

REGULATION ON BUSINESS AND WORKING LICENSES
FOR NON-UTILITY WORKPLACES AT AIRPORTS OPEN TO CIVIL AIR
TRANSPORT (SHY-33A)

SECTION ONE

Purpose, Scope, Basis and Definitions

Purpose

ARTICLE 1 – (1) The purpose of this regulation is to regulate the procedures and principles to be applicable for business and working licenses to be granted to non-utility workplaces at the airports open to civil air transport.

Scope

ARTICLE 2 – (1) This regulation covers works and transactions regarding licensing and auditing of non-utility workplaces at airports open to civil air transport.

Basis

ARTICLE 3 – (1) This regulation has been prepared on basis of the sub-paragraph (g) of paragraph one of article 7 of the Special Provincial Administration Law of 22/2/2005 No. 5302, the Law of 10/11/2005 No. 5431 on Organization and Duties of the General Directorate of Civil Aviation and the Turkish Civil Aviation Law of 14/10/1983 No. 2920.

Definitions

ARTICLE 4 – (1) For the purposes of this regulation, the following terms shall have the following meanings;

- a) Minister: Minister of Transport and Communication,
- b) Ministry: Ministry of Transport and Communication,
- c) EIA: Environmental Impact Assessment,
- ç) ECAC: European Civil Aviation Conference,
- d) Non-utility Workplace: the workplace, which gives or is likely to give low or high biological, chemical, physical, spiritual and social damage to things around it or which is likely to pollute natural resources,
- e) Director General: The Director General of Civil Aviation,
- f) Airport Operator: Public institutions and organizations and natural and private legal entities responsible for operating the airport,
- g) ICAO: International Civil Aviation Organization,
- ğ) Business and working license: The license granted by DGCA to open and operate non-utility workplaces within the scope of this regulation,
- h) DGCA: The Directorate General of Civil Aviation.

SECTION TWO

General Principles

Liabilities and Responsibilities

ARTICLE 5 – (1) Permits and licenses, granted by other public institutions and organizations and concerned professional associations in accordance with the concerned legislations, and registrations and similar transactions for workplaces within the scope of this regulation shall not remove the obligation to receive license in accordance with the provisions of this regulation.

(2) Receipt of non-utility workplace business and working license in accordance with the provisions of this regulation shall not remove the requirement and obligation to receive other permits, licenses and registration documents required by the special legislation on activities of the workplace. The owner of the workplace is responsible for preparing and maintaining the required conditions in accordance with the legislations on his business.

Main file

ARTICLE 6 – (1) A layout plan that indicates and enumerates locations of workplaces in the airport and a main file including the information in Annex-3 of this regulation for each workplace enumerated in this layout plan should be submitted by the airport operator to DGCA.

License charges

ARTICLE 7 – (1) Charges for non-utility workplace business and working licenses shall be set out in the relevant service tariff issued by DGCA.

(2) The license holder is obliged to apply DGCA with written approval from the airport operator to get extension at least one month prior to the date corresponding to one year after provision of the terminal operating license. This application shall be repeated for each following year. Extension shall be determined by considering months, where the workplace is within the license scope throughout the year.

Negative impact on electronic devices and navigational aids

ARTICLE 8 – (1) If it is determined by the airport operator that the materials used at workplaces that are located within the boundaries of the airport and that hold a license in accordance with the provisions of this regulation affect the navigation and electronic systems of the airport adversely, operations of the enterprise shall be ceased by DGCA following notification of the case by the airport operator to DGCA. The enterprise shall be requested to eliminate this interference within an appropriate period of up to sixty days maximum, depending on condition of the interference. If issues are not eliminated by the end of the time period granted, the license may be cancelled.

Insurance

ARTICLE 9 – (1) Natural or legal entities willing to establish non-utility workplace are obliged to purchase Third Party Financial Liability Insurance for compensation of possible damages to third parties and submit the insurance policies to the airport operator at application for the license.

