

CUSTOMER COMPLAINTS ARBITRATION PANEL MEMORANDUM OF INFORMATION

**This memorandum has been prepared and issued in order to give information about the actions required to be taken by you before filing an application to the Banks Association of Türkiye, Customer Complaints Arbitration Panel and about the conditions of application thereto. In order to get information thereabout, you may call
0 850 222 2 822**



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WHAT IS THE BANKS ASSOCIATION OF TÜRKİYE, CUSTOMER COMPLAINTS ARBITRATION PANEL? HOW IS IT COMPOSED OF?

The Banks Association of Türkiye, Customer Complaints Arbitration Panel (“Arbitration Panel” or “Panel”) is a panel formed in order to resolve the probable disputes that may arise between the banks, being members of the Banks Association of Türkiye (“Association”), on one side and their retail customers on the other side.

- ◆ There are four separate types of panels within the organization of the Banks Association of Türkiye:
 - Debit Cards and Credit Cards Customer Complaints Arbitration Panel
 - Consumer Loans Customer Complaints Arbitration Panel
 - Insurance Transactions Customer Complaints Arbitration Panel
 - Other Banking Products and Services Customer Complaints Arbitration Panel
- ◆ These Panels have been formed and created as per and under the Communiqué issued with a prior consent of the Banking Regulation and Supervision Authority (“Authority”) in reliance upon the duties and powers vested in the Banks Association of Türkiye by the Banking Law no. 5411.
- ◆ Each of the Panels is composed of five representatives, two of them being representatives of the Authority and three of them being representatives of the Bank.
- ◆ At least one of the Bank representatives is a university graduate in the discipline of law.
- ◆ From among the candidate Banks, the Association elects three full members and three alternate members for each of the Panels. Each of the Banks elected by the Association as a member of a Panel as stated above names and designates a representative thereto.
- ◆ Representatives of member Banks elected by the Association’s Board of Directors should have a minimum past experience of seven years in banking industry.

WHICH ACTIONS MUST BE TAKEN BEFORE FILING AN APPLICATION TO THE CUSTOMER COMPLAINTS ARBITRATION PANEL?

- ◆ It is required to file an application to the relevant bank before filing an application to the Arbitration Panel.
- ◆ Application to the Bank should be made in writing, and an “application confirmation certificate” evidencing that the application is filed should be received.
- ◆ A copy of the petition to be delivered by hand to a duly authorized officer of the bank should have been signed by the bank officer who has taken delivery of the original copy of the petition.
- ◆ Application to the bank may also be delivered by electronic mail or via the bank’s internet page. In this case, the reply sent by the bank by electronic mail in order to acknowledge the receipt of the application should be kept for subsequent use as an application confirmation certificate.
- ◆ Another way to document and evidence an application filed to the bank is to send the application form “by registered mail, return requested”. Thus, the “certificate of receipt by mail”, signed by a bank officer, to be sent by the mail administration in return for the letter of application sent to the bank may also be used and employed as an application confirmation certificate.

PAY ATTENTION TO PERIODS OF TIME!

- ◆ After filing an application to a bank, you should wait for completion of the bank’s answering period of 30 days starting from the date of the application confirmation certificate. This period of time is 20 days for applications regarding debit and credit cards.
- ◆ The bank may give a reply within thirty days or twenty days, as the case may be, after receipt of the application or may request an additional time of ten days.
- ◆ If and when the bank gives a reply in a timely fashion, then and in this case, the application form may be filled in and an application may be filed and submitted so as to be received by the Association within **60 days** following the date of written reply of the bank.
- ◆ If and when the bank does not give a reply in a timely fashion, then and in this case, the application form may be filled in and an application may be filed and submitted so as to be received by the Association within **60 days** following the end of the answering period of the bank.
- ◆ Should the bank fail to give any written reply, an application should be filed on the basis of the date of the application confirmation certificate.

DON'T FORGET!

- ◆ Replies and application confirmation certificates to be sent by the bank by electronic mail are also accepted. In such applications for which a reply or an application confirmation certificate is sent, such information as the date of message, and from whom the message is sent to whom, should be visibly attached to the application form.
- ◆ For an application to be filed to the Panel, **it is a must to fill in the application form fully and completely.**

THROUGH WHICH WAYS MAY THE APPLICATIONS BE SENT THERE TO?

