

REGULATION ON LOSS ADJUSTERS

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CHAPTER ONE

General Provisions

Objective and scope

ARTICLE 1

(1) The objective of this Regulation is to regulate principles and procedures relating to the qualifications and activities of loss adjusters. This Regulation covers the principles and procedures regarding the qualifications, foundations, activities, certificates and registrations of loss adjusters as well as all activities they are not allowed to undertake.

Basis

ARTICLE 2 (Modified: O.G. 9.5.2010-27576)

(1) This Regulation has been prepared pursuant to Articles 22 and 32 of the Insurance Law No. 5684 and dated 3/6/2007.

Definitions

ARTICLE 3

(1) The following expressions in this Regulation shall have the following respective meanings:

- a) Association: Association of the Insurance and Reinsurance Companies of Turkey,
- b) (*Annex: O.G. 9.5.2010-27576*) Region: Groups of cities to be determined by the Treasury Undersecretariat,
- c) Loss adjuster: Loss adjusters defined in the subparagraph (m) of the first paragraph in Article 2 of the Insurance Law,
- ç) Executive Committee: Insurance Loss Adjusters Executive Committee within the Union of Chambers and Commodity Exchanges of Turkey,
- d) Law: Insurance Law No. 5684 and dated 3/6/2007,
- e) Register: Register to be prepared by the Union of Chambers and Commodity Exchanges of Turkey for loss adjusters which shows the records of persons who work actively,
- f) Undersecretary: Undersecretariat of Treasury,
- g) Report: Uniform loss adjusting report whose content is determined by the Executive Committee according to the loss adjuster branches and taking into account the provisions of the insurance contract upon obtaining the opinion of the Association of the Insurance and Reinsurance Companies of Turkey, and approved by the Undersecretariat,
- ğ) License: Loss adjusters license granted to loss adjusters by the Undersecretariat to ensure that they can perform loss adjusting activities,
- h) (*Annex: O.G. 9.5.2010-27576*) SEGEM: Insurance Training Centre founded pursuant to Article 31 of the Insurance Law No. 5684,
- ı) Insurance company: Insurance companies established in Turkey and Turkish organizations of insurance companies established abroad,
- i) TOBB: The Union of Chambers and Commodity Exchanges of Turkey,
- j) Authorized individuals: Persons under the management and audit of loss adjusters and those

entitled to sign on their behalf.

CHAPTER TWO

Loss Adjusting Branches, Qualifications Required for Loss Adjusters

Licenses according to loss adjusting branches

ARTICLE 4

(1) Loss adjusting licenses are issued separately in the below listed loss adjusting branches as per the types of risks set forth in Annex: 1.

- a) Land vehicles,
- b) Aircraft, ships and railway rolling stock,
- c) Goods on transit,
- ç) Fire, natural forces, accident and theft,
- d) Engineering,
- e) Suretyship, legal expenses and assistance,
- f) Health, sickness and personal accident,
- g) Agriculture and livestock.

(2) It is essential that the loss adjusting related with the sub-branches of the “general liability” branch set forth in Annex:1 is performed according to the responsibility type by the loss adjuster licenced in the relevant branch. The Undersecretariat may allow the assessment of the sub-branches of all branches including “general liability” branch set forth in Annex: 1 under another loss adjusting branch within the framework of the opinions of the Association and the Executive Committee.

(3) The Undersecretariat may create new branches in addition to the loss adjusting branches in paragraph 1 as per the prevailing requirements at the time.

Qualifications sought in real/legal person loss adjusters

ARTICLE 5

(1) The below qualifications are sought in real persons who will perform loss adjusting activities:

- a) S/he must be a resident in Turkey,
- b) S/he must be entitled to exercise his/her civil rights,
- c) S/he must not have been sentenced or convicted of the crimes listed in the fourth subparagraph of subsection (a) of the second paragraph in Article 3 of the Law,
- ç) S/he must not have gone bankrupt or have declared bankruptcy,
- d) S/he must at least hold an undergraduate degree in loss adjusting in land vehicles, and at least a graduate degree in other loss adjusting branches,

(2) The below qualifications are sought in legal persons who will perform loss adjusting activities:

- a) Their headquarters must be located in Turkey,
- b) They must not have gone bankrupt or have declared bankruptcy,
- c) The authorized signatories thereof, partners of real persons, and the authorized signatories of partners who are legal persons must not have been sentenced or convicted of the crimes listed in the fourth subparagraph of subsection (a) of the second paragraph in Article 3 of the Law, and furthermore, they must not have gone bankrupt or have declared bankruptcy,

- ç) The signatories authorized to represent and bind the company in the course of professional activities must be loss adjusters,
 - d) The relevant articles in the articles of association must indicate the main field of activity as “exclusively loss adjusting”, activities not related with loss adjusting must not appear thereof, , the articles of association must include a provision whereby the permit of the necessary authorities is required prior to any amendments in the articles of association,
 - e) It is required to use the word “loss adjuster” or the derivatives thereof, with the word “insurance” in their commercial titles, and they must not use any words which are not in line with insurance loss adjusting,
 - f) If deemed necessary, they must be adequate in terms of physical, technical and administrative infrastructure to be determined by the Executive Committee as well as human resources,
- (3) (*Modified: O.G. 9.5.2010-27576*) Real persons who have acquired loss adjuster certificate through internationally recognized exams or procedures shall be regarded as a loss adjuster in their relevant loss adjusting branch as per the provisions of this Regulation, in case they meet the conditions below and they pass the exam on Turkish insurance legislation:
- a) to be equipped with the qualifications set forth in the first paragraph of this article,
 - b) to be registered with the list of authorities in the country they are certified,
 - c) to present the documents to be issued by the authorities in the country they are certified, proving that they currently operate as loss adjusters.