(2) The airport operator is obliged to set out the sub limits of the insurance ensuring required coordination with the concerned institutions and organizations and considering the international standards and notify these limits to the Ministry. The airport operator shall ensure that the workplaces are insured.

Training

ARTICLE 10 – (1) The operators holding non-utility workplace business and working license are obliged to provide their employees with required trainings depending on their field of activity, in order to ensure regular and continuous provision of their services.

Non-utility Workplaces

ARTICLE 11 – (1) Non-utility workplaces are the workplaces present in the list in Annex-1 of this regulation.

SECTION THREE Licensing Transactions

License application

ARTICLE 12 – (1) Non-utility workplaces cannot be established and operated unless non-utility workplace business and working license is received from DGCA in accordance with the provisions of this regulation.

(2) (Amended:O.G.3/6/2009-27247) It is not obligatory to receive non-utility workplace business and working license within the scope of this regulation for workshops to be established by the airport operators for maintenance and repair of tools, equipment and systems utilized for operation of the airport, and fuel pumps to be established for fuel needs of the airport service vehicles. However, these facilities cannot be used for commercial purposes. Moreover, it is not obligatory to obtain non-utility workplace business and working license for places that are used by organizations, which operate at the airport and are licensed and/or authorized by the Ministry and/or DGCA within the scope of other legislations other than this regulation, in order to meet the maintenance, repair and similar requirements of only their own vehicles, tools, equipment, system and aircraft within the scope of permission granted to them. However, organizations which are within this scope will apply to the airport operator and declare that they do not use their workplaces for commercial purposes and the airport operator will notify DGCA in accordance with this declaration.

(3) Natural or legal entities willing to establish non-utility workplaces shall apply to the airport operator with the application form Annex-2 of this regulation and documents mentioned in annex of this application form.

(4) “EIA Positive” report or “No EIA Required” decision to be taken from the Ministry of Environment and Forestry for structures within the scope of the Environmental Impact Assessment Regulation published in the Official Gazette of 16/12/2003 No. 25318 shall be submitted to the airport operator at the application.

(5) In cases of renewal of license, establishment of new workplace, change in information and documents in the main file, the airport operator shall update the main file and submit the changed sections to DGCA.

Assessment of license application

ARTICLE 13 – (1) Applications submitted by natural or legal entities willing to establish non-utility workplaces shall be assessed by the airport operator in accordance with the provisions in this regulation and result of the assessment, the approval and the main file stated in article 6 shall be submitted by the airport operator to DGCA.

(2) After the applicant natural or legal persons submit the required statements and documents completely to the airport operator for business and working license application, the main file shall be prepared by the airport operator according to the statements and documents in the application form within fifteen days at the latest and submitted to DGCA.

(3) The airport operator shall consider the arrangements about not giving harm to human health, not causing environmental pollution, fire, explosion, general security, occupational safety, occupational health and protection of nature in statements and examinations regarding non-utility workplaces.

(4) Solid waste intermediate transit and transfer stations among the workplaces present in the list in Annex-1 of this regulation is obliged to have received a license from the Ministry of Environment and Forestry for collection, transport, separation of the solid wastes in accordance with the Regulation on Control of Solid Wastes published in the Official Gazette of 14/3/1991 No. 20814 and the Regulation on Control of Package Wastes published in the Official Gazette of 24/6/2007 No. 26562.

Issuance of license

ARTICLE 14 – (1) The main file prepared by the airport operator and submitted to DGCA with regard to the applications in article 12 shall be assessed by DGCA within thirty days at the latest. DGCA shall issue Workplace Business and Working license in Annex-4 of this regulation to the workplaces meeting the provisions of this regulation as a result of the assessment.