- ◆ Applications may be filed to the Arbitration Panel by electronic mail, fax, ordinary mail or via e-Government Gateway.
- ◆ Communication data is as given below:
Electronic mail address: hakemheyeti@tbb.org.tr
Fax number: 0 212 282 09 46
Mail address: Nispetiye Caddesi, Akmerkez B3 Blok Kat 13 Etiler 34340 Beşiktaş – Istanbul
- ◆ In the case of an application sent by electronic mail, either the application form should be filled in the “Customer Complaints Arbitration Panel – Application Form” section of the internet site of the Banks Association of Türkiye at the address of (www.tbb.org.tr) and its print-out should be taken, or its print-out should be taken directly from the same website address and should be filled in manually and its scanned version should be attached to an electronic mail message. **In the case of an application filed via e-Government Gateway:** The “Customer Complaints Arbitration Panel – Application Form” contained in the section “E-Services” in the “e-Government Gateway” application available at the address of www.turkiye.gov.tr should be filled in, and the reply received from the bank should be attached to the relevant application.
- ◆ Before filing an application, a copy of the bank’s reply and/or the application confirmation certificate available in electronic environment should be made ready for attachment to the application.
- ◆ Maximum five files may be uploaded in an application, and one file size may be maximum 1 MB.
- ◆ After pressing the “Apply” button at the last stage, no change or amendment may be made in, and no documents may be attached to, the application.
- ◆ Where the bank’s reply or the application confirmation certificate is not attached to the application, a message will be sent and delivered to the electronic mail address stated on the application form for completion of missing documents. Thereupon, the application may be accepted and processed only after these missing documents are completed. Applications found out to be in contradiction with the applicable laws will be refused.
- ◆ The applicant may display, and acquire information about assessment and evaluation stage of, all kinds of its applications filed to the Arbitration Panel, also including the applications submitted via e-Government Gateway.

For the applications referred and submitted also to courts or the Insurance Arbitration Commission, or the Consumer Arbitration Panels after being filed to the Panel, the duty of the Panel terminates automatically. Applications of this type are reported by the applicant or the relevant bank to the Panel.

BEFORE FILING AN APPLICATION TO THE ARBITRATION PANEL, PLEASE CAREFULLY EXAMINE THE FOLLOWING DIAGRAM



1.

Please apply first to your bank with respect to your claim.

2.

Please receive an application confirmation certificate from your bank with respect to your application.

If you are applying to your bank with a petition, a copy of your petition signed also by a bank officer as an acknowledgement of receipt and indicating the date of delivery thereof is also considered and treated as an application confirmation certificate.



3a.

If you receive a written reply from your bank in time, please fill in the application form and send it so as to received by the Banks Association of Türkiye within no later than 60 days following the date of written reply of your bank.



3b.

If you do not receive a written reply from your bank in time, please fill in the application form and send it so as to received by the Banks Association of Türkiye within no later than 60 days following the end of the answering period of your bank.



4.

You may either fill in the application form via www.tbb.org.tr internet website and send it to the printer or download the application form from the same address to your personal computer and fill in the application form manually. In order to file your application fully and completely via electronic environment, you may use the "Customer Complaints Arbitration Panel" application in "e-Services" section included in "e-Government Gateway" application at the address of www.turkiye.gov.tr.



In any case, please do not forget to attach the following documents to your application:

- A copy of written reply you are going to receive from your bank
- If any, a copy of the application confirmation certificate
- A copy of your petition of application filed and sent to your bank
- Copies of documents evidencing the transactions underlying your application, and if any, copies of other documents.

If you file your complaint through channels other than e-Government Gateway application, please send your application documents to the Banks Association of Türkiye by ordinary mail, fax or electronic mail. If you, however, file your complaint via e-Government Gateway application, please do not forget to attach the documents listed hereinabove thereto before pressing the "Apply" button therein.

HOW IS THE APPLICATION FORM FILLED IN? WHICH SHOULD BE PAID ATTENTION TO?

