

The Amendment on the Regulation on Freight Forwarders

Introduction

The Regulation on Freight Forwarders (“the Regulation”) has been in force in Türkiye since it was published in the Official Gazette (No. 31936) on 27 August 2022. A regulation amending certain provisions of the Regulation (“Amending Regulation”) was published in the Official Gazette (No. 32931) on 19 June 2025. In this article, we outline the key amendments introduced by the Amending Regulation.

Definitions

There is a slight but legally important amendment in the definition of the “Receiver”: The amended version refers to “the natural *or* legal persons to whom the carried goods will be delivered” while the previous version referred to “natural *and* legal persons to whom the carried goods will be delivered”.

The Amending Regulation adds to the definition of the “Freight forwarder” that the freight forwarder acts “in line with the laws on the carriage of goods by sea and inland shipping as well as road transportation.” However, the more important amendment is the widened and specified scope of the definition of the freight forwarder: In a positive move for clarification, the natural or legal persons that are “engaged in storing, packing, labelling, wrapping, order management, insurance, distribution, and other logistics activities ancillary to the transportation of goods” have been added into the definition of the “freight forwarder” by the Amending Regulation.

Finally, “IRU” defined as “the International Road Transport Union” has been added into the Regulation by the Amending Regulation.

Fundamental Principles

The Regulation provides that the holders of a freight forwarder certificate of authorisation (“CoA”) issued by the Ministry cannot refrain from providing the services covered by that certificate, except in cases of force majeure recognised by law that render the performance of such services impossible. The Amending Regulation keeps the provision as it is but refers to “services that are committed under a B/L or contract of carriage”. Similar to the above amendments, this seems to be a positive move as it specifies the services made under certain types of contracts rather than using an abstract language.

Conditions for Granting a CoA

While the Regulation stipulates that the legal persons must be incorporated and registered under the laws and regulations of Republic of Türkiye, the Amending Regulation refers to the “companies/branches that have been incorporated in accordance with the Turkish Commercial Code (dated 13 January 2013, No. 6102) and registered in the trade registry”.

2 The minimum capital requirement for such legal persons has been increased from 150.000 TRY to 1 million TRY. However, the increase in the capital requirement is not imposed on the companies that already hold valid certificates until the renewal date for their existing certificates.

The Regulation provides that the holders of CoA must be registered with one of the local chambers of commerce or industry or merchants and craftsmen or agriculture, in the city where their head offices are registered. In an appropriate move, the Amending Regulation adds the “chamber of shipping” into list of the chambers that a holder of CoA may be registered to.

Finally, the Amending Regulation provides that an applicant must also fulfil the requirements that may be stipulated under the law on the carriage of goods by sea and inland shipping (dated 19 June 1926, No. 815).

Required Documents for Granting a CoA

The Regulation provides a list of documents that must be submitted in the application of a CoA. The Amending Regulation slightly amends the list.

One of the documents listed is a certificate issued within the calendar year of the application, valid for a minimum of six months (as introduced by the Amending Regulation), evidencing the applicant's registration with one of the relevant local chambers as mentioned above.

Term of the CoA

The Regulation provides, under its Article 10 on the Term of the CoA, that a CoA is granted and renewed for a period of 5 years. However, in certain circumstances, such certificates may also be granted for a one-year term.

The Amending Regulation adds a paragraph which provides that the holders of the CoA issued for a one-year term are not allowed to apply for the Green Logistics Certificate under the Combined Transport Regulation (dated 27 May 2022, No. 31848) and cannot benefit from the discounts provided under Article 73 of the Road Transport Regulation (published in the Official Gazette on 8 January 2018, No. 30295). It should be noted that the said discounts are considerable and vary between 50% to 95%.

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General Responsibilities and Obligations

In the event of unforeseen circumstances arising during transport, including but not limited to issues related to transport infrastructure, its operation, natural disasters, meteorological conditions, or incidents of malfunction or accident, that prevent the continuation of the transportation, the Regulation provided a detailed procedure under its Article 17. As the Turkish Commercial Code already provides a roadmap to follow under such circumstances, again in a correct move, the Amending Regulation succinctly states that the provisions of the Commercial Code governing impediments to transport and delivery shall apply in such circumstances.

The Regulation, under its Article 16, stipulates that the CoA holders must have or employ personnel having certain professional qualifications as provided under the "Regulation on Professional Qualifications for Road Transport Activities". While the Regulation allowed the certificate holders to fulfil such obligations within 6 months following the grant of the CoA, the Amending Regulation decreased such period to 45 days.

The Amending Regulation further added two paragraphs under Article 17. The first added paragraph states that the holders of the freight forwarder CoA cannot use foreign-plated vehicles used for carriage of goods for transport activities between two locations within the borders of Türkiye. The second added paragraph prohibits the use of foreign-flagged vessels to carry out transportation activities between Turkish ports.

Conclusion

Overall, the Amending Regulation is a positive move for having a clearer set of rules regulating the freight forwarding in Türkiye.

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