CHAPTER THREE

Loss Adjusting Courses, Examinations, Internship and License

Opening the courses, applications and acceptance

ARTICLE 6 (*Modified: O.G. 9.5.2010-27576*)

- (1) As a result of the studies in relation with the need for loss adjusters to be conducted on a provincial or regional basis and according to the branches of loss adjusting, if it is deemed by the Undersecretariat that there is a need for loss adjusters, loss adjusting courses shall be held throughout the country or on a provincial or regional basis. Exams shall be held following such courses to be held.
- (2) In case candidates less than the required number of loss adjusters apply for pre-registration for a branch of loss adjusting, a course schedule may not be held for that branch. If the application is higher than the need identified, a preliminary screening exam shall be held.
- (3) The procedures related with the preliminary screening exam to be held as per the courses to be conducted on the loss adjusting branch basis as well as preparations for the dates, schedules, scopes and application conditions of the courses to be opened shall be carried out by SEGEM upon consulting with the Executive Committee, and shall be agreed by the Undersecretariat.
- (4) Registration for application and course related information shall be announced in two of the ten daily papers published across Turkey with the highest circulation in case the courses are to be opened throughout the country; and in case the courses are opened on a provincial or regional basis, they are announced by the TOBB on local daily papers for a period of three days at least one month in advance and furthermore, they are published on the web pages of the Undersecretariat, TOBB and the Association.

Courses and course completion exams

ARTICLE 7 (Modified: O.G. 9.5.2010-27576)

- (1) The loss adjusting courses shall be held by the entities deemed suitable by the Undersecretariat as per the principles and procedures set forth in this Regulation under the coordination of or by SEGEM.
- (2) The works related with the date, scope and conditions as well as other procedures and principles for the course completion exams shall be carried out by SEGEM upon consulting with the Executive Committee, and shall be agreed by the Undersecretariat. The course completion exams shall be held by SEGEM.
- (3) When applying for new licenses, loss adjusters licensed in other branches of loss adjusting shall be exempt from the topics they have already taken and succeeded in.
- (4) SEGEM notifies the Undersecretariat and the Executive Committee of those candidates who have completed the courses and passed the exams, based on the results of the exam. The candidates approved by the Undersecretariat shall be notified to the Executive Committee in order to be included in the list of intern loss adjusters.

Internship

ARTICLE 8 (Modified: O.G. 9.5.2010-27576)

- (1) The candidates who successfully complete the loss adjusting courses and exam may apply to the Executive Committee for internship within three years as of the date the exam results are announced by SEGEM. The Executive Committee will provide information to the applicant candidates about the internship plan within three months at the latest.
- (2) Those who fail to succeed in their course completion exams are given additional rights to take two more exams. The candidates who attend none of the exams or who cannot succeed in those exams lose their rights related with the eligibility to become loss adjusters.
- (3) Those who have not applied for internship within the period set forth in paragraph one must retake the loss adjusting course before taking the preliminary scanning exam.
- (4) Loss adjusting internship shall be performed for a period of six months with loss adjusters who hold loss adjusting licenses in the branch applied for, who have actively performed loss adjusting activities for a period of at least five years, who have placed requests and who shall be chosen by the Executive Committee.
- (5) No internship shall be required for those who can prove they have worked at least for the duration of the internship, as an employee on the payroll of loss adjusters specified in paragraph four, assisting with the loss adjusting activities. In order for the employment period specified in this paragraph hereby to be accepted as internship, such employment must have been completed until five years prior to the date the exam results have been announced by SEGEM. Those who have not completed the specified period may complete their internship for the incomplete period, under the same terms and conditions.
- (6) Loss adjusters who hold licenses for another branch of loss adjusting will be deemed to have completed their internship period, provided that they certify having processed at least three loss files in a period of at least three months as of the date the exam results have been announced by SEGEM with loss adjusters who hold loss adjusting licenses in the branch applied for, and who have actively performed loss adjusting activities for a period of at least five years.
- (7) The durations of employment for those who are working for loss adjusters specified in paragraph four, on a payroll basis, as of the date the exam results have been announced by SEGEM will also be taken into account in the calculation of their internship periods.

- (8) Intern loss adjusters may not perform loss adjusting on their own.
- (9) Loss adjusters shall exercise maximum efforts to ensure that the intern loss adjusters accompany them during their loss adjusting activities.
- (10) In case of failure to find loss adjusters for the internship period, or in case such internship period cannot be completed, the Executive Committee shall take the measures to ensure that the internship period is completed in the way contemplated in this Regulation, taking into account the relevant deadlines and a fair distribution.
- (11) The loss adjusters offering the internship opportunity shall notify the internship commencement date of the intern loss adjusters to the Executive Committee; and shall send quarterly interim reports on the personal status, the works, and the degrees of success of the interns, and send, within ten working days following the completion of the internship period the justified conclusion report consisting of their opinions as to whether the candidate can perform loss adjusting tasks or not.
- (12) Upon receiving the conclusion reports of the loss adjusters on the status of the intern loss adjusters, the Executive Committee shall provide a written opinion to the Undersecretariat on the issuance of licenses to intern loss adjusters, extension of their internship periods, or necessity for them to go through another internship period with another loss adjuster, or the fact that the intern cannot become a loss adjuster, taking into account the interim reports as well.
- (13) The Undersecretariat makes a decision on the status of the intern loss adjusters, by assessing the relevant opinions of the Executive Committee, as well as the interim and conclusion reports, if necessary, issued by the loss adjusters under whose supervision the internship was completed. The outcome shall be notified to TOBB depending on the nature of the decision made.

License

ARTICLE 9

- (1)(*Modified: O.G. 9.5.2010-27576*) Information and documents set forth in Annexes 4 to 8 are sought for issuing licenses to candidates who are eligible for becoming loss adjusters, provided that the date of issuance is within the last six months at the latest. Application may be made to TOBB or the chambers to be appointed by TOBB with such information and documents.
- (2) The licenses of the candidates whose documents are complete shall be prepared by the TOBB, and shall be conveyed to the Undersecretariat to be approved and sent to the relevant parties.
- (3) The Undersecretariat issues licenses to the loss adjusters whose documents which are required are completed, and who are notified by TOBB to the Undersecretariat.
- (4) The appearance of the licenses shall be determined by the Undersecretariat upon suggestions by the Executive Committee, and they shall be printed by the TOBB.