- ◆ If you fill in the application form fully and completely, it will speed up the assessment process. Therefore, please reply all questions contained in the application form.
- ◆ Please fill in the application form legibly.
- ◆ Please describe the conditions and events of dispute by indicating the date thereof and stating to which type of a transaction the dispute is related, and why you have had a problem with the bank with respect to that transaction.
- ◆ Please clearly and concretely describe what you claim and request from the bank.
- ◆ After describing the transactions and events underlying your application, please do not use general expressions and claims such as
 - “I hereby claim an examination and review of my accounts...” or
 - “If any, my damages and losses be found out and determined, and be indemnified to me...” or
 - “relief of my unjust treatment or suffering...” or
 - “determination of my damages and losses caused by all such transactions...”in the “claims” section of the application form!
- ◆ If you have claims regarding more than one transaction, please list and enumerate the said transactions with reference to dates and amounts thereof
- ◆ You may file more than one application against a bank, or may file an application against more than one bank with regard to the same dispute or event. In such cases, you have to file a separate complaint for each of these disputes. As an example, if you have a claim regarding your credit card and another claim regarding your TL deposit account against the bank X, you have to fill in a separate application form for each of these two claims. Accordingly, you have to receive a separate application confirmation certificate and/or a separate reply from the bank with respect to both of these complaints. As an another example, if you have a claim regarding your TL deposit accounts against both the bank X and the bank Y, you have to fill in a separate application form for each of these two banks, and have to receive a separate application confirmation certificate and/or a separate reply from each of these banks, for the sake of a complete application hereunder.
- ◆ Please send not originals, but copies of submittals and documents to be attached to your application form. A copy of the application form filled in, and originals of submittals and documents attached thereto must remain in your possession.
- ◆ If the transaction underlying the application is related to a joint account opened together with other person or persons, you must state this fact and you must get signatures of each of joint account holders on the application form.
- ◆ If the applicant is authorized to act for and on behalf of one or more applicants, for all kinds of activities (signature of the application form, receipt of all letters that may be sent by the Arbitration Panel in connection therewith, responding to these letters, acceptance or

refusal of proposals of the related person, etc.) with regard to examination and review of the application by the Arbitration Panel, the applicant is required to attach a copy of a power of attorney certified by the relevant official authorities or of another certificate evidencing that he is authorized to represent other applicants as well. In this case, it must be clearly stated in “Attorney/Representative” section in first page of the application form that the application is filed in the name of other person or persons.

- ◆ If the recipient of banking services has died, a certificate of inheritance proving the legal interests of his heir/heirs should be attached to the application form.
- ◆ Additional information or documents intended to be sent with respect to a previously filed application should be sent together with an application form **to be filled in again**, or the initial application form **with its date updated**.

WHO MAY APPLY TO CUSTOMER COMPLAINTS ARBITRATION PANEL?

- ◆ Only persons may file an application, providing that it is related to a retail or individual banking transaction. Applications by legal entities are not accepted.
- ◆ Applications of natural persons with respect to commercial, agricultural, etc. activities are not accepted either.

WHICH APPLICATIONS ARE NOT ACCEPTED?

The Panel examines all complaints about banks, other than the complaints listed below. Accordingly, the following complaints are refused by the Association without being escalated to the Panel:

- ◆ Complaints which are not received by the Association for escalation to the Panel, together with the application form, within 60 days of receipt of a response from the bank; and
- ◆ Complaints which are not received by the Association for escalation to the Panel, within a period of 2 years following the date of occurrence of the transaction or action underlying the complaint; and
- ◆ Complaints which are already referred to courts, or the Insurance Arbitration Commission, or the Consumer Arbitration Panels; and
- ◆ Applications arising out of banking transactions which are related to commercial, agricultural, etc. issues and are not retail or individual by nature and which are filed by legal entities; and
- ◆ Applications related to a general matter about personnel of banks or about products and services offered by banks; and
- ◆ Applications related to decisions taken by a bank adjudged bankrupt or decided to be liquidated; and
- ◆ Applications related to acts classified as a crime in the applicable laws; and Applications related to transactions which are not yet executed; and
- ◆ Applications related to a matter which has already been reviewed and resolved by the Arbitration Panel; and
- ◆ Without prejudice to rights of objection of the applicant, complaints related to a matter which has already been resolved by and between the bank and the applicant; and
- ◆ Applications related to crediting policies and credit evaluation, monitoring and risk management practices of banks; and
- ◆ Applications related to a transaction which has been executed by foreign branches of banks.

WHAT ARE THE DUTIES OF THE ASSOCIATION?

- ◆ It is the duty of the Association to make a preliminary examination on applications to be escalated to the Panel, and to organize the meetings of Arbitration Panels.
- ◆ The Association ensures communication and coordination between the Arbitration Panel on one side and the banks and complainants on the other side, and the Arbitration Panel asks comments from the relevant bank for each application deemed fit to be included in its agenda.
- ◆ The Association is not authorized to demand from the bank any of the information or documents required to be received from the applicant for filing an application to the Arbitration Panel.

HOW AND IN WHICH PERIOD OF TIME ARE THE APPLICATIONS RESPONDED AND FINALIZED?

