

TÖDEB

The Payment and Electronic Money Institutions Association of Türkiye

**Information Brochure on Arbitral
Tribunal of Personal Customer
and its Application Procedure**



The content of the brochure:

1. This brochure has been prepared to inform you about the TÖDEB Arbitral Tribunal for Private Customer ("Arbitral Tribunal"), which may be applied to in terms of the disputes with the payment and electronic money institutions ("Member", "Institution") that are members of the Payment and Electronic Money Institutions Association of Türkiye ("TÖDEB", "Association") and the application process thereto.

Within the scope of the Regulation on The Principles and Procedures Regarding the Arbitral Tribunal for Private Customer of TODEB ("Regulation") the Tribunal was established for the purpose of resolving the disputes between institutions and customers which are member of TODEB.

In which matters an application may be filed to the Arbitral Tribunal?

An application regarding the matters indicated below shall not be filed for the disputes between private customer and member of TODEB:

- a)** Applications submitted to the Association without making an application to the Member regarding the dispute within two years at the latest as of the date of the transaction or action subject to the application, and applications that did not reach to the Association and that are to be forwarded to the Arbitral Tribunal within the framework of the procedures and principles specified within the first paragraph of Article 10, although the application was made to the relevant Member within the aforementioned period.
- b)** Applications already submitted to the jurisdiction or Consumer Arbitration Committees before or after the application to the Association.
- c)** The applications that are arising from transactions with respect to non-individual commercial activities and the applications filed by legal entities.
- ç)** The applications regarding the personnel of the Institutions or applications in general nature concerning the product and services that they were provided.
- d)** The matters about the decisions taken by an institution which has been decided to be gone bankrupt or liquidated
- e)** Applications as to the transactions that have not yet been executed
- f)** Applications already submitted to the jurisdiction or Consumer Arbitration Committees before or after the application to the Association.
- g)** The applications that have been settled between the applicant and the members, without prejudice to the applicant's right to appeal
- ğ)** The applications that are not submitted to the Arbitral Tribunal within sixty days following the date on which TODEB member's reply is received by the applicant or the applicant is notified.
- h)** The applications that are outside of the scope of the activities regarding the payment service and electronic money exportation.
- ı)** The applications about the subject of the request that are within the authority of the jurisdiction.
- ı)** Matters for which a written agreement has been reached to by and between the applicant and the member of the Association, and transactions released in writing.
- j)** Applications in terms of which the disputed transaction and request are not concretely and clearly stated within the relevant application form.

The Arbitral Tribunal evaluates all applications except for these matters.



What Are the Things That You Should Do Before Applying to The Arbitral Tribunal?

Before applying to the Arbitral Tribunal, you must apply to the relevant organization being a Member of TÖDEB. You must submit your applications within two years, at the latest, as of the date of the transaction or action that is the subject of the dispute. Following your application, a response period of 20 days of the addressee institution should be waited for. If your application to the institution is not answered by the relevant institution, results in negatively or if the answer is not satisfactory for you, you may apply to Arbitral Tribunal within 60 days as of the date of the negative answer or the date on which the answer need to be given.

How to File an Application to the Arbitral Tribunal?

In the event, the application that you have filed to the institution has not been responded by the relevant institution or the application resulted negatively or, if you do not find the response sufficient, you may apply to the Arbitral Tribunal within 60 days from the date when the response should have been given or within 60 days following the date of response by filling the application form with the relevant information and uploading required documents and sending such through the following link: www.todeb.org.tr

How to Find the Application Form?

The Arbitral Tribunal application form may be found at the websites of TODEB member institutions or the internet address of www.todeb.org.tr. The form may be submitted electronically through the internet address of www.todeb.org.tr after filling the relevant information and uploading the required documents.

Is there a fee for applications to the Arbitration Committee?

Applications to the Arbitration Committee are free of charge. However, in the case where it is determined that the application has been made through abuse of the right, TÖDEB's rights of action and claim regarding the collection of the expenses incurred for the settlement of the dispute from the applicant shall be reserved.

