



This report is about the new requirement for registering guests renting out holiday villas and apartments. It replaces our earlier report published on 15th April 2017, following further discussions we have had with the Jandarma in Kaş.

[The original report from 15th April 2017 has been archived but is available for viewing by clicking here.](#)

We hope that this new report clarifies some of the confusion that arose following the implementation of this regulation. However we should stress that differences of opinion remain - particularly if you look further afield to neighbouring provinces.

We said in our previous report that we got the impression that the implementation of these rules was a fluid and dynamic chain of events and that the practical details had yet to be finalised. We also said that things would become clearer over time. This has proved to be the case.

### **Disclaimer**

We wish to stress that this is our considered view but you are perfectly entitled to disregard it or disagree with it. Furthermore we urge you to make your own independent enquiries. KTLN will not be held responsible for any actions you take, or do not take, on the strength of this article. For the purposes of this article where we refer to foreigners we mean non-Turkish citizens who do not possess a work permit.

### **Timeline**

For the sake of clarity let us re-state the timeline of events.

## **22nd November 2016**

Statutory Decree No. 678 was announced in the official gazette amending Law No. 1774 on the Declaration of Identities. This introduced a legal obligation for everyone doing short term property rentals in Turkey to report details of guests to the authorities.

## **2nd December 2016**

[KTLN reported this development](#) . We visited the Kalkan Jandarma to ask what people needed to do and set out what we were told in our article. It all seemed so simple then.

## **16th March 2017**

The Fethiye Times [published a report on this subject on 16th March 2017](#) . It was soon followed up with [ano](#)

[ther article on 22nd March 2017](#)

. Both reports set out the way in which the authorities in Muğla Province are implementing the regulations. It would be fair to say that the reports pulled no punches and set out in stark terms what needed to be done, plus the consequences of non-compliance.

We were introduced to the system that is being used to collect guest details, **GIYKIMBIL** Geçici İkamet Yerleri ve Kimlik Bildirme Projesi (Temporary Place of Residence and Identification Project). These Fethiye Times reports sparked a flurry of online chatter, liberally sprinkled with barely concealed panic. We urged KTLN readers to remain calm and not to panic. That remains our message today.□□

## **15th April 2017**□

[KTLN published a further report on GIYKIMBIL](#) .

In our report we told you how there was a flurry of activity as people involved in holiday rentals and property management attempted to get to grips with this new reporting system.□□

We also said that we had written to the British Consulate on this subject asking if they would seek guidance from central government in Ankara. They said they were doing so but nothing further has been heard.

We outlined in our 15th April report why the registration system was being introduced to all short term rental properties, when the regulation became effective, who was affected and what they needed to do. We revisit these points below, taking into account the further research we have undertaken.

### **Why was GIYKIMBIL extended?□**

The official line is that requiring all providers of short term rental accommodation to register their guests with the authorities is a necessary step in the fight against terrorism. Introduced under Turkish State of Emergency powers it will enable the authorities to keep a better track on people moving around Turkey and will make it easier to locate individuals who are of interest to the security services.

This is the main reason given but there are a couple of interesting concomitant points.

Firstly this move will be welcomed by those people in the Turkish hotel industry who have complained in the past of an uneven playing field, where they have been required to register guest details but privately owned villas and apartments have not. □□

Secondly, some people suggest that in the long term the GIYKIMBIL database will facilitate more effective tax collection for holiday rental income. The system is not linked in any way to the tax office however some people say it would be prudent to assume that at some point in the future details are bound to be shared.

### **When did the new rules come in to force?□**

The regulation came into effect on 22nd November 2016. It is already in effect now. □□

### **Who needs to take action?□**

Before we say who is responsible for taking action we should reiterate **who does not need to do anything**

- If you own a property for your own use (you and your family) and you do not market it in any way for short term rentals you don't need to do a thing. This regulation is not aimed at you. You should just enjoy your villa or apartment as a private property owner.
- If you rent out your property under a long term rental agreement contract you don't need to do anything. This regulation is for short term rental agreements.

### **So who does need to do something?□□**

If you own a property that is being rented out for short term holidays you are directly responsible

for ensuring that the property is registered on the GIYKIMBIL system and that details of guests are submitted. It makes no difference how many days a year you rent out your property; renting out to just one person for one day is enough for you to have to register. ☐☐

In our 15th April report we told you that it was not possible for a foreigner to personally register on GIYKIMBIL unless he/she had a work permit. That was the information we were given at the time, however **we are now informed that foreigners can and should register in their own names** . This is an important point.

### How to register

You need to visit the Jandarma station in Kaş (not Kalkan) taking with you your passport as ID, a copy of your tapu (title deeds), your Turkish tax number. We also advise taking your residence permit card/book if you have one. You may well be asked for other personal information so be prepared to give other details such as your UK address and any local property management company details.

You will be provided with a user name and password so that you can access the GIYKIMBIL system on your computer. Note that the interface only works on Windows computers. Obviously it's in Turkish.

### How to submit details

It is necessary to log in to the system on a daily basis and submit details of all guests.

The input screen (see above) has a number of mandatory fields and optional fields. Mandatory

guest details are things such as nationality, full name, gender, date of birth, date of arrival, passport number and normal home address (normally just input as the country rather than a full address).

You must decide if you are going to submit details yourself or whether you will ask a third party to do so on your behalf. Many local property management companies are offering this service - generally to existing clients. We have seen some service providers asking for a Power of Attorney to act on behalf of the property owners, whilst others require a simple agreement form to be signed. From the Jandarma perspective they don't seem worried how the arrangement is made providing daily submissions are forthcoming.