- ◆ Your application documents are registered as soon as they are received by the Banks Association of Türkiye.
- ◆ Registered applications are subject to a preliminary examination of the Association. If and when any illegible, incomplete or non-understandable document or information is found out, the applicant may be contacted in order to request additional information and documents there about.
- ◆ To the holders of applications deemed fit for inclusion in the agenda, a written reply is sent within 15 days, and it is stated that their application is included in the agenda of the Arbitration Panel. This period is 30 days starting from the date of registration of application for the applications directly transmitted by the Authority to the Association for inclusion in the agenda of the Arbitration Panel.
- ◆ Besides the written reply sent to the applicant, the application documents and submittals are also sent to the bank in attachment to a cover letter, and the bank is requested to comment thereon.
- ◆ If and when the relevant bank gives a reply to the Association stating that the complaint is resolved, then and in this case, within twenty days following receipt of this reply from the relevant bank, the Association informs the applicant (complainant) that his complaint is removed from the agenda of the Panel. If the applicant wishes to raise an objection against removal of his complaint from the agenda of the Panel, then he is required to advise the Association about his objection in writing within a period of thirty days following receipt of the letter of notification of the Association.
- ◆ Within a maximum period of 30 days following the date an application is recorded, the applicant is informed in writing about the complaints not included in the agenda of the Arbitration Panel, together with reasons thereof. In this letter, it is stated either that the application is refused, or that the application will be taken into evaluation and consideration if it is filed and submitted in accordance with the applicable laws.
- ◆ Rights relating to periods of time of the applicants whose application is not refused, but is suspended due to missing information or documents therein are reserved and retained on the basis of their initial application date, without prejudice to the current law provisions pertaining to general statute of limitations and prescription time.
- ◆ Applications included in agenda of the Arbitration Panel are responded and finalized within no later than 90 days.

- ◆ A copy of the written award of the Arbitration Panel is sent both to the bank and to the applicant within a maximum period of 20 days following the date of award.
- ◆ Rights of both parties to go to courts with respect to complaints referred to the Arbitration Panel are, however, reserved.

ARE BANKS OBLIGED TO COMPLY WITH THE ARBITRATION PANEL AWARDS TAKEN IN FAVOR OF CUSTOMERS?

- ◆ Awards of the Panel regarding disputes of an amount up to TL 2,743.- are enforced by the banks, providing that all judicial remedies are open. This threshold is valid for the year 2017, and will be increased by the rate of variation in the annual consumer price index published by the Turkish Statistics Institute in January every year. The updated amounts may be retrieved and monitored via the internet website of the Banks Association of Türkiye.
- ◆ With regard to awards of the Panel regarding disputes of an amount up to TL 2,743.- taken in favor of the complainant, the bank will enforce and execute the award, and keep the complainant (applicant) informed thereabout, and give written information to the Banks Association of Türkiye with respect to both acts, within a period of 15 days following the date of delivery of the award to it.
- ◆ Notifications to be sent by the complainant about banks which do not comply with awards of the Panel regarding disputes of an amount up to TL 2,743.- taken in favor of the complainant will be taken into evaluation and consideration in accordance with the principles and procedures determined by the Board of Directors of the Banks Association of Türkiye.
- ◆ About the banks determined and proven not to have complied with awards of the Panel regarding disputes of an amount up to TL 2,743.- taken in favor of the complainant, the Board of Directors of the Banks Association of Türkiye takes the required actions and decisions pursuant to paragraph no. 3 of article 81 of the Banking Law no. 5411.

MAY AN APPLICATION BE FILED AGAINST ALL BANKS?

- ◆ An application may be filed against all banks, being members of the Banks Association of Türkiye.
- ◆ Applications filed against foreign branches of member banks are not accepted.
- ◆ Complaints against participation banks are required to be filed to the Participation Banks Association of Türkiye.
- ◆ Communication data of the Participation Banks Association of Türkiye:
Website: www.tkbb.org.tr
Mail Address: Saray Mh. Dr. Adnan Büyükdeniz Cd. Akofis Park C Blok
Kat:8 34768 Ümraniye/İSTANBUL
Fax Number: 0216 636 95 49
Telephone Number: 0216 636 95 00

WHAT IS THE APPLICATION FEE PAYABLE TO THE PANEL?

- ◆ This Memorandum of Information and the Customer Complaints Arbitration Panel Application Form are free, and the services offered by the Arbitration Panel are also free.



You may receive and retrieve an application form from banks or from the internet site of the Banks Association of Türkiye at the address of **www.tbb.org.tr**. In order to get information about the application by phone, please call **0 850 222 2 822**.

**PLEASE DO
NOT FORGET!**

Examination of complaints by the Arbitration Panel may in no case suspend or stop the legal period limitations or restrictions regarding referral of the dispute to courts or arbitration.