Requirements for maintenance and repair corporations

ARTICLE 15 – (1) Maintenance and repair corporations are obliged to meet the following requirements.

a) The facilities should be in a manner to allow all kinds of planned operations, provide protection especially against weather conditions and dust, workshops and maintenance sections should be properly separated to avoid pollution due to environmental conditions and works carried out,

b) Necessary measures against fire should be taken at all facilities,

c) There should be a hangar of adequate size depending on the scope of the work for base maintenance and maintenances requiring hangar maintenance should completely be made inside the hangar,

ç) There should be component workshops of adequate size to carry out planned component maintenances,

d) An appropriate office location should be allocated for maintenance and quality managements, planning and technical records,

e) The work environment should be suitable for the work in terms of ventilation, grounding, illumination, temperature, humidity and noise and in a manner to ensure efficient labor of the personnel,

f) The temperature should be kept at a level to let the personnel carry out the works more comfortably,

g) Dust and similar substances should be kept at minimum level and visible pollution levels should not be achieved on surface of aircraft or component, if these levels are achieved, systems affected from this case should be sealed until appropriate conditions are obtained,

ğ) Illumination should be kept at a level to allow effective completion of all kinds of examinations and maintenances,

h) Noise should not be allowed to distract the examination personnel, if it is not possible to control the noise level, this personnel should be given appropriate personal equipment to avoid distraction due to high noise,

ı) If certain maintenance requires special environmental conditions different than the existing ones that are stated in the maintenance data, such special conditions should be ensured,

i) Work conditions in line maintenance should be in a manner to allow appropriate completion of maintenance and examination processes and if these work conditions become

inappropriate due to temperature, humidity, hail, snow, ice, wind, dust and similar substances, all the maintenances and examinations should be postponed till appropriate conditions are obtained,

j) Active and inactive components, materials, tools and equipment stored should be kept in separate places, the depots should be compliant with manufacturer's instructions and safe to prevent corruption and damage in mentioned materials and access to storage units should be limited to authorized personnel,

k) Building heights should be determined according to airport mania plans and buildings should be constructed upon approval of the airport operator.

Assignment of responsible manager to maintenance and repair corporations

ARTICLE 16 – (1) Responsible managers to be assigned to maintenance and repair corporations should bear the qualifications set out in the Regulation on Approved Maintenance Corporations (SHY145-01) published in the Official Gazette of 17/7/2007 No. 26585.

SECTION FOUR Implementing Principles

Preservation of license at the workplace

ARTICLE 17 – (1) It is obligatory to hang the non-utility workplace business and working license on a place visible to everyone.

Notices

ARTICLE 18 – (1) The airport operator is obliged to send copies of non-utility workplace business and working licenses, granted by DGCA, to the related provincial insurance directorates, concerned tax department and trade registry as they are renewed and notify DGCA till the end of next month that the non-utility workplace business and working licenses have been sent.

Health protection strip

ARTICLE 19 – (1) It is the responsibility of airport operator to place health protection strips at distances specified by the Ministry of Health for non-utility workplaces present in the list in Annex-1 of this regulation. Health protection strips cannot be used outside the boundaries of the airport.

(2) Health protection strip distance for facilities such as fire-brigade, fuel etc. in premises of the airport shall be taken into consideration by the airport operator during planning for new structures in the airport.

Considerations about personnel

ARTICLE 20 – (1) All the personnel to work at workplaces for passengers should wear uniform clothes suitable for their respective units and duties and have visible personnel identification cards.

Cases requiring license change

ARTICLE 21 – (1) If the workplace is transferred, provided that the field of activity and address stated in the workplace business and working license remains unchanged, another license shall be issued in the name of the new operator based on the information and documents in the file upon application of the transferee. Application should be submitted to the airport operator for renewal of the license within fifteen days at the latest following the transfer. The airport operator shall attach the result of the assessment and its approval to the main file previously submitted to DGCA after required assessments are performed and present the changed sections in the main file to DGCA. Licenses of the ones meeting the requirements of this regulation shall be renewed by DGCA.

(2) If address of activity, field of activity, owner or operator of the workplace changes, it is the basic principle to renew the license. If the owner of the workplace dies, the old license is assigned to the legal inheritors without issuing a new license.