CHAPTER FOUR

Register, Identity, Training, Data Records and Changes

Register

ARTICLE 10

- (1) Loss adjusters who have been issued licenses shall apply taking as the basis the announcements made by TOBB on its web pages. The adequate applications for being registered in the register shall be made as per the principles established with the resolutions of the

Executive Committee.

(2) The loss adjusters who are real persons and who perform loss adjusting activities on behalf of the loss adjuster who is a legal person shall also be separately entered into registration of the legal person in the Register as a loss adjuster on payroll.

(3) The procedures and amounts regarding the annual payments of the loss adjusters registered in the Register shall be determined by the Executive Committee. The annual payments for each year must be made at the latest by December 31.

(4) The loss adjusters who obtain their licenses and do not register in the Register are held in a separate list by the TOBB.

Loss Adjusters' Identity

ARTICLE 11

(1) Loss adjusters who are real persons and who have been registered in the Register shall be issued photo bearing loss adjuster identity cards indicating their relevant loss adjusting branches and the fact that they are registered in the Register by TOBB or the chambers to be appointed by TOBB. The chambers may charge a fee to be determined by TOBB in return for such services. The contents of the relevant identity cards shall be determined by the Executive Committee, and approved by the Undersecretariat.

(2) Loss adjusters shall present the loss adjuster identity cards when performing their duties, even if this is not requested from them.

(3) Loss adjusters are responsible towards the Executive Committee for the protection of their identity cards. The provisions governing the loss or the return of identity cards shall be determined by the Executive Committee.

Loss adjuster training

ARTICLE 12

(1)(*Modified: O.G. 9.5.2010-27576*) Loss adjusters shall attend the training courses the dates and programs of which shall be announced in advance and which shall be held in such a way as to not exceed five working days a year; at least every five years. When calculating the relevant five-year period, the date of the license or the renewal date shall be taken as the basis. The works related with the duration, scope and fee of the training shall be carried out by SEGEM, upon consulting with the Executive Committee. It is essential that such training courses are held by SEGEM.

(2) The activities of the loss adjusters who have not received the training referred to in the first paragraph of this article are suspended until such training is completed.

Data records and access to such records

ARTICLE 13

(1) The information related with the Register to be kept by the TOBB, the authorised users who shall be granted external access for the information, and the contents of the records they can access as well as the manner of such access shall be determined by the Undersecretariat, upon consulting with the TOBB. The procedures for notification to TOBB or the chambers to be appointed by TOBB in electronic medium shall be determined by TOBB.

(2) TOBB takes the necessary measures to notify the instructions of the Undersecretariat to the loss adjusters as well as the resolutions and announcements deemed necessary by the Executive Committee.

Notifying the Changes

ARTICLE 14

(1) Loss adjusters should notify in electronic medium the possible changes in the qualifications set forth in this Regulation to TOBB or chambers to be assigned by TOBB, within three working days at the latest following such change, in order to be entered into the Register. The documents related with the changes shall be delivered to the chambers to be appointed by TOBB.

CHAPTER FIVE

The duties of loss adjusters, the terms and conditions of their operations

Duties of loss adjusters

ARTICLE 15

(1) The main duties of loss adjusters include the actual inspection of the reason and nature, and quantity of the loss or damage which arise as a result of the realization of insured risks.

(2) Provided that the activities are related with insurance, loss adjusters may carry out activities such as the preparation of agreed value and preliminary adjusting reports prior to the contract; and they may carry out surveillance on damage risk prior to the damage taking place.

(3) After a loss adjuster has committed to the adjustment duty, in case his/her Register registration is cancelled or in case s/he is unable to complete his/her duties due to any reason whatsoever, the parties may either appoint another loss adjuster, or may request the Executive Committee to assign a loss adjuster.

Appointing loss adjusters and loss adjusting fee

ARTICLE 16

(1) (*Modified: O.G. 9.5.2010-27576*) The provisions of Article 22 of the Law are complied with, concerning the appointment of loss adjusters and loss adjusting fee. The Executive Committee may prepare a tariff guide for loss adjusting fees, upon consulting with the Association and the Undersecretariat.

(2) The other party objecting to the loss adjuster appointed by one of the parties may also appoint a separate loss adjuster. In that case, the fee of the new loss adjuster shall be paid by the insurance companies unless included in the contract as a special clause. If no agreement is reached on either of the reports, the fee for the referee loss adjuster on which the parties will agree shall jointly be paid by the parties. Application may be made to the Executive Committee for the appointment of a referee loss adjuster.

(3) As for the loss adjusting fee, in case the expenses incurred during the course of the loss adjusting exceed the projected expenses, this shall immediately be notified to the party paying the fee.

Liabilities of the insurance company and the insured/ policy holder

ARTICLE 17

(1) Insurance companies are obliged to investigate whether the loss adjusters they will appoint, as well as the ones to be appointed by the policy holder are registered in the Register. Otherwise such loss adjusters shall not be assigned.

(2) Loss adjusters may invite the authorized individuals of the parties in case they deem necessary, particularly in the case of major losses or damages.

(3) When determining losses or damages, loss adjusters may ask to see the original or the copy of the insurance contract as well as the relevant documents and books from the relevant parties, based on the legislation, and may take copies of such documents. Insurance companies and brokers thereof, as well as the policy holders and the related parties shall assist the loss adjusters to perform their duties in a sound and impartial manner.

