

General Aviation Regulation (SHY – 6B)

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On 24 April 2020, the existing General Aviation Regulation (SHY – 6B)¹ (“**Regulation**”) was abolished with Article 28 of the newly enacted General Aviation Regulation (SHY – 6B)² (“**New Regulation**”). Both the Regulation and the New Regulation aims to regulate the principles and procedures regarding the licensing of the general aviation operators.

Although the scope of both of the Regulation and the New Regulation are quite similar in mainly regulating the licensing of the general aviation operators, the New Regulation introduces an important change. While the abolished Regulation was relating to the “licensing of general aviation operators conducting non-commercial aviation activities, which are aviation and training activities other than the commercial passenger and cargo carriage”, the New Regulation includes certain commercial aviation activities to such definition. To be precise, according to Article 6 of the New Regulation, general aviation activities are defined as (i) non-commercial operations with non-complex-motor aircraft, (ii) commercial private operations, (iii) training activities, and (iv) non-commercial operations with complex-motor aircraft.

1. Commercial Private Operations

The New Regulation defines commercial private operation as “*in cases where it is public or not, commercial operation is an aircraft operation for a fee under a contract between an operator and a customer where the customer has no control over the operator*”. On the other hand, private operation is defined as “*any operation other than commercial air carriage, where the aircraft is used for special activities such as agriculture, construction, photography, cartography, airborne geophysical surveys, observation and exploration, airborne advertisement, maintenance control flight*”.

2. Additional Changes

Although the majority part of the New Regulation remained same, additional changes have been introduced: For example, the companies having license for commercial private operations are required to employ managers with specific duties having specific experience thresholds as specified under Article 12 of the New Regulation.

Furthermore, according to the Article 20/2 of the New Regulation, in the event that there is more than one existing licensed commercial private operator at the same time, the private commercial operations cannot be carried out with foreign registered aircraft in Turkey. It is important to note that, that provision of the New Regulation will enter into force on 24 October 2020.

One of the important articles on the shareholding structure of general aviation companies has remained same under the New Regulation. Thus, it is still obligatory for (i) the real persons conducting general aviation operations, be a Turkish citizen, (ii) at least 51 percent of the shares of legal entities should be registered, (iii) majority of the representatives of the legal entity operators having the authority to

¹ Published in the Official Gazette dated 14 May 2013 and numbered 28647.

² Published in the Official Gazette dated 24 April 2020 and numbered 31108.

represent and bind the company must be Turkish, and (iv) the majority of the shares of the legal entity operators must be held by Turkish shareholders.

The New Regulation provides a period of one-year transition period for the operators falling under the scope thereof, to conduct necessary changes in order to be in line with the relevant provisions of the same. The operating licenses of those who cannot meet the required conditions after this period will be suspended for six months. If required conditions are still not being met after this additional period, then their license will be cancelled.

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