing to delay in the transportation of passengers, luggage or cargo by air.

Carrier's redemption from liability

ARTICLE 123 - Carrier shall not be liable for damages in case he has proved that he and his employees have taken all measures to prevent the damage (or loss) or taking of such measures was not feasible.

Limiting liability

ARTICLE 124 - Limiting carrier's liability is subject to the provisions of the Convention for the Unification of Certain Rules Relating to International Transportation by Air, signed on 12 October 1929 in Warsaw and conventions and protocols amending such Convention to which Turkey is a party.

The carrier is authorised to make agreements raising the limits foreseen in convention and protocols referred to in preceding paragraph and to join agreements of such nature.

In case of change in the value of the currency, authority for adjusting liability limits mentioned in paragraph one of this article is vested with the Council of Ministers.

Nullity of the Contract Clause

ARTICLE 125 - All clauses which tend to exonerate the carrier of full or partial liability liable or to fix limits lower than those established in the convention and amending protocols referred to in Article 124 shall be null and void. However, nullity of such clauses shall not entail nullity of the carriage contract.

The preceding paragraph is not applicable to provisions governing compensations for losses and damages occurring from the quality, defect or concealed flaw of the freight.

Unlimited liability

ARTICLE 126 - Liability limits set out in this Act shall not apply to cases in which it was proved that damage has been intentionally caused by the carrier or his agents or by their careless or neglectful acts, knowing that such acts would eventually result in damages. However, provisions of Art. 55 of

the Code of Obligations applicable to claims for damages caused by aides of the carrier such as workers or representatives involving unlimited liability, shall be reserved.

Carrier's agent

ARTICLE 127 - In case of a court action lodged against any of carrier's agents for damages covered under this Act, should the employee prove he has acted within the limits of his duty he shall be entitled to the benefits granted to the carrier under this Act.

The total amount of compensation claimable against the carrier and his agents in such cases cannot exceed such limits.

Notice of damage

ARTICLE 128 - Acceptance of passenger's luggage or freight without objection by an authorised person is considered as a conjecture that they have been delivered in conformance with the airway bill and in good condition.

In case of damage, the person authorised to take delivery shall, as soon as he is aware of the damage and not later than seven days from the delivery of the luggage and fourteen days from the delivery of the freight, notify the carrier. In case of delay, notification should be made not later than twenty one days after delivery of the luggage or freight. Notification should either be made in writing or condition of freight be indicated on the airway bill.

Non-compliance with notice requirements prescribed in paragraph two of this article entails forfeiture of the right of legal action against the carrier.

Carriages effected by multiple carriers

ARTICLE 129 - When transportation is consecutively effected by different carriers, each carrier who has accepted the passenger, luggage or freight shall be subject to the provisions of this Act and considered a party of the carriage contract to the extent related with the carriage under his control.

In case of such transportation, unless the first carrier has expressly assumed responsibility for the whole transportation, the passengers or cargo owners shall have a right of claim only against the carrier under whose control carriage accident or delay has occurred.

In the carriage of luggage and cargo, passengers and shippers shall be entitled to a right of claim against the first carrier, while passengers and consignees authorised to take

delivery, against the last carrier. In addition, each one of them may also file a claim against the carrier under whose transportation the damage, loss or delay occurred. Such carriers are jointly responsible to the passenger, shipper and consignee.

Combined carriages

ARTICLE 130 - In case of combined carriages in which transportation is partly effected by air and partly by any other means, the provisions of this Act shall apply only to the carriage segment effected by air.

In case of combined carriages, the contracting parties may include clauses in the airway bills relating to the non-air segments of the transportation.

Deadline for opening lawsuits

ARTICLE 131 - Right of claim to compensation shall be forfeited if lawsuit regarding liability has not been opened within two years from the date aircraft arrived or should have arrived at point of destination or the date transportation ceased.

Insurance requirement

ARTICLE 132 - Carrier's authorised to perform domestic and international carriage of passengers, freight and mail are required to have an insurance against financial liability within limits determined at least according to the principles of Article 124, covering compensation claims for damages that may occur under the transportation contracts.

Insurance shall also cover liabilities of carrier's employees and agents foreseen under this Act.

The insurance contract to be executed by carriers operating in domestic and international air routes and the risks it covers shall be approved by the Ministry of Commerce taking into account international standards and the opinion of the Ministry of Transport and Communications.

Aircraft not complying with the insurance requirement prescribed by this article shall be prohibited from flight by the Ministry of Transport and Communications.

CHAPTER TWO

Liability for Damages to Third Persons

Definition of Operator

ARTICLE 133 - An operator is a natural person or corporate body who personally operates a civil aircraft or has his aides operate it on his behalf.