Utilising the expertise services

ARTICLE 18

(1) In case of requirement, loss adjusters may utilise the services of experts who have proven themselves in their relevant fields. In that case, the loss adjusters shall notify the identities and the relevant fields of expertise of the experts to the party that has assigned them, prior to such experts commencing work, and shall ensure the presence of the experts when they carry out the relevant inspections. Otherwise the findings of these persons appointed as experts shall not be deemed valid, and shall not be included in the report. The fees to be paid to these persons may not be included in the loss adjusting fees.

(2) The parties appointing the loss adjusters may also appoint experts. The identities of the experts appointed thus shall be notified to the loss adjusters in writing. The works and the findings of such experts shall not be governed within the scope of this Regulation and the payments made to them may not be included in the loss adjusting fee.

Protection of national wealth, environment and third parties

ARTICLE 19

(1) In case loss adjusters establish, during their inspections, that there are recovery options to minimise the losses or damages, they shall immediately notify the authorities to commence the recovery efforts.

(2) In order to ensure the protection of both the national wealth and the environment, and to protect and inform third parties, loss adjusters shall notify the following to the relevant authorities, or the Executive Committee with the purpose of notifying such authorities to take the relevant measures:

- a) Major damages in order to halt or minimize potential damages on the environment,
- b) Repairs of vital importance in order to determine whether the repairs are duly carried out, and the vehicles which shall be declared as “total loss.”

Preparation and presentation of the report

ARTICLE 20

(1) (*Modified: O.G. 9.5.2010-27576*) Loss adjusters shall complete the loss adjusting procedures as soon as possible, and shall notify the amount of the loss or damage to the parties, if requested. In case the loss adjusting takes longer than expected, or in case the final report cannot be prepared due to various reasons, the loss adjuster shall issue an interim report clarifying the reasons for delay as well.

(2) At the end of the loss adjusting, the loss adjuster shall enclose the signed agreement if the parties have reached an agreement on the amount of the loss or damage, and if no agreement has been reached, the disagreement declaration.

(3) (*Modified: O.G. 9.5.2010-27576*) In case the information and documents that the loss adjusters require from the parties in writing or via channels of communication which can be evidenced is not provided in a reasonable period, loss adjusters may form their opinions based on

the information and documents at hand, and thus complete their loss adjusting report.

(4) If there are findings in the loss or damage notices that the demand is not included in the scope of the coverage, loss adjusters shall include these in the report.

(5) Intern loss adjusters shall sign the reports of the loss adjusting activities which they attend. The reports signed by such loss adjusters shall be valid upon being signed by the loss adjusters employing such interns.

(6) Loss adjusters shall submit a signed copy of the report they issue, to the party appointing them, within seven work days at the latest as of the date the loss adjusting procedures have been completed.

(7) A copy of the reports shall be given to the policy holder by the loss adjuster or the insurance company, upon request by the policy holder.

(8) The reports may not be given to third parties without the permit of the Undersecretariat.

CHAPTER SIX

Principles of Activity, Objectivity, Responsibility, Supervision and Sanctions

Principles of activity

ARTICLE 21

(1) Loss adjusters who are legal persons are responsible for the damages which may be inflicted on third parties pursuant to the activities of loss adjusters who perform loss adjusting activities on their behalf and who are real persons. However, this shall not relieve the loss adjusters who are real persons of their personal duties and responsibilities arising from this Regulation.

(2) Out of the loss adjusters who have fulfilled the conditions set forth in this Regulation and who have been issued licenses, those who are registered in the Register may carry out loss adjusting activities.

(3) In case there are losses concerning more than one branch of loss adjusting, the loss adjusting activities for each specific loss shall be carried out by loss adjusters who hold licenses in the relevant loss adjusting branch.

Objectivity

ARTICLE 22

(1) Loss adjusters shall conduct their inspections complying with the principle of objectivity under any circumstances, and shall issue their reports without even the appearance of partiality.

(2) Cases whereby the values the loss adjusting of which shall be carried out and other insurable and related interests belonging to the adjusters; as well as cases such as the selling, granting, letting, renting; utilisation rights; debit-credit relations other than the loss adjusting fees, in relation with the loss adjusters are deemed as important cases which shall raise suspicions concerning objectivity. In that case, it is possible for the parties to re-appoint a loss adjuster.

(3) Loss adjusters may not obtain any indirect or direct interests other than the fee agreed upon for loss adjusting, which may taint their objectivity.

(4) (*Annex: O.G. 9.5.2010-27576*) Loss adjusters who have worked for insurance and reinsurance companies and who shall start loss adjusting duties as per the provisions of this Regulation may not accept loss adjusting tasks from the insurance or reinsurance company they have most recently worked for, for a period of one year as of the date they have left such insurance or reinsurance company.

Code of ethics and professional standards

ARTICLE 23

(1) Loss adjusters are obliged to comply with the professional integrity and the code of ethics to be determined by the Executive Committee, as well as professional standards; and to exercise utmost due care with regards to clothing and appearance, bearing and conduct, interpersonal relations as well as professional titles and office arrangements.

Storing information and documents

ARTICLE 24

(1) Loss adjusters shall keep the documents which are the bases for the reports, as well as the relevant reports in an orderly manner, and for a period of five years, in order to be presented during inspections.

(2) (*Annex: O.G. 9.5.2010-27576*) The Undersecretariat is authorized to determine the principles and procedures for the storage of the documents and reports referred to in the first paragraph, in electronic medium, or through other durable media and means.

Confidentiality

ARTICLE 25

(1) Loss adjusters may not disclose personal information or commercial secrets of the insurance companies or the policy holders they become privy to during the course of their inspections and later, to persons who are not legally authorised, may not submit provide such information directly or indirectly.

Supervision

ARTICLE 26

(1) All activities of loss adjusters are supervised by the Undersecretariat.

