

From Directorate General of Civil Aviation

REGULATION ON THE RIGHTS OF PASSENGERS TRAVELING BY AIR

(SHY-PASSENGER)

SECTION ONE

Purpose, Scope, Basis, Definitions and Abbreviations

Purpose

ARTICLE 1 – (1) The purpose of this regulation is to define and arrange the rights of the passengers

traveling by air and the situations in which such rights are valid and their minimum rights in case of

denied boarding, cancellation of the flights and postponement of the flight.

Scope

ARTICLE 2 – (1) This Regulation applies to:

a) the passengers that have confirmed reservation for the relevant flight for all scheduled and

non-scheduled flights performed by Turkish air transportation operators from / to airports in

Turkey and by foreign air transportation operators from airports in Turkey, and

1) come to check-in at the time specified by the air transportation operator,

tour operator or an authorized travel agency in advance and in writing

(including electronically) and as specified or

2) before the time specified by the airline during the ticket sales, or, if no

time is specified, minimum forty five minutes prior to the declared

departure time,

except for the flight cancellations specified in article 6,

b) the passengers that are transferred to a flight other than the one stated on the ticket by an

air transportation operator or tour operator, regardless of the reasons,

c) the passengers traveling with free tickets and the discount tickets which are not open to

public directly or indirectly and the passengers traveling with miles or points collected.

(2) This Regulation is valid only for the passengers carried by engine-driven and fixed wing aircrafts.

(3) This Regulation does not affect the rights of passengers included in the Regulations on the

Procedures and Principles on the Implementation of Package Tour Contracts published on the Official

Gazette dated 13/6/2003 and numbered 25137. This Regulation is not valid in case of cancellation of

the package tour due to any reason other than flight cancellation.

Basis

ARTICLE 3 – (1) This Regulation is prepared

a) based on sub-clause (g) of first paragraph of 9th article of Law on Organization and Functions

of Direction General of Civil Aviation dated 10/11/2005 and numbered 5431,

b) in parallel with European Union Bylaw dated 11/2/2004 and numbered (EC) 261/2004.

Definitions

ARTICLE 4 – (1) In this Regulation;

a) Ticket: means valid printed or electronic document issued or approved by air transportation

operator or its authorized agency, which gives the right to transport,

b) Great circle method: means the method used to calculate the shortest distance between two

points ($DIST_{ij} = 3962.6 * \arccos((\sin(Y_i) * \sin(Y_j)) + (\cos(Y_i) * \cos(Y_j) * \cos(X_i - X_j)))$)
where X is the

longitude measured as the degree multiplied by 57.3 in order to transform it to radian; while

Y is the latitude value multiplied by -57.3.),

c) Director General: means Director General of Civil Aviation,

ç) Volunteer: means the person who is ready to waive his/her flight voluntarily or accepting the

conditions and in return for the benefits offered by the air transportation operator

performing the flight although he/she has a ticket with confirmed reservation pursuant to

the provisions of first paragraph of 2nd article and who answers to the call of the air

transportation operator for the passengers in a positive way,

d) Person with restricted mobility: means any person whose mobility is restricted while using

the transportation service due to any physical disability (permanent or temporary sensory,

mental or physical), mental disability, age or another reason and whose situation requires

special care and adaptation of the services provided to all passengers according to the needs

of that person,

e) Airport operator: means state institutions and organizations and real and legal entities in

charge of the operation of the airport,

f) Air transportation operator: means a commercial air transportation operator having a valid

operation license;

g) Cancellation: means not operating a flight which is previously planned and in which at least

one seat is reserved;

