

**By the Banking Regulation and Supervision Agency:**

**REGULATION ON THE PROCEDURES AND PRINCIPLES FOR SALES  
AND PURCHASE OF PRECIOUS METAL AND DISPOSAL OF COMMODITIES  
THAT HAVE BEEN ACQUIRED DUE TO RECEIVABLES BY BANKS**

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**SECTION ONE**

**Objective and Scope, Basis and Definitions**

**Objective and Scope**

**ARTICLE 1** — (1) The purpose of this Regulation is to lay down the principles and procedures governing the Sales and Purchase of Precious Metal and Disposal of Commodities that have been Acquired Due to Receivables by Banks.

**Basis**

**ARTICLE 2** — (1) This Regulation has been prepared on the basis of Articles 57 and 93 of the Banking Law dated October 19, 2005, Nr. 5411.

**Definitions**

**ARTICLE 3**— (1) The following terms used in this Regulation shall have the meanings expressly designated to them below:

- a) Bank means the banks defined in the Article 3 of the Law,
- b) Law means the Banking Law Nr. 5411,
- c) Agency means the Banking Regulation and Supervision Agency,
- ç) Asset means commodity and real estates.

## **SECTION TWO**

### **Assets Acquired due to Sales and Purchase of Precious Metal and Receivables**

#### **Precious metals the banks may sell and purchase**

**ARTICLE 4 — (1) (Amended: OG-2410712007-26592)** Banks may sell and purchase gold, silver and platinum effecting transactions in Precious Metals Exchange or of which standards and qualities were determined by the Turkish Treasury or Istanbul Gold Exchange or their acceptability by the refinery they have been produced have been affirmed in respect of conformity with the said standards and qualities and they may sell and purchase contracts of gold, silver and platinum effecting transactions in Derivatives Exchange and the standards and qualities of which is determined by competent authorities.

#### **Disposal of assets the banks acquired due to their receivables**

**ARTICLE 5 — (1)** Banks are obliged to dispose the assets they had to acquire due to receivables within three years following the day of acquisition.

(2) Assets subject to amortization to be disposed which are possible to be disposed in one year following the date of acquisition may not be subject to amortization, providing that a sale plan and an active study to carry out the plan has been made by the bank during this period and that the asset has been put up for sale at a price close to its market price.

(3) Assets subject to amortization unlikely to be disposed in one year following the date of acquisition or assets which cannot be disposed in one year, though likely to be disposed in such period of time are subject to amortization separately in a way to begin as of the date of acquisition and according to the quality by using the life cycles and amortization ratios defined by the Ministry of Finance pursuant to the Tax Procedure Law dated January 4, 1961 and Nr. 213.

(4) Assets subject to amortization which cannot be disposed after the expiration of three-year period are subject to amortization twice the amortization ratio following the expiration of this date and within the procedures and principles set forth in the third paragraph.

(5) In the event that assets which are not subject to amortization cannot be disposed following the acquisition date are subject to amortization by setting aside provisions at five percent for each year as of the date of acquisition.

(6) Pursuant to the Regulation on Equities of Banks, assets which cannot be disposed in five years following the acquisition date are considered as the value decreased from capital in equity account on net book values.

(7) Assets acquired due to receivables may not be valued, under any circumstances.

(8) It is dependent on the permission of the Agency that banks allocate the real estates they acquired due to receivables to their usage, providing that they do not exceed the limit defined in the Article 57 (1) of the Law and the number and size they need for conducting banking activities. Real estates permitted to be allocated shall not be evaluated within the scope of this Regulation.

(9) **(Additional paragraph: OG-2410712007-26592)** Banks may allocate the commodity they acquired due to their receivables to their usage, on condition that they are limited with the number and quality they need for conducting banking activities. The said commodity cannot be appraised within the scope of this Regulation.

### **SECTION THREE**

#### **Final and miscellaneous provisions**

**Implementation regarding the pre-acquired assets to be disposed**

**PROVISIONAL ARTICLE 1** — (1) Among assets to be disposed which have been acquired before the publication of this Regulation; those which are not subject to amortization are subject to provision implementation, assuming to have been acquired before the publication of this Regulation.

(2) Among assets to be disposed which have been acquired before January 1, 2004; those which are subject to amortization are assumed to have been acquired as of January 1, 2004 and are subject to amortization implementation beginning from this date. Amortization is implemented for the assets to be disposed which have been acquired after January 1, 2004 beginning from the date of acquisition.

**Entry into force**

**ARTICLE 64-** (1) This Regulation shall enter into force as of the date of its publication.

**Enforcement**

**ARTICLE 65- (1)** The provisions of this Regulation are enforced by the Chairman of the Banking Regulation and Supervision Agency.