Removal from the Register and withdrawal of license

ARTICLE 27 (*Modified: O.G. 9.5.2010-27576*)

(1) Following the inspections to be carried out by the Undersecretariat, in case it is found out that the loss adjusters

a) Endanger the rights and interests of the parties who are parties to the insurance contract, through the acts and operations within the framework of their activities, and

b) Display deeds and conducts jeopardizing the trust vested in the industry, and tainting the reputation of the industry by acting against the legislation, the requirements of the insurance business and rules of good faith,

their activities may be suspended temporarily by the Undersecretariat for a period of six to two months. Those whose activities are suspended temporarily are notified by the Undersecretariat to TOBB to be indicated in the Register.

(2) The licenses of the loss adjusters shall be withdrawn by the Undersecretariat in case

a) it is determined that they lose their objectivity or

b) they repeat the same deed within one year following the temporary suspension of their activities pursuant to the issues referred to in the first paragraph.

(3) The persons whose licenses are withdrawn as a result of the resolution of the Undersecretariat to expel from the profession both pursuant to the provisions of this article, and the resolutions

made by the Executive Committee, shall be notified to TOBB in order to be removed from the Register. Such persons are included in the TOBB list of loss adjusters whose licenses are withdrawn, never to perform loss adjusting activities again.

(4) Upon being served the relevant notices, those whose registrations are removed from the Register and whose licenses are withdrawn, shall immediately submit to TOBB or the chamber to be authorized by TOBB the licenses and the identity cards they hold.

(5) In cases other than those requiring the loss adjusters to be expelled from the profession, procedures regarding the removal from the Register shall be carried out by the Executive Committee.

CHAPTER SEVEN

Agricultural Insurance Pool Loss Adjusters; Loss Adjusting Documents and Registrations

Agricultural insurance pool loss adjusters

ARTICLE 28 (Modified: O.G. 9.5.2010-27576)

(1) Agricultural Insurance Pool loss adjusters are exempt from the provisions of this Regulation governing exams, courses and internship as per the Agricultural Insurance Law No. 5363 and dated 14/6/2005.

(2) Agricultural Insurance Pool loss adjusters are subject to the arrangements to be carried out by the Agricultural Insurance Pool with regards to the disciplinary actions related with the risk inspection and damage determination activities carried out on behalf of the Pool, provided that they are not in conflict with the penalties set forth in the fifth paragraph of Article 26 of the Law.

(3) Agricultural Insurance Pool loss adjusters may also carry out activities in agriculture and livestock loss adjusting branches.

Agricultural insurance pool loss adjusting documents and registration

ARTICLE 29

(1) The documents to be presented by Agricultural Insurance Pool loss adjuster candidates to the Undersecretariat in line with the relevant legislation shall be sent to TOBB.

(2) The loss adjusting documents of the candidates whose documents are complete shall be prepared by the TOBB, and shall be conveyed to the Undersecretariat to be approved and sent to the relevant parties.

(3) The Undersecretariat issues the documents for the Agricultural Insurance Pool loss adjusters whose necessary documents are completed, and who are notified by TOBB to the Undersecretariat.

(4) The Agricultural Insurance Pool loss adjusters who are tracked through a different list at TOBB shall also be announced on the web page of TOBB.

(5) The procedure for removal of the Agricultural Insurance Pool loss adjusters who shall be removed from the list on a temporary or permanent basis, and who shall not be allowed to perform loss adjusting tasks anymore shall be monitored by TOBB, through the instructions of the Undersecretariat.

(6) The form of the Agricultural Insurance Pool loss adjusting documents as well as the fees to be charged for the list registration of the Agricultural Insurance Pool loss adjusters shall be determined as per the protocol to be signed between the Agricultural Insurance Pool Operator and TOBB, and shall be approved by the Undersecretariat. The Agricultural Insurance Pool loss

adjusting documents shall be printed by TOBB.

CHAPTER EIGHT

Provisional and Final Provisions

Transition provisions

PROVISIONAL ARTICLE 1

(1) In line with the loss adjuster requirement to be identified following the studies carried out pursuant to article 6, a one-time only course will be held for those persons who have graduated from at least high school or equivalent schools in the land vehicles loss adjusting branch, and from four-year vocational schools in other branches of loss adjusting on the date this Regulation has entered into force, and who fulfil the following conditions:

a) Having worked at the damage departments of insurance and reinsurance companies for a period of five years or longer as a first or a second degree signatories as clerks, assistant supervisors, supervisors, assistant specialists, specialists, assistant functionaries, functionaries, assistant managers, managers, assistant department managers, department managers; having worked at the risk engineering departments as risk engineers for a period of five years or longer as a first or a second degree signatories,

b) Having worked as assistants at the damage departments of reinsurance companies operating Domestic Reinsurance Pool System for a period of five years or longer,

c) Having worked as surveyors for the Turkish Lloyd for a period of five years or longer,

ç) Having worked on technical matters related with the loss adjusting profession, with loss adjusters who are real or legal persons, for a period of five years or longer.

(2) Such persons are required to have processed, as authorized, at least one damage file per year in the loss adjusting branch for which they are seeking licenses, in order to be eligible for attending the courses.

(3) (*Annex: O.G. 9.5.2010-27576*) The internship period referred to in the fourth paragraph of Article 8 shall be applied as three months for the persons listed within the scope of sections (a), (b) and (c) of the first paragraph.

Current loss adjusting documents

PROVISIONAL ARTICLE 2

(1) The Current Loss Adjusting Documents shall be converted by the Undersecretariat into licenses corresponding to the loss adjusting branches specified with this Regulation.

Regulation abolished

ARTICLE 30

(1) The Regulation on Loss Adjusters published in the Official Gazette No. 21225 and dated 11/5/1992 has been abolished.

Entry into Force

ARTICLE 31

(1) This Regulation shall enter into force on the date of its publication.

Enforcement
ARTICLE 32

(1) The provisions of this Regulation shall be executed by the Minister in charge of the Undersecretariat of Treasury.