What are the Mandatory Information and Documents Required to be Included within the Application Form?

- a) Applicant's explicit identity
- b) Turkish identity number, if the relevant person is a Turkish citizen.
- c) E-mail address
- d) Address
- e) the member of TODEB whom the statement is made about
- f) subject of the dispute
- g) material facts
- h) legal grounds and the date of application, if known
- i) a perceptible and clear statement of what the transaction and request are about
- j) Proving evidence along with information and document



Is it possible for a Private Customer to File More Than One Application Concerning the Disputes with The Same Member?

The Tribunal may decide on each application filed by the same person with respect to more than one transaction, relating to the same type of Tribunal by treating such as one application.

What are the criteria that are taken into account for evaluation of applications?

All duly filed applications are evaluated in chronological order by the Arbitral Tribunal.

How Does the Application Evaluation Process of the Arbitral Tribunal Continue?

- a)** With respect to the duly filed applications, the relevant member is requested by TODEB to submit his/her opinions on the subject matter and necessary information and documents within fifteen days from the date of registration of the application. The information and documents must be submitted to TODEB by the relevant member within twenty days after the request is delivered to the member by TODEB. Upon written request of member to be submitted to TODEB, such time period may be extended for ten days, only for once.
- b)** In the event that the Member gives a reply to the Association that the application has been concluded, along with any relevant information and documents, within thirty days following the receipt of the member's response, the Association informs the applicant through the e-mail address specified in the application form that the application in question has not been included within the agenda of the Arbitral Tribunal. If the applicant has an objection to the fact that his/her application is not included within the agenda, he/she must notify the Association of his/her objection by replying to this e-mail within thirty days as of the date of receipt of the e-mail of the Association on the subject
- c)** Without prejudice to the provisions of the Regulation, the objection to the application is evaluated by the TODEB and finalized with its reasons within ninety days after the registration date of the application. In the event the application is included in the agenda again, the ninety-day time limit shall start as of the date on which the applicant's objection is received.
- d)** The Arbitral Tribunal is informed regarding the information and documents submitted by the Member after the time periods stipulated in item (a) herein have passed. The Arbitral Tribunal determines whether the information and documents that are submitted after their time-period shall be evaluated or not.
- e)** During the evaluation of the application, the Arbitral Tribunal may request additional evidence, information, and document from the parties by providing time limits by way of granting interim decision. The interim decision granted by the Tribunal suspends the ninety-days of time limit.
- f)** The Arbitral Tribunal, upon the request of the parties to the dispute, or in ex officio, may invite the parties to listen them individually, physically or by using remote communication means.



Is a Private Customer Allowed to Abandon His / Her Application?

The applicant may partially or completely abandon his/her request at any stage of the examination. It is also possible for the parties to come to an amicable agreement at any time. In the case where the application is abandoned or a settlement is reached, the Arbitral Tribunal decides to cancel the process by clearly stating such reasons in its decision. The dispute, being the subject of the file that has been cancelled due to the abandonment of the application or due to having reached to a settlement on the matter, may not be re-brought before the Arbitral Tribunal.

How to Finalize the Application and Notify the Decisions to the Relevant Parties?

The disputed issue between the Member and the applicant is examined by the committee and concluded with justification within ninety days at the latest as from the date of registration of the application; and the decision is notified by the Association to the relevant Member and the applicant via e-mail within thirty days as of decision date.

Decisions of the Committee in terms of the disputes up to ten thousand Turkish Liras per transaction shall be implemented by the Members, provided that the judicial remedy is available.

Within thirty days following the notification of the decision, the Member shall fulfill the requirements of the decision, inform the applicant, and inform the Association in writing about each transaction. The applicant is entitled to make an application by replying to the e-mail message sent to him/her by the Association about the fact that the decision has not been implemented, within thirty days following the end of the thirty-day period following the date of the notification made to him/her by the Association regarding the decision of the Arbitral Tribunal.

You may find any relevant detailed information regarding filing an application to the Arbitral Tribunal by [clicking here](#).