ğ) Force majeure: means the situations such as especially political instability, meteorological

conditions not suitable for performing the relevant flight, natural disasters, security risks,

unexpected flight safety deficiencies and strikes which affect the operation of the air

transportation operator performing the flight;

h) Package tour: means tours in which at least two of transportation, accommodation and other

non-auxiliary touristic services are sold or promised to be sold together and with all-inclusive

prices and for which service period covers more than twenty four hours or includes overnight

accommodation,

i) Reservation: means the situation of having a ticket or a document issued and confirmed by

airline or tour operator indicating that the passenger is accepted and registered to a certain

flight by air transportation operator or tour operator,

i) Travel agency: means the commercial enterprises which provide transportation,

accommodation, trips, sports and entertainment services to tourists for profit, which give

them information about tourism and provide all related services,

j) Final destination: means the point of destination on the ticket or the arrival of the final flight

in case of directly connected flights, assuming that previously planned arrival time can be fit

provided that the appropriate connected flights are not taken into consideration,

k) Scheduled flight: means the flight the departure times and prices of which are announced in

advance, performed in a regular and publicly available way,

l) Non-scheduled flight: means the flight performed other than the scheduled flights without

depending on a certain order,

m) Tour operator: means the person who organizes package tours permanently or from time to

time, sells or offers them for sale directly or through a sales representative,

n) Denied boarding: means within the scope of the provisions envisaged in first paragraph of

Article 2, the denied boarding of the passengers although they have a valid ticket with an

approved reservation record for being accepted to the aircraft, except for the conditions in

which there are reasonable grounds for denied boarding such as health, safety, security and

unsuitable travelling documents,

o) Air transportation operator performing the flight: means an air transportation operator

performing or planning to perform the flight with a passenger under the existing contract or

instead of another legal or real person who has a contract with that passenger,

ö) Check-in: means determining the seats in the aircraft and baggage delivery procedures, if

any.

p) Ground handling company: means, in accordance with the provisions of the Airports Ground

Handling Regulations published on the Official Gazette dated 28/8/1996 and numbered

22741 (SHY-22), the company in the status of a private legal entity which receives a work

permit in order to perform ground handling at airports,

r) Passenger: means people travelling by airlines.

SECTION TWO

Principles of Implementation

Denied Boarding

ARTICLE 5- (1) In the event that a denied boarding is envisaged on a flight, the air transportation

operator performing the flight shall make an announcement to find volunteers who shall waive their

reservations in return for the benefits to be agreed on between the related passenger and the air

transportation operator performing the flight and shall assist these volunteers in accordance with the

provisions of Article 9. Such assistance shall be realized in addition to the benefits stated in this

paragraph.

(2) In the event that sufficient number of volunteers does not exist to enable to allow boarding of the

rest of other passengers who have reservations, the air transportation operator performing the flight

may deny the boarding of the passenger at its own discretion.

(3) In the event that the boarding of the passengers is denied involuntarily, air transportation

operator performing the flight shall be liable to immediately fulfill its liabilities stated in Articles 8, 9

and 10.

Cancellation of flights

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

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

b) shall offer help to the related passengers in accordance with the provisions of clause (a) of

paragraph one of Article 10 and paragraph two of Article 10 and in case of route changes, in the

event that the expected departure time of the new flight is within the day or days after the planned

departure time for the flight cancelled, shall also offer the assistance stated in the clauses (b) and

(c) of paragraph 1 of Article 10 additionally.

(2) In accordance with the provisions of Article 8, passengers shall have the right to receive

indemnification from the air transport operator performing the flight;

1) In the event that the passengers were not informed of the cancellation at least two weeks

before the planned departure time,

2) As long as they were not informed of the cancellation two weeks to seven days before the

planned departure time, and not offered a route change which allows them to depart maximum two

hours before the planned departure time and to arrive in maximum four hours from the planned

arrival time,

3) As long as they were not informed of the cancellation at most seven days before the planned

departure time and not offered a route change which allows the passengers to depart maximum one

hour before the planned departure time and to arrive in maximum two hours from the planned

arrival time.

(3) When passengers are informed of the cancellation, the air transportation operator performing

the flight shall also be liable to provide information about the possible alternative ways of

transportation to the passengers.

(4) Although the air transportation operator performing the flight takes all the possible precautions,

in the event that it can prove that force majeure causes the cancellation, it shall not be liable to pay

compensation in accordance with the provisions of Article 8.

(5) The burden of proof regarding whether passengers are informed of the cancellation and when

they are informed shall be on the part of the air transportation operator performing the flight.