Appendix 1

BRANCH ⁽²⁾	BRANCH ⁽²⁾	SUB BRANCH ⁽²⁾	
a	LAND VEHICLES	717	Motor Vehicles – Motor Own Damage
		737	Land Vehicles Other Than Motor Vehicles
b	AIRCRAFT, SHIPS AND RAILWAY ROLLING STOCK	712	Sea Vessels
		713	Railway Rolling Stock
		727	Aircraft
		738	River Vehicles
		739	Lake Vehicles
c	GOODS ON TRANSIT	710	Cargo
		711	Specie
ç	FIRE, NATURAL FORCES/ACCIDENT THEFT	701	Fire
		703	Compulsory Earthquake
		723	Plate Glass
		724	Theft
		740	Facultative Earthquake
		741	Flood
		742	Natural Forces Other Than Earthquake and Flood
		743	Nuclear Energy
		744	Land Subsidence
		761	Explosion
d	ENGINEERING	765	Machinery Breakdown
		766	Erection All Risk
		767	Construction All Risk
		768	Electronic Equipment
e	CREDIT/FINANCE	702	Loss of Profit
		745	Instalment Credit
		746	Mortgage
		747	Agricultural Credit
		748	Employment
		749	Insufficiency of Income
		752	Bad Weather
		753	Continuing General Expenses
		754	Unforeseen Trading Expenses
		755	Credit Insurance
		756	Export Credit Insurance
		757	Loss of Market Value
758	Loss of Rent and Revenue		

		759	Other Forms of Financial Losses
	SURETYSHIP, LEGAL EXPENSES, ASSISTANCE	736	Suretyship
		760	Legal Expenses
		798	Assistance
f	HEALTH/SICKNESS/ PERSONAL ACCIDENT	718	Compulsory Road Passenger Transportation Personal Accident
		729	Aviation Personal Accident
		750	Personal Accident
		751	Long Term Personal Accident Insurance
		784	Health
		785	Sickness
		786	Travel Health
		790	Annuity
		791	Others
		792	Marriage/Birth
		793	Investment Funded Insurance
		794	Capital Redemption
		795	Management of Funds
		796	Sickness
g	AGRICULTURE	775	Hail Greenhouse
		776	State Supported Greenhouse
		777	State Supported Crop
		778	State Supported Aquaculture
		779	State Supported Livestock
		780	Livestock
		781	Poultry
		782	State Supported Poultry
	GENERAL LIABILITY	714	Compulsory Third Party Liability Insurance for Road Passenger Transportation
		715	Motor Vehicles Third Party Liability
		716	Motor Vehicle Facultative Third Party Liability
		719	Employer Third Party Liability

		720	General Third Party Liability
		721	Elevator Accident Third Party Liability
		725	Third Party Liability for LPG
		726	Compulsory Third Party Liability for Dangerous Materials and Hazardous Waste
		728	Aircraft Financial Liability
		731	Private Security Third Party Liability
		732	Compulsory Certificate Third Party Liability
		733	Professional Liability
		734	Sea Pollution Compulsory Third Party Liability for Coastal Plants
		735	Liability for Ships
		769	Compulsory Third Party Liability for the Institutions Controlling the Constructions

UNDERTAKING

**T.R. PRIME MINISTRY
TO THE TREASURY UNDERSECRETARIAT**

I hereby warrant/undertake that I am not violating the provisions of the fourteenth paragraph of Article 22 of the Insurance Law No. 5684 which stipulates that "Partners of insurance companies, insurance agents and brokers, persons in charge of management and audit of these, persons who have signing power on their behalf, and company employees engaged in professional activity; shall not act as a loss adjuster, be appointed to the board of directors and auditing board of any legal person loss adjuster, use signing power on their behalf, become partner of these and accept any paid work from them. Such restrictions shall also apply to the spouses of these persons and the children under their custody."/...../.....

(For real person)

Name and Surname of the
Loss Adjuster

(Signature)

(For legal person)

Title of the Loss Adjuster

Name and Surname of the
Authorized Party for the Legal
Person

(Signature)

INFORMATION FORM

NOTE FOR REAL PERSONS	NOTE FOR LEGAL PERSONS		EXPLANATION		
1. Name and Surname and the T.R. Identity Number must be entered. 2. All charts shall be filled out (“-“ shall be used, if N/A)	1. Commercial Title and the Tax Office as well as the Tax Number must be entered. 2. Only chart 1 shall be filled out (“-“ shall be used, if N/A)		BUSINESS and PARTNERSHIP details other than LOSS ADJUSTING shall be entered into chart details.		
1. NAME- LAST NAME / COMMERCIAL TITLE			1. T.R IDENTITY NO/TAX OFFICE NO.		
CHARTS					
1. INFORMATION ON COMPANIES IN WHICH THE INDIVIDUAL HAS PARTNERSHIPS					
Company Title	Tax No	Field of Activity	Duties, if any	Nominal Capital TL	Partnership Ratio %
(In case these companies are companies the shares of which are traded in Stock Exchanges, and in case the share quantities correspond to less than 5% of their capital, it is not necessary to write them in this section)					
2. INFORMATION ABOUT HIS/HER CURRENT EMPLOYMENT					
Name of the Workplace	Tax No (if any)	Field of Activity	Duty at Work		
3. INFORMATION ABOUT HIS/HER PREVIOUS EMPLOYMENT					
Name of the Workplace	Tax No (if any)	Field of Activity	Duty at Work		
Name and Surname (Company Title if any)					
Signature					
../../....					