(3) In cases where renewal or assignment of the license is required, it is obligatory to submit an application to the airport operator within three months at the latest following occurrence of the case requiring renewal or assignment. This period shall be six months for the inheritors. If the airport operator determines that the application has not been submitted within the time period, a time period of fifteen days shall be granted to the concerned person following the date of determination. If the license is not renewed or assignment is not made by the end of this period, the airport operator shall send a notice to DGCA for cancellation of the license and the license shall be cancelled after required examinations by DGCA.

Expiry of lease contract

ARTICLE 22 – (1) If the lease contract executed by the license holder with the airport operator expires, the license granted by DGCA shall be cancelled. In this case, the airport operator is obliged to make the necessary changes in the main file and send it to DGCA.

Changes and additions in facilities

ARTICLE 23 – (1) The workplace owners are obliged to receive approval of the airport operator for changes, additions or any amendment, construction or modification to increase pollution in non-utility workplaces. The airport operator shall notify any change and addition in the facilities to DGCA within fifteen days.

International and national requirements

ARTICLE 24 – (1) If it is determined in audits performed by DGCA that there are cases affecting flight safety and aviation security adversely due to conditions contrary to the Turkish Civil Aviation Law No. 2920 and the relevant regulations and international rules set out by ICAO and ECAC, principles and procedures set out in this regulation is not followed, there are actions contrary to the provisions of this regulation, reputation of the country is affected adversely and there are actions violating the passenger rights, activities of enterprises shall be ceased. The operator and airport operator that have received license from DGCA are responsible for eliminating these conflicts.

SECTION FIVE

Audit, Responsibilities and Sanctions

Audit, responsibilities and sanctions

ARTICLE 25 – (1) Non-utility workplaces holding business and working license shall be audited by DGCA and the airport operator. If it is determined during the audits that there are cases contrary to the legislation, an appropriate time period up to sixty days shall be granted by DGCA and/or the airport operator to let the workplace owners eliminate cases contrary to the legislation, depending on status of the conflict.

(2) If it is determined that the cases contrary to the legislation are not eliminated within the granted time period, sanctions set out in the Turkish Civil Aviation Law No. 2920 and in other relevant legislations shall be imposed on the enterprise. The license may be cancelled if it is determined that the cases contrary to the legislation are not eliminated in the next audit.

(3) Activities of enterprises that are found to be harmful in terms of public and environmental health as a result of the audit to be performed by DGCA after issuance of the license shall be suspended till the cases contrary to the legislation are eliminated.

(4) An appropriate time period up to sixty days shall be granted by DGCA to the license holder enterprise to eliminate the conflicts determined as a result of failure to meet the international and national requirements set out in article 24, depending on status of the conflict. If it is determined that the enterprises have not eliminated the cases contrary to the legislation at the end of this time period, DGCA shall impose the sanctions set out in this regulation and in other relevant legislations on the license holder operator and the license may be cancelled.

SECTION SIX

Miscellaneous and Final Provisions

Authority of regulation

ARTICLE 26 – (1) The General Directorate is authorized to carry out sub-regulatory transactions within the framework of the provisions set out in this regulation.

Compliance of current workplaces with new conditions

PROVISIONAL ARTICLE 1 – (1) Workplaces that are obliged to receive license in accordance with the provisions of this regulation are obliged to submit an application to the airport operator, together with required documents and permits, for license within one year following effect of this regulation. In licensing of workplaces that had been active prior to issuance date of this regulation, the time period set out in paragraph two of article 13 shall be applied as thirty days, the time period set out in paragraph one of article 14 shall be applied as forty-five days.

Enforcement

ARTICLE 27 – (1) This regulation comes into force on the date of publication.

Execution

ARTICLE 28 – (1) Provisions of this regulation is executed by the Director General of Civil Aviation.

[Click to see the annexes](#)

	Date	Number
	Of the Official Gazette Publishing the Regulation	
	5/4/2008	26838
	Date	Number
	Of the Official Gazette Publishing the Legislations Amending the Regulation	
1.	3/6/2009	27247
2.		