Details must be submitted to the Jandarma every single day following registration, even if a property is empty, in which case a "nil return" is required. **Failure to submit details is a serious offence and can result in a significant fine.**

One thing the Jandarma said to us was that care is required if the job of daily reporting is shared between individuals. If the responsibility is shared this could lead to confusion around who is supposed to submit on a particular day. It may lead to a submission being missed. It could also potentially lead to two submissions being made on the same day - something the Jandarma is keen to avoid.

When bookings have stopped for the season it is possible to submit a letter to the Jandarma confirming there will be no further guests staying in the property, following which the daily submission of guest details can be suspended.

All of the above seems straightforward. The online system is old and was actually designed for hotels rather than villas and apartments, but it works and hopefully it will be able to deal with the huge increase in daily submissions.

### **What this means for holidaymakers who wish to rent a property**

Let us reiterate that for holidaymakers this is no big deal. The most obvious thing is that you will have to provide some personal details to the property owner (or their appointed agent) so that they can be entered on the GIYKIMBIL system. It's no different to the requirement to give your personal details in a hotel.

The details that are required are as follows:

- Your nationality (country of origin)
- Your full name
- Your gender
- Your date of birth
- Your passport number (or if Turkish your TC number)
- The dates you are staying at the property

All of this information (except the dates of your stay) is contained in your passport so rather than asking you to set out the details in a note you may simply be asked to provide a copy of your passport. This reduces the possibility of any details being accidentally mis-reported. We think you will find that property owners will wish to have this information in advance. They will probably not wish to leave it to the last minute to ask for this information as this may lead to logistical problems in uploading the correct data in a timely manner. Please be prepared to give your full cooperation.

Please note that the holidaymaker is not responsible for submitting guest details to the authorities. This responsibility rests with the property owner or their appointed agent.

### **What about guests who are family or friends - i.e. non-paying invited guests?**

If your property is being marketed for short term holiday rentals, no matter how many or how few bookings you get, this means that your property should be on the GIYKIMBIL system and details of all guests (paying holidaymakers and non-paying family or friends) must be submitted. The Jandarma are not interested in whether someone is a paying guest or not, they simply need to know who is there for all properties registered on the GIYKIMBIL system. If on the other hand you do not market your property for short term holiday lets - if the property is for your own personal use, (you and your family and any friends you wish to invite) then you do not need to register on the GIYKIMBIL system, therefore no guest details need to be submitted.

Bear in mind there could be some grey areas. For example let's say you own villa and you don't in any way market it for holiday rentals and you receive no income from it. So you don't need to register on the system. But perhaps you are a kind and generous soul with many friends and you allow lots of them to use your villa, week in week out, completely free of charge. You can see how this would look like you were renting, and it is entirely possible that such appearances could result in questions being asked.

### **Will checks be carried out?□**

This is entirely a matter for the Jandarma. If they wish to undertake random checks they can. But in a sense these checks will happen as a matter of course through day to day routine operations.

For example, if you call out the Jandarma because there has been some kind of incident (maybe an accident or a burglary), when the Jandarma attend there is every likelihood that they will want to know who is staying at the property. If it is anyone other than the registered owner of the property and it appears that the property has been rented out, they may very well check the GIYKIMBIL system to see whether guest details have been provided.



### **The elephant in the room - is renting out for holidays “commercial activity”?□**

This remains the contentious bit. And to be clear it is quite a separate point from the one of GIYKIMBIL registration, which as we have said appears pretty straightforward.

There is plenty of evidence to suggest that anyone providing short term accommodation (holiday lettings) is involved in "commercial activity". Logically it can be described as such in the sense that it is operating in the field of tourism in direct competition with hotels, where you have income and outgoings, and potentially you can make a profit. We outline the evidence in more detail in our [previous report dated 15th April 2017](#).

In mitigation if you are simply renting out your sole Turkish property for a few weeks a year to earn a little income to cover some of your costs, and importantly you are paying any tax due on your rental income, you could probably put up an argument that it is a bit harsh to describe such a limited operation as commercial activity.

In our opinion it's a little harder to argue you're not engaging in commercial activity if you are offering multiple properties with associated add on services, and perhaps you have a professional looking web site with SEO that gets you listed high up in internet search results. As we have said in discussions with some people, if it looks like a duck, walks like a duck and quacks like a duck, it's probably a duck. Likewise, if you present yourself as a business, people tend to think of you as a business and you are in direct competition with properly registered businesses (such as hotels), then you're probably a business.

That said, whatever we may think, it has become clear over recent weeks that the authorities in our part of Turkey are currently adopting what could be best described as a more pragmatic and laissez faire approach to this subject. There is no obvious sign on the part of the authorities in Kaş district to change the status quo. Nobody here is pushing property owners to register as businesses, with all of the demanding consequences that follow from that.

It is worth pointing out however that the local tax authority's pragmatic approach does not extend to those who are failing to pay tax on their rental income. It is our understanding that efforts will be made to identify those who have been renting out property but have paid no tax.

So to sum up it would seem that if you are doing short term property rentals in Kaş district and you have registered on GIYKIMBIL and you are paying tax on your rental income, for now at least, nobody is pro-actively asking you to do any more. Most professional advice in Kalkan is that you don't need to register as a business: those who think otherwise are in a small minority.

According to online reports we have read it's a different picture in Muğla Province, but we don't live in Muğla Province, we are in Antalya Province. Vive la difference!

As always we welcome your feedback so please let us know your own experiences regarding this subject. [Contact KTLN](#)

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