PERSONAL INFORMATION TO BE ACQUIRED THROUGH ELECTRONIC MEDIUM FOR ALL LOSS ADJUSTERS

Appendix: 4

TITLE	EXPLANATION
Name	Shall be obtained from the civil registry with full record
Second Name	Shall be obtained from the civil registry with full record
Last Name	Shall be obtained from the civil registry with full record
Maiden Name (if any)	(For Ladies) Shall be obtained from the civil registry with full record
Gender	Shall be obtained from the civil registry with full record, and shall be entered as "M" or "F".
Place of Birth (City)	Shall be obtained from the civil registry with full record (Shall be entered in standard format)
Birth Date	Shall be obtained from the civil registry with full record, and shall be entered as dd.mm.yy
Home Address	Shall be obtained from the residence certificate (in order to establish residency in Turkey).
T.R. Identity No.	Shall be obtained from the civil registry with full record
Judicial Records	In case there are no provisions to the contrary in the judicial records consisting of archives as well, a "✓" shall be entered.
Bankruptcy/Declaration of Bankruptcy	Shall be taken as a statement. If the individual has not declared a bankruptcy or is not bankrupt, a "✓" shall be entered.
Education	Referred to the diploma for the most recent graduation, shall be entered as "HIGH-SCHOOL", "UNDERGRADUATE", "GRADUATE", or "POST-GRADUATE".
School/Major	Referred to the diploma for the most recent graduation (Shall be entered in standard format)
Passport Size Photo	.jpeg, 94 x 128 pixels
Foreign Languages	Either "NONE", or entered as "LITTLE", "AVERAGE", "GOOD" or "VERY GOOD" only for those holding certificates

Undertaking Appendix: 2	If an undertaking statement has been obtained for Article 22/14 of the Insurance Law, a "✓" shall be entered.
Information Form Appendix: 3	If there are no provisions in the information form that is against the legislation, a "✓" shall be entered.

Mobile Phone No	Service Code - Telephone No.
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Shall be entered separately for each license held

License Date	The date of the license issued by the Treasury
License No	The no. of the license issued by the Treasury

Date of Registration in the Register	Shall be given as per the order of registration by the Executive Committee, when the application is completed.
Register No.	Shall be given as per the order of registration by the Executive Committee, when the application is completed.

Registration Fee/Annuity for the Register	A “✓” shall be entered at the time of application, and if paid ever year (SHALL BE FILLED OUT BY THE EXECUTIVE COMMITTEE).
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Name of Loss Adjusters’ Association	Verbal statement of “LOSS ADJUSTERS’ ASSOCIATION” s/he is a member of, if any, and shall be written “NONE”, if there are no such memberships.
Loss Adjusters’ Association Member No.	Verbal statement of “NO. of LOSS ADJUSTERS’ ASSOCIATION” s/he is a member of, if any, and shall be written “NONE”, if there are no such memberships.

OFFICE INFORMATION TO BE PROVIDED IN ELECTRONIC MEDIUM FOR INDEPENDENT LOSS ADJUSTERS WHO ARE REAL PERSONS

Appendix: 5

TITLE	EXPLANATION
Commercial Title	Shall be obtained through verbal statement. ⁽²⁾
Type	“REAL” shall be entered as the type.
Office Address	Shall be obtained through verbal statement. ⁽²⁾
District	Shall be obtained through verbal statement. ⁽²⁾
Town	Shall be obtained through verbal statement. ⁽²⁾
City	Shall be obtained through verbal statement. ⁽²⁾
Office Phone No.	Area Code – Telephone No.
Office Facsimile No.	Area Code – Facsimile No.
Office e-mail address	Shall be obtained through verbal statement (SHALL BECOME STANDARD AFTER REGISTRATION WITH THE REGISTER)
Tax Office	Shall be obtained from the Tax Registration Certificate
Tax No.	Shall be obtained from the Tax Registration Certificate
Commercial Registration Gazette	A “✓” shall be entered if compliant with the legislation (the expression “operating as a loss adjuster” shall be sought for)
Commercial Registration Certificate	A “✓” shall be entered if compliant with the legislation and the undertaking

Physical Infrastructure	A “✓” shall be entered if compliant with the terms and conditions specified by the Executive Committee
Technical Infrastructure	A “✓” shall be entered if compliant with the terms and conditions specified by the Executive Committee
Administrative Infrastructure	A “✓” shall be entered if compliant with the terms and conditions specified by the Executive Committee
Human Resources	A “✓” shall be entered if compliant with the terms and conditions specified by the Executive Committee

Currently Active or Not	“ACTIVE”, information shall be entered (THEN THE CHAMBER OF TURKISH UNION OF CHAMBERS AND COMMODITY EXCHANGES SHALL ENTER INFORMATION SUCH AS “INACTIVE”, “DEATH”, “CANCELLATION”, “TERMINATION”, ETC.
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ESTABLISHMENT INFORMATION TO BE PROVIDED IN ELECTRONIC MEDIUM FOR LOSS ADJUSTERS WHO ARE LEGAL PERSONS

Appendix: 6

FOR COMPANIES

TITLE	EXPLANATION
Commercial Title	Shall be obtained from the Commercial Registration Gazette
Type	Shall be entered as "LTD", "AS" etc. depending on the company type
Office Address	Shall be obtained from the Commercial Registration Gazette
District	Shall be obtained from the Commercial Registration Gazette
Town	Shall be obtained from the Commercial Registration Gazette (shall be entered in standard format)
City	Shall be obtained from the Commercial Registration Gazette (shall be entered in standard format)
Office Phone No. (1)	Area Code – Telephone No.
Office Phone No. (2)	Area Code – Telephone No.
Office Facsimile No.	Area Code – Facsimile No.
Office e-mail address	Shall be obtained through verbal statement (SHALL BECOME STANDARD AFTER REGISTRATION WITH THE REGISTER)
Company Web Address	Shall be obtained through verbal statement
Tax Office	Shall be obtained from the Tax Registration Certificate
Tax No.	Shall be obtained from the Tax Registration Certificate
Bankruptcy/Declaration of Bankruptcy	If the company has not declared a bankruptcy or is not bankrupt, a "✓" shall be entered.
Articles of Association	A "✓" shall be entered if compliant with the legislation (the expression "operating exclusively as a loss adjuster" shall be sought for)
Commercial Registration Gazette	A "✓" shall be entered if compliant with the legislation
Commercial Registration Certificate	A "✓" shall be entered if compliant with the legislation
Undertaking Appendix: 2	If an undertaking statement has been obtained for Article 22/14 of the Insurance Law, a "✓" shall be entered.
Information Form Appendix: 3	If there are no provisions in the information form that is against the legislation, a "✓" shall be entered.
Physical Infrastructure	A "✓" shall be entered if compliant with the terms and conditions specified by the Executive Committee
Technical Infrastructure	A "✓" shall be entered if compliant with the terms and conditions specified by the Executive Committee
Administrative Infrastructure	A "✓" shall be entered if compliant with the terms and conditions specified by the Executive Committee
Human Resources	A "✓" shall be entered if compliant with the terms and conditions specified by the Executive Committee
License Date	The date of the license issued by the Treasury
License No	The no. of the license issued by the Treasury
Date of Registration in the Register	Shall be given as per the order of registration by the Executive Committee, when the application is completed.