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NON-UTILITY WORKPLACES

- 1- Aviation Maintenance Repair and/or Modification Center,
- 2- Technical Maintenance and/or Repair Units,
- 3- Tire coating, repair, maintenance, painting and similar facilities,
- 4- Natural gas, petrochemical and/or chemical product storage facilities,
- 5- Pipelines transmitting petroleum, natural gas and chemicals (for transmission facilities with pipes that are longer than 10 km and that are smaller than 600 mm in diameter),
- 6- Fuel sale, filling and storage facilities for aircrafts,
- 7- All kinds of fuel and/or LPG stations for land vehicles,
- 8- Facilities producing all kinds of foods and/or drinks, including catering corporations,
- 9- Facilities packaging ready foods,
- 10- Solid waste transfer stations, solid waste transit stations,
- 11- All kind of scrap depots, solid waste storage facilities and enterprises engaged in production of raw and end products from domestic and industrial solid wastes (facilities collecting and accumulating metal, paper, cardboard, pet, plastic, glass scraps and wastes from source, taking them from depots and separating them according to their classes, pressing them for transport, storing pressed scraps separately and sending them to recycling corporations),
- 12- Maintenance, service and/or washing stations for land vehicles,
- 13- Cogeneration facilities established within the boundaries of airport.

MINISTRY OF TRANSPORT
DIRECTORATE GENERAL OF CIVIL AVIATION

APPLICATION FORM FOR NON-UTILITY BUSINESS AND WORKING LICENSE
AT AIRPORTS OPEN TO CIVIL AIR TRANSPORT

- 1- Name or Title of Workplace:.....
2- Owner of Workplace :.....
3- Major Field of Activity :.....
4- Address of Workplace :.....
.....
Phone no: Fax no:
e-mail:.....
5- Property Lease (Lease contract) Owner (Title deed copy)
6-Copy of service and/or lease contract
7- Usage area of workplace:..... m²
8- Name of tax department and tax identification number:
9- Turkish Identity Number:.....
10- Number of personnel to be employed :
11- Tradesmen and artisans registry certificate and chamber registration (If person) YesNo
12- Trade registry certificate and chamber registration certificate (If company) YesNo
13- Trade registry gazette, registered address and signatory circular YesNo
14- Operating License (from the Ministry of Labor and Social Security) YesNo
15- EIA Report or Environmental Impacts Not Significant Decision for facilities within EIA Regulation? YesNo
16-Fire-fighting report if it is a workplace requiring this report YesNo
17- Certificate if subject to discharge permit YesNo
18- Certificate if subject to emission permit YesNo
19- Certificate if subject to dangerous wastes license YesNo

I, hereby, declare accuracy of the above-mentioned information with regard to the workplace
I intend to establish and request provision of business and working license for my workplace.
Name and Surname Signature Stamp Date

Notes:

- 1) Documents no. 5, 6, 8, 10, 11, 12, 13, 14, 15, 16 and 19 should be attached to the form for workplaces subject to this declaration.
- 2) Documents no. 17 and 18 should be submitted within six months at the latest following licensing.
- 3) In case of misrepresentations, the concerned persons shall be subject to proceedings in accordance with the concerned legislation and the Turkish Penal Code.

ANNEX-3

Airport Name:
Number of the Workplace in Layout Plan:
Title of the Workplace:
Major Field of Activity:
Usage Area (m ²):
Name, Surname, Title of the Responsible Director:.....
Contact Address:.....
Phone: Fax:
E-mail:

ANNEX-4

REPUBLIC OF TURKEY
MINISTRY OF TRANSPORT
Directorate General of Civil Aviation

NON-UTILITY BUSINESS AND WORKING LICENSE

License No:

License Date:

Airport Name:

Corporation Name:

Corporation Address:

License Scope:

This working license is granted to the license holder in accordance with the Turkish Civil Aviation Law no. 2920, the Law No. 5431 on Organization and Duties of the General Directorate of Civil Aviation and the Regulation on Business and Working licenses for Non-utility Workplaces at Airports Open to Civil Air Transport (SHY-33A).

This license cannot be transferred; the license is valid as long as it is not returned, taken back, cancelled and the license requirements are met.

General Director

