



## Amendments to the Turkish Civil Aviation Act

10 JULY 2024

The Turkish Civil Aviation Act No. 2920 ("TCAA") has been amended to be effective as of 9 July 2024. The primary objective of these amendments is to explicitly incorporate into the TCAA the rules that are already being implemented pursuant to the Convention on International Civil Aviation ("Chicago Convention"), to which Türkiye is a party, and the standards of the International Civil Aviation Organization (ICAO) to ensure that the legislation is aligned with current practices.

### Foreign commercial air operators are also subject to the DGCA supervision

While all operators engaged in civil aviation operations within Turkish airspace are, in practice, subject to the supervision and inspection of the General Directorate of Civil Aviation ("DGCA"), the language of Article 27 of the TCAA has limited the DGCA's authority to "operators operating with Turkish civil aircraft" only.

The recent amendments to the TCAA now explicitly state that foreign commercial air operators conducting civil aviation operations in Türkiye are also subject to the regulations, directives, supervision and inspections of the DGCA, reflecting current practice.

Also, to align with ICAO standards, the amendment clearly grants the DGCA the authority to access "all kinds of facilities and products" for the purposes of its inspections and examinations.

Finally, as for breaches identified during its inspections, the amendment explicitly authorizes the DGCA not only to halt the respective operations but also to require the rectification of non-compliances and the implementation of legislative requirements.



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## **Certification requirement for international airports**

Article 35 of the TCAA was deemed inadequate in establishing the required specifications for airports intending to open to international air traffic. With the recent amendment, in line with the practices under the Chicago Convention, it has been stipulated that such airports must comply with the standards determined by the DGCA and must be certified by the DGCA.

## **Measures for aviation safety have been tightened**

Article 40 of the TCAA, which regulates aviation safety, has been amended to align with the safety standards required by the Chicago Convention and ICAO regulations. In this respect, while maintaining the provisions of the Criminal Procedure Code No. 5271 regarding judicial searches, it is stipulated that all passengers must be screened with technical devices and, if necessary, subjected to manual searches while entering airports and aircraft. It is explicitly regulated that the passengers who refuse manual searches will not be admitted to airports or aircraft, and that the prohibited items can be confiscated by the security staff.

Furthermore, it is explicitly stated that security services at airports can be provided by private security staff.

Lastly, due to airports being sensitive locations from a security standpoint, it is now mandatory to conduct security investigations and background checks on individuals who will work in civil aviation security and hold specific duties and authorities, to assess their suitability for the role.

## **Increase in administrative fines for breaching the legislation**

The amounts of administrative fines imposed on individuals or legal entities breaching the regulations under the TCAA have been adjusted in accordance with the revaluation rates. Also, the range of such fines has been expanded, raising the applicable upper limit. These changes aim to ensure that administrative fines are more effective, deterrent and proportionate.

## **Detailed regulations on unmanned aerial vehicles following the Constitutional Court's annulment decision**

Article 144 of the TCAA outlines the requirements for recording the unmanned aerial vehicles ("UAV") in the system maintained by the DGCA, as well as the administrative fines applicable due to non-compliance with this requirement. However, it did not clearly specify other areas where the DGCA had regulatory authority over UAV use or operation. Due to this lack of clarity, with its decision dated 30 November 2023, the Constitutional Court annulled Article 144(4) of the TCAA providing for administrative fines for the breach of the regulations in these unspecified "other" areas adopted by the DGCA.

With the amendment to Article 144 of the TCAA, and considering the Constitutional Court's decision, the areas in which the DGCA can regulate UAVs have now been exhaustively defined. The DGCA is authorized to determine the procedures and principles for the import, sale, licensing, airworthiness certification, registration, and recordation of civil UAV systems to be operated or used in Turkish airspace. Additionally, the DGCA is responsible for setting the qualifications required for individuals operating UAV systems, as well as the procedures and principles for granting flight permits and managing air traffic services.

The subsequent paragraphs of Article 144 specify the regulatory authority responsible for imposing administrative fines and the amounts applicable in case of breaching the regulations in these aforementioned areas. Moreover, the amendment increases the existing administrative fine amounts.

## **The scope of restrictions on constructions around airports has been expanded**

The restrictions on constructions around airports outlined in Article 47 of the TCAA has been expanded to include also the “facilities assessed to pose a risk to aviation safety by contributing to the formation or development of wildlife”. Airport operators are tasked with conducting hazard assessments with respect to these facilities. Following the evaluation by the DGCA of such assessments, if it is determined that there are factors that could compromise flight safety, the Ministry of Transport and Infrastructure is authorized to take necessary actions, including removing the respective facilities or partially or completely halting their operations to mitigate risks.

## **No permit fees shall be charged to facilities within airport projects to be constructed in state forests:**

According to the newly introduced Additional Article 3 of the TCAA, permits issued for facilities such as health facilities, hotels, restaurants, religious facilities, shopping units, fuel stations, cargo facilities, administrative buildings, terminal buildings, etc., located within airports under projects to be constructed in state forests, will be exempt from any fees.