

THE

# Fine PRINT

Gokce  
Istanbul

June 2015

34

## Long-awaited Regulation on House Financing is finally published

### Highlights of this issue

A New Regulation on  
Insurance and Reinsurance  
Brokers

New Rules for Transportation  
of Turkish Currency

Deadline to Apply for Electronic Money and  
Payment Services License is approaching



## Long-awaited Regulation on House Financing is finally published in the Official Gazette

The Regulation on House Financing Agreements was issued by the Ministry of Custom and Trade and published in the Official Gazette on 28 May 2015 to be effective after 6 months upon such date. The Regulation was awaited by the banks, financial institutions, construction companies and other players in the market since the Consumer Protection Law (Law) entered into force in May 2014.

What is the “house financing agreement?”

House financing agreements are defined as agreements executed for the purposes of (i) provision of loan to a consumer for the purpose of purchasing a house, (ii) leasing of a house by way of a financial leasing, (iii) provision of loan to the consumers while having a security as a mortgage on consumer’s house and (iv) re-financing of such loans.



“Preliminary Information Form” as the new consumer protection tool

In line with the Law, a preliminary information form shall be provided to the consumers before signing of the house financing agreement. Mandatory formation of such information form is set forth in the Regulation. The financial institutions are also obliged to inform the consumers with respect to outcome of their credit applications in accordance with the terms of the Regulation.

The Regulation also introduced several consumer friendly provisions regarding mandatory formation and content of the house financing agreements, surety, insurance right of the consumers, interests and charges on the loans and interest deductions in case of early payment.

The Turkish language text of the Regulation can be found at the following link:  
<http://www.resmigazete.gov.tr/eskiler/2015/05/20150528-2.htm>