(6) In the event that the passenger contact information is not provided or provided wrong to the air

transportation operator despite requested by the air transportation operator, the air transportation

operator shall have no liability.

Delay of the flights

ARTICLE 7- (1) As of the planned departure time of a flight, the air transportation operator

performing the flight shall offer the following considerations to the passengers, in the event that the

delay

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

km) and for domestic flights,

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

(including 3500 km),

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

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

Article 10.

2) The assistance stated in the clauses (b) and (c) of paragraph one of Article 10, if the

expected time of departure is within the day or days after the announced time of departure.

3) The assistance stated in the clause (a) of paragraph one of Article 9, when the delay is

at least five hours.

(2) The air transportation operator performing the flight shall be liable to offer assistance to

passengers within the time limits stated above regarding each distance segment under all conditions

stated in the paragraph one.

Right to compensation

ARTICLE 8- (1) When referred to this article, a compensation of Turkish Lira equivalent of 100 Euros

shall be paid to passengers for domestic flights. For international flights, the passengers shall be

given;

a) a compensation of the Turkish Lira equivalent of 250 Euros for all the flights of 1500

kilometers or shorter,

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

and 3500 kilometers,

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

3500 kilometers.

While calculating the Turkish Lira equivalent of the compensation debts, the exchange rate when the

ticket is purchased, i.e. the foreign exchange rate of the Republic of Turkey Central Bank on the day

of the payment for the ticket shall be taken as basis.

(2) In case of denied boarding or cancellation, the planned final destination point shall be

taken as basis while calculating the distance.

(3) In accordance with Article 9, in the event that the passengers are offered a route change

with an alternative flight which does not exceed the planned arrival time the reservation of which is

performed

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

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

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

the air transportation operator performing the flight can reduce the compensation envisaged in the

paragraph one at the rate of 50%.

(4) The compensation stated in the first paragraph can be paid in cash, via electronic

remittance, bank payment orders or bank cheques. However, in case of existing written consent of

the passenger, it can also be paid with travel vouchers and/or other services.

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

is used.

Right to reimbursement or route change

ARTICLE 9- (1) Under the circumstances referred to this Article, the passengers shall be given the

right to choose among the following options:

a) In the event that it does not make any sense to complete the undone part or parts of the

travel and the travel planned by the passenger, to pay all of the ticket price over the price on which

the ticket is purchased in cash, via electronic remittance, bank payment orders or bank cheques or

with the passenger's written consent, to refund via travel vouchers and/or other services for the

done part or parts of the travel within maximum seven days; moreover, to provide a free return flight

which would allow the passenger to return the first point of origin at the earliest opportunity.

b) to provide the route change to the final destination at the earliest opportunity under the

similar transportation conditions.

c) to make the route change under the similar transportation conditions to the final

destination on the date to be considered suitable by the passenger depending on the seat

availability.

(2) The provisions stated in the clause (a) of the first paragraph shall be also valid for the

passengers the flights of which form a part of the package, except the right of compensation which

may arise from the provisions of the Regulations on the Procedures and Principles on the

Implementation of Package Tour Contracts.

(3) In the event that more than one airport serve to a city or a region, when the air

transportation operator performing the flight offers a flight to passengers with an approved

reservation to an alternative airport, the air transportation operator performing the flight shall be

liable to cover the transfer expenses of the passenger from the alternative airport to the original one

to which reservation is approved or to another closer point of destination accepted by the passenger.

Right to get service

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

free of charge.

a) According to the waiting period;

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

2) Breakfast or lunch depending on the time of the day in addition to hot and cold beverages for the

delays between three and five hours,

3) Additional hot and cold beverages and an additional snack in addition to hot and cold beverages

and breakfast or lunch depending on the time of the day, for the delays for five hours and more.

b) In the situations where one or more than one night accommodation is necessary or an additional

accommodation is necessary for passenger, accommodation at a hotel or at an appropriate

accommodation facility.

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

(2) In addition to the services stated in the paragraph one, it is compulsory to offer two

telephone conversations, fax messages or e-mail services without any charge and time limitation.