Register No.	Shall be given as per the order of registration by the Executive Committee, when the application is completed.
Registration Fee/Annuity for the Register	A "✓" shall be entered at the time of application, and if paid ever year (SHALL BE FILLED OUT BY THE EXECUTIVE COMMITTEE).
Currently Active or Not	"ACTIVE", information shall be entered (THEN THE CHAMBER OF TURKISH UNION OF CHAMBERS AND COMMODITY EXCHANGES SHALL ENTER INFORMATION SUCH AS "INACTIVE", "DEATH", "CANCELLATION", "TERMINATION", ETC.
Name of Loss Adjusters' Association	Verbal statement of "LOSS ADJUSTERS' ASSOCIATION" s/he is a member of, if any, and shall be written "NONE", if there are no such memberships.
Loss Adjusters' Association Member No.	Verbal statement of "NO. of LOSS ADJUSTERS' ASSOCIATION" s/he is a member of, if any, and shall be written "NONE", if there are no such memberships.

FOR BRANCHES (shall be filled out separately for each branch)

TITLE	EXPLANATION
Branch Address	Shall be obtained from the Commercial Registration Gazette
Branch Town	Shall be obtained from the Commercial Registration Gazette (shall be entered in standard format)
Branch City	Shall be obtained from the Commercial Registration Gazette (shall be entered in standard format)
Branch Phone No.	Area Code – Telephone No.

PERSONAL INFORMATION TO BE ACQUIRED THROUGH ELECTRONIC MEDIUM FOR THE PARTNERS WHO ARE NOT LOSS ADJUSTERS IN LEGAL PERSONS

Appendix: 7

TITLE EXPLANATION

FOR PARTNERS WHO ARE REAL PERSONS (shall be filled out separately for each partner)

Name and Last Name	Shall be obtained from the civil registry with full record
Maiden Name (if any)	(For Ladies) Shall be obtained from the civil registry with full record
Gender	Shall be obtained from the civil registry with full record, and shall be entered as "M" or "F".
T.R. Identity No.	Shall be obtained from the civil registry with full record
Judicial Records	In case there are no provisions to the contrary in the judicial records consisting of archives as well, a "✓" shall be entered.
Bankruptcy/Declaration of Bankruptcy	If the individual has not declared a bankruptcy or is not bankrupt, a "✓" shall be entered.
Partnership Ratio	Shall be obtained from the Commercial Registration Gazette (it shall be entered as a percentage, and the total of all partners shall be 100%)
Partnership Commencement Date	Shall be obtained from the Commercial Registration Gazette

Partnership Termination Date	Shall be obtained from the Commercial Registration Gazette (in order to update in case there are any changes)
Undertaking Appendix: 2	If an undertaking statement has been obtained for Article 22/14 of the Insurance Law, a “√” shall be entered.
Information Form Appendix: 3	If there are no provisions in the information form that is against the legislation, a “√” shall be entered.

FOR PARTNERS WHO ARE LEGAL PERSONS (shall be filled out separately for each partner)

Legal Entity Commercial Title	Shall be obtained from the Commercial Registration Gazette
Bankruptcy/Declaration of Bankruptcy	If the company has not declared a bankruptcy or is not bankrupt, a “√” shall be entered.
Partnership Ratio	Shall be obtained from the Commercial Registration Gazette (it shall be entered as a percentage, and the total of all partners shall be 100%)
Partnership Commencement Date	Shall be obtained from the Commercial Registration Gazette
Partnership Termination Date	Shall be obtained from the Commercial Registration Gazette (in order to update in case there are any changes)
Undertaking Appendix: 2	If an undertaking statement has been obtained for Article 22/14 of the Insurance Law, a “√” shall be entered.
Information Form Appendix: 2	If there are no provisions in the information form that is against the legislation, a “√” shall be entered.

INFORMATION TO BE ACQUIRED THROUGH ELECTRONIC MEDIUM FOR ALL LOSS ADJUSTERS EMPLOYED IN LEGAL PERSONS (shall be filled out separately for each LOSS ADJUSTER who is a PARTNER, a MANAGER, or who is on the PAYROLL)

Appendix: 8

TITLE EXPLANATION

Shall be filled out separately for each loss adjuster

Duty	Shall be entered as “MANAGER” , “PARTNER” or “ON PAYROLL” depending on the position
Place of Duty	Shall be entered as “HEADQUARTERS”; “BRANCH-CITY- (standard)” or for others as “CITY- (standard)”, depending on the place of duty

Shall be filled out separately only for each loss adjuster who is a partner

Partnership Ratio	Shall be obtained from the Commercial Registration Gazette (it shall be entered as a percentage, and the total of all partners shall be 100%)
Partnership Commencement Date	Shall be obtained from the Commercial Registration Gazette
Partnership Termination Date	Shall be obtained from the Commercial Registration Gazette (in order to update in case there are any changes)

Shall be filled out separately only for each loss adjuster who is an employee

Date of Commencement of Employment	Shall be obtained by verbal statement, and updated if there are any changes
Date of Termination of Employment	Shall be obtained by verbal statement, and updated if there are any changes