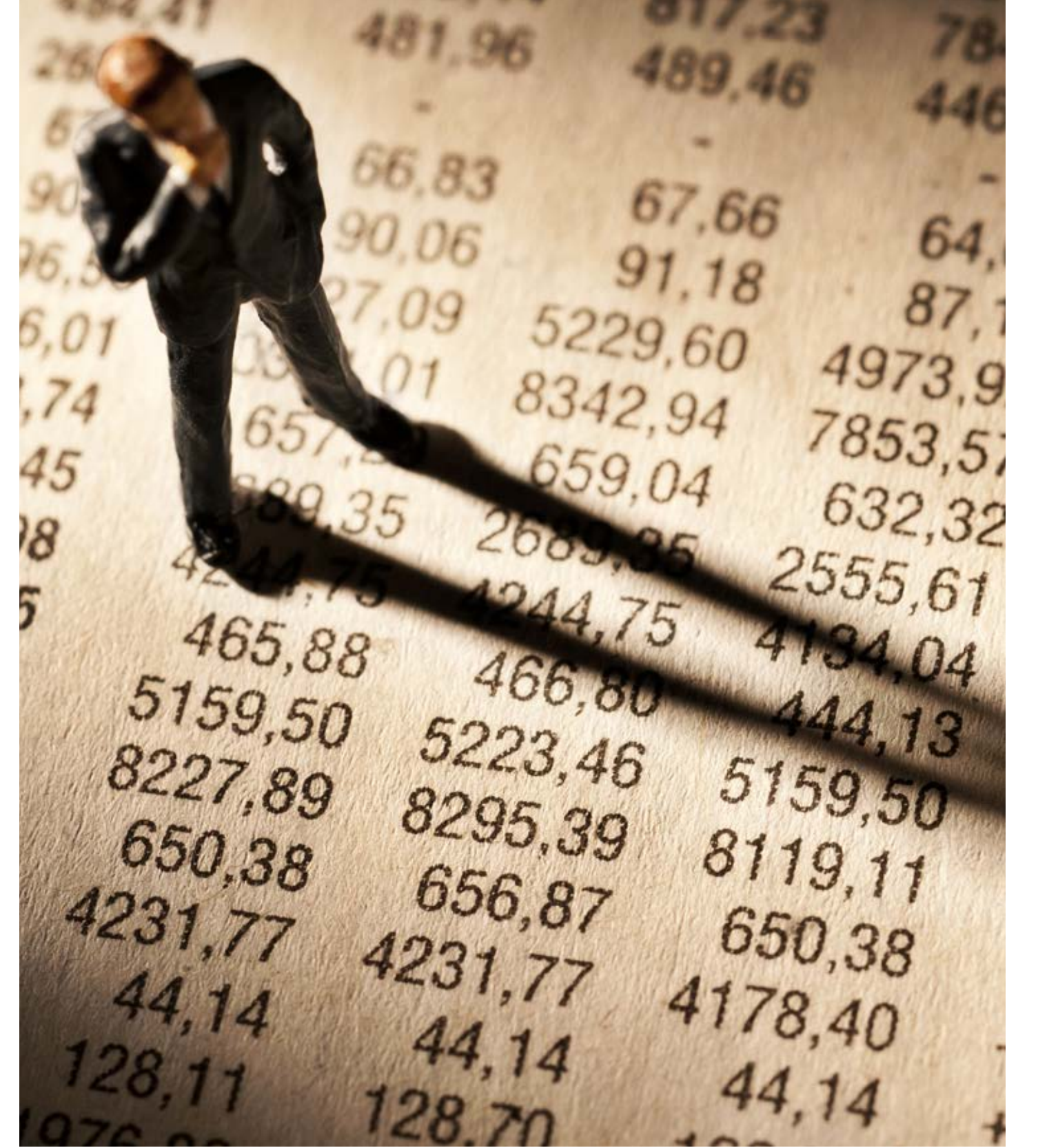


## A New Regulation on Insurance and Reinsurance Brokers

The Regulation on the Insurance and Reinsurance Brokers was published in the Official Gazette and entered into force on 27 May 2015. The Regulation sets out the procedures and principles related with insurance and reinsurance brokerage activities.

Some changes introduced by the Regulation are as follows:

- The Regulation includes provisions for ensuring that the brokers comply with consumer protection rules;
- Requirements on equity capital and assets are also amended. A legal person broker's minimum capital is set as TL 250,000 and TL 50,000 for any additional insurance type.
- Currently active brokers are required to comply with the Regulation within one year upon publication of the Regulation (until 27 May 2016).



The Turkish language text of the Regulation can be found at the following link:

<http://www.resmigazete.gov.tr/eskiler/2015/05/20150527-2.htm>

## Deadline for Electronic Money Institutions and Electronic Payment System Institutions to apply to the Banking Regulation and Supervision Agency for a License is approaching

As published in The Fine Print earlier, Law on Payment and Security Settlement Systems, Payment Services and Electronic Money Institutions (No. 6493) was enacted on 27 June 2014 and the Regulation on Payment Services and Issue of Electronic Money and Payment Institutions and Electronic Money Institutions was published in the Official Gazette and entered into force on 27 June 2014.

Law and Regulation imposes administrative and criminal sanctions to non-licensed electronic money issuance operations and payment services.

On the other hand, the Law provides that the “Electronic Money Institutions” and “Electronic Payment Institutions”, which were active at the date of the enactment of the Law must apply to the Banking Regulation and Supervision Agency (BRSA) for obtaining a license within one year upon publication date of the Regulation (i.e. until 27 June 2015).



Hence, so far BRSA has been collecting license applications and have not actively applied the Law and the Regulation. We are informed that BRSA will issue licenses relating to the applications that it has collected so far on 27 June 2015 and afterwards. Probably BRSA will actively apply the Law and the Regulation upon such date as well.

Companies operating in electronic money and payment services should note this deadline with the highest importance.

## **New Rules for Transportation of Turkish Currency**

Decree Amending the Decree No.32 on the Protection of the Value of Turkish Currency is published in the Official Gazette dated 11 June 2015 and came into effect as of such date.

Certain changes introduced by the Decree are as follows: (i) Limits on transportation of Turkish currency as well as the instruments denominated in Turkish currency are withdrawn (other than taking out amounts over TL 25,000 from Turkey and bringing of amounts over TL 10,000 to Turkey; for which the principles will be specified by the Ministry of Economy. (ii) Banks and customs authorities shall also inform the Ministry

as well as the Undersecretariat of Treasury regarding residents in Turkey who send capital for investment or commercial activities abroad within 30 days following the date of each transaction.



The Turkish language text of the Decree can be found at the following link:

<http://www.resmigazete.gov.tr/eskiler/2015/06/20150611-1.htm>

### **BRSA Decisions**

- The Banking Regulation and Supervision Agency decided to transfer the shareholding rights (other than dividends) as well as the management and audit of Asya Katilim Bankasi A.S. to the Savings Deposit Insurance Fund.
- The Banking Regulation and Supervision Agency decided to authorize Akbank T.A.S. to provide consultancy and support service for granting facilities to local and foreign banks and other financial institutions regarding credit operation transactions such as documentation, securities, liquidation of the securities and reporting.

# Answers. Not theories.

## Gokce Attorney Partnership

### Editors:



**Bora Yazıcıoğlu**  
bora.yazicioglu@gokce.av.tr



**Zeynep Inal**  
zeynep.inal@gokce.av.tr

## About our firm

Gokce Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, real property, and commercial litigation. Please visit our web site at [www.gokce.av.tr](http://www.gokce.av.tr) for further information on our legal staff and expertise.

**Please contact us at**  
**contact@gokce.av.tr**  
**0 212 352 88 33**

*The Fine Print is prepared and published for general informative purposes only and does not constitute legal advice or create an attorney-client relationship. Should you wish to receive further information, please contact Gokce Attorney Partnership. No content provided in The Fine Print can be reproduced or re-published without proper attribution or the express written permission of Gokce Attorney Partnership. While all efforts have been made to ensure the accuracy of the content, Gokce Attorney Partnership does not guarantee such accuracy and cannot be held liable for any errors in or reliance upon this information. The Fine Print was created for clients of Gokce Attorney Partnership and the possibility of circulation beyond the firm's clientele should not be construed as advertisement.*