(3) The air transportation operator performing the flight shall be liable to pay special attention

to meet the requirements of the people especially with restricted mobility and their accompanying

persons, and children who travel alone.

Upgrading or downgrading

ARTICLE 11- (1) The air transportation operator performing the flight shall not claim any additional

payment if a passenger is upgraded.

(2) In the event that the air transportation operator performing the flight downgrades a

passenger, in addition to the refund of difference between the ticket prices, it is also compulsory to

pay to the passenger;

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

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

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

in cash, via electronic remittance, bank payment orders or bank cheques or with the

passenger's written consent, via travel vouchers and/or other services within maximum seven days.

(3) In case of downgrading, the prices on the date of purchasing the ticket shall be taken into

consideration in refunding the ticket price.

People with restricted mobility or special needs

ARTICLE 12 - (1) The air transportation operators performing the flight shall give priority to the

transportation of the people with restricted mobility and their accompanying persons and guide dogs

certified to accompany and children travelling alone.

(2) In case of denied boarding, cancellation and all kinds of delays, people with restricted

mobility and their accompanying persons and children travelling alone shall be entitled to be

provided service as soon as possible in accordance with the provisions of Article 10.

Right to Additional compensation

ARTICLE 13- (1) The right to compensation of passenger arising out of other laws and regulations

shall be reserved. The compensation paid under this Regulation can be appropriated from the related

compensation.

(2) Save for the provisions of the related legislation, the right to claim compensation regulated

in the paragraph one shall not be applied on the passengers who waived their reservations

voluntarily within the scope of the provisions of the paragraph one of Article 5.

Fulfilling the right to compensation

ARTICLE 14 – (1) In the event that the air transportation operator performing the flight pays

compensation or fulfills its other obligations under this Regulation, any provisions in this Regulation

cannot be interpreted as limiting the right to claim compensation from any person including the third

parties in accordance with the applicable law.

(2) This Regulation cannot restrict the right to claim compensation of the air transportation

operators performing the flight from a tour operator or another person with whom the air

transportation operators performing the flight has a contract.

(3) Any of the provisions of this Regulation cannot be interpreted as restricting the right to

claim any disbursement or compensation of a tour operator or a third person with whom the air

transportation operators performing the flight has a contract except the passengers from the air

transportation operators performing the flight in accordance with the applicable law.

Liability to inform passengers of their rights

ARTICLE 15- (1) The air transportation operators performing the flight shall be liable to enable a

legible notice in English and in Turkish to be seen by passengers clearly which states “Please request

the text from the check-in counter or boarding gate which states your rights for the service you will

be provided in case that your boarding is denied, your flight is cancelled or delayed at least for two

hours” during the check-in.

(2) The air transportation operator which denies boarding of the passenger or cancels a flight

shall be liable to make a written notification to each affected passenger which states the

compensation and assistance rules in accordance with this Regulation.

Moreover, the air

transportation operators performing the flight shall be liable to inform each passenger who is

affected by at least two hour delay within this scope verbally, in writing or via electronic means.

(3) When the provisions stated in this article are applied on the sight-disabled people,

appropriate alternative methods shall be used.

Excluding the disclaimer

ARTICLE 16- (1) In accordance with this Regulation, the liabilities against passengers cannot be

restricted and limited with especially the provisions of the transport contracts and no exemption

shall be granted for these liabilities.

(2) In the event that a passenger is not informed of his/her rights in accordance with the

provisions of this Regulation and even when the passenger accepts a compensation lower than the

one provided for in this Regulation, the passenger shall be entitled to take necessary actions before

the authorized courts or bodies in order to get an additional compensation.

Change in the final destination

ARTICLE 17- (1) In the event that the final destination on the ticket is changed by the air

transportation operator due to an acts of god and the flight ends at a different airport, the air

transportation operator shall be liable to take the passengers to the final destination on the ticket as

soon as possible using all the possible means of transportation.

Contracts

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

Right to take legal action of passengers

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

SECTION THREE

Miscellaneous and Final Provisions

Audits and sanctions

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

Effective Date

ARTICLE 21– (1) This Regulation shall be effective on 1/1/ 2012.

Execution

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