A natural person or corporate body who has directly acquired the right of operation of a civil aircraft or such a right has indirectly been obtained from him, shall be considered to be the operator, if he is still in control of the air services.

A natural person or corporate body registered as the owner of the aircraft shall, unless otherwise proved, be considered as an operator.

Operator's liability

ARTICLE 134 - The operator of a civil aircraft shall be liable for damages caused to third persons by his aircraft.

Flights unauthorised by the operator

ARTICLE 135 - In case an aircraft has been flown without the prior consent of the operator, he shall be jointly liable with the person who has flown the aircraft for the damages caused, unless he has proved he was blameless in the case.

Joint liability

ARTICLE 136 - The operator of each aircraft shall be jointly liable for damages inflicted by two or more civil aircraft.

Mutual blame

ARTICLE 137 - The operator's liability for indemnity shall be entirely or partially exonerated if he could prove that the damages were caused or increased by the blameful conduct and behaviour of the claimant or his men.

Insurance obligation for damages to be inflicted on third persons

ARTICLE 138 - Operators of Turkish and foreign civil aircraft to fly in Turkish airspace are required to execute an insurance contract as surety for damages that may be caused to third persons.

Aircraft not complying with the insurance requirement prescribed by this article shall be prohibited from flight by the Ministry of Transport and Communications.

Supplemental insurance obligation

ARTICLE 139 - Authority to determine supplemental insurance or surety clauses that will be applicable, when required, to Turkish civil aircraft to be operated in international air routes, is vested, pursuant to international agreements Turkey is a party to, with the Ministry of Transport and Communications.

Determining insurance stipulations for damages to be caused to third persons

ARTICLE 140 - Stipulations of financial liability insurance contract to be executed by the operator as a surety against damages to be caused to third persons shall be jointly determined by the Ministries of Commerce and Communications, taking into account international standards.

PART FIVE

Penalties

Violations warranting imprisonment and fine penalties

ARTICLE 141 - Persons violating Articles 7, 36, 91, 92 and 94 and paragraphs (b), (c), (e) and (g) of Article 93 of this Act are liable to a sentence of imprisonment from four months to two years and a fine from thirty thousand to three hundred thousand lira.

ARTICLE 142 - Persons violating Articles 31 and 32 and paragraph one of Article 9 and paragraphs (a), (d), (f) and (h) of Article 93 of this Act are liable to a sentence of imprisonment from two months to one year and a fine from five thousand to fifty thousand lira.

Violations warranting fine penalties

ARTICLE 143 - Persons violating Articles 11, 18, 19, 26, 28,29, 47, 54, 58 and 89 and paragraph 3 of Article 9 and paragraph 1 of Article 95, and paragraph 2 of Article 102 of this Act are liable to pay a fine from ten thousand to one hundred thousand lira.

For violations of Article 18 and 19 of this Act, concomitant to the fine penalty it may be ruled for the seizure of the money acquired as a result of the unlawful act.

ARTICLE 144 - Persons violating Articles 23, 24 and 25 and last paragraph of Article

57 of this Act are liable to pay a fine from five thousand to fifty thousand lira.

For violations of Article 25 of this Act, concomitant to the fine penalty to be imposed pursuant to the preceding paragraph, it may be ruled for the seizure of the money acquired as a result of the unlawful act.

Fines to be imposed to violators of the measures to be taken by the Ministry of Transport and Communications

ARTICLE 145 - A fine from five thousand to twenty five thousand lira shall be imposed to violators of the measures to be taken by the Ministry of Transport and Communications for purposes of regulating the civil aviation which are not covered in above articles.

PART SIX

Miscellaneous Provisions

Enforced Recovery Action

ARTICLE 146 - With regard to enforced recovery action civil aircraft are subject to the provisions of Law 2004 on Execution and Bankruptcy, Article 26 of which applies also to civil aircraft covered under this Act.

Statistical Information

ARTICLE 147 - Owners and operators of Turkish civil aircraft are required to submit to the Ministry of Transport and Communications the annual activity programs and annual activity reports of their enterprises.

Contents and submission dates of such statistical information shall be determined in a regulation to be drawn up by the Ministry of Transport and Communications.

Bylaws and regulations

ARTICLE 148 - Bylaws and regulations mentioned in this Act shall be prepared, published in the Official Gazette and put into effect within six months from the date this Act has come into force.

PART SEVEN

Final Provisions

Commencement

ARTICLE 149 - This Act shall come into force as of the date of its publication.

Enforcement

ARTICLE 150 - Provisions of this Act shall be enforced by the Council of Ministers.