

LAW NO.4208 ON PREVENTION OF MONEY LAUNDERING

Date: November 19, 1996

PART ONE

Prevention of Money Laundering

CHAPTER ONE

Object, Scope and Definitions

Object and Scope

Article 1- The object of this law is to set forth the fundamentals that shall be applied for the prevention of money laundering.

Definitions

Article 2- For the purposes of this Law;

a) "Dirty money"¹ shall mean money and monetary instrument, property and proceeds derived from any activity stated in;

- 1- The Law No.1918 on Prevention and Follow-up of Smuggling,
- 2- The Law No.6136 on Firearms and Knives
- 3- The Law No.2238 on Removal, Preservation and Transplantation of Organs and Tissues,
- 4- The Law No.2863 on Protection of Cultural and Natural Values,
- 5- (Sub-paragraph amended with paragraph (o) of Article 81 of Law No:4369) Sub-paragraph (b) of Article 359 of the Law No:213 on Tax Procedures,
- 6- Paragraph (4) of Article 22 of the Law No:4389 on Banks,
- 7- Sub-paragraph (A) (1)-(7) of paragraph (1) of Article 47 of the Law No:2499 on Capital Market,
- 8- Article 333 of the Law No:2004 on Bankruptcy with regard to bankruptcy and composition of the banks which were transferred to Insurance Fund of Saving Deposits or were subjected to liquidation by Insurance Fund of Saving Deposits,
- 9- (Sub-paragraph amended with Article 5 of Law No:4782) Articles about Felonies Against the State and articles 179,192, from 211 to 220, 264, 316, 317, 318, 319, 322, 325, 332, 333, 335, 339, 341, 342, 345, 350, 403, 404, 406, 435, 436, 495, 496, 497, 498, 499, 500, 504 and 506 of the Turkish Criminal Law No:765,

and all the economic advantages and assets derived from the conversion of money, monetary instruments, property and proceeds from one form to another, including the conversion of a currency into another currency.

b) "Money laundering offence"² shall mean, other than the situations specified in the Article 296 of the Turkish Criminal Law making use of the proceeds from crime acquired through the

¹ The subjects of "dirty money", "money laundering offence" and "punishment for money laundering offence" have been established under the title "Laundering Assets Derived from Crime" in article 282 of Turkish Criminal Law No:5237 dated 26.09.2004. In accordance with this article, the crimes entailing a maximum of more than one year imprisonment were determined as predicate offences.

activities mentioned in the subparagraph (a) of this Article by the offenders in order to legitimize them; by knowing that it is dirty money derived from the crimes referred to above, acquisition and possession of it by others, using it by acquirer or others, changing or hiding its source, nature, possessor or owner; making it subject of cross-border transactions or disguising such transactions, changing its source or location or laundering it by way of transferring in order to help the offender to evade the legal consequences of the crimes specified above or the other actions to prevent the detection of dirty money.

c) "Controlled delivery" shall mean the consignments, within the knowledge and under the supervision of the competent authorities, of the narcotic drugs and psychotropic substances, including the substances in Table I and Table II annexed to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the substances that may take part in the amendments of those Tables, which will be delivered within Turkey or brought to and distributed in Turkey or prepared in Turkey and transported abroad or transported in transit through Turkey, the funds or dirty money related to those substances or every kind of smuggled or suspected to be smuggled goods that would be the source of dirty money, for the purposes of identifying the perpetrators, finding out and collecting all kinds of evidence and confiscating the smuggled or suspected to be smuggled goods and funds.

d) "Presidency" shall mean "the Presidency of Financial Crimes Investigation Board".

e) "Coordination Board" shall mean "Coordination Board for Combatting Financial Crimes".

CHAPTER TWO

Duties, Powers and Responsibilities

Duties and Powers of the Presidency of Financial Crimes Investigation Board

Article 3- The Presidency of Financial Crimes Investigation Board operates as attached directly to the Minister of Finance. Duties of the Presidency are as follows;

² Article 282: Laundering of Assets Obtained from Crimes

- (1) *Whoever transfers, transmits or transports assets, derived from an offence minimum punishment of which is 1 year or more imprisonment, abroad or subjects these assets to a series of transactions for the purposes of disguising illicit sources of them and misleading as if they have been derived from legitimate sources, is sentenced to imprisonment from 2 years up to 5 years and to payment of a fine not more than twenty thousand days.*
- (2) *In case this offence is committed by public servants or natural or legal persons, who deal with particular professions, during the execution of their duties or businesses, the sentence to imprisonment shall be increased by half of it.*
- (3) *In case this offence is committed in the context of the activities of a criminal organization designed for the purpose of committing offences, the sentence shall be increased by two fold of it.*
- (4) *With regard to committing this offence, for legal persons, security measures pertinent to them are taken.*
- (5) *Before initiating the prosecution procedure, whoever enables the competent authorities to seize the assets subject to an offence or facilitates the seizing these assets by informing competent authorities about where these assets are concealed shall not be sentenced due to the offence defined under this Article.*

Article 165 of Turkish Criminal Law should be taken into consideration as supplementary regulation of this crime.

Article 165- Purchasing or acquiring illicit property

- (1) *Whoever purchases or acquires the property obtained through committing a crime shall be sentenced to imprisonment from six months to three years and to fine up to a thousand days.*

1. to carry out studies for prevention of money laundering, to take the necessary steps for this purpose,
2. to exchange studies and information with the national and international institutions and establishments, to make research and investigations related to dirty money,
3. to ask for all kinds of information and documents related to money laundering operations from natural persons and corporate bodies, including public institutions and establishments,
4. to investigate the issues conveyed by Public Prosecutors and by the law enforcement authorities on behalf of Public Prosecutors, to conclude the requests of these authorities on determination of money laundering offences,
5. to carry out preliminary investigations in order to determine whether money laundering offences have been committed or not, and if serious circumstantial evidences exist about money laundering, in cooperation with the law enforcement authorities, to request to be implemented the procedures in accordance with this Law and the provisions on search and seizure of the Criminal Procedure Law,
6. to inform the Public Prosecutor's Office about the steps taken on preliminary investigation,
7. to apply to the Public Prosecutor's Office for taking precautionary measures on the claims and rights of the suspected person, if there are serious findings and circumstantial evidences about money laundering during research and examination,
8. to provide the Public Prosecutor's Office with all information and documents concerning the commission of money laundering offence,
9. to propose in order to be decided by the Council of Ministers to put into force the measures to determine and prevent money laundering offences; and to assign banks, non-bank financial institutions and other natural persons and corporate bodies, with the requirement of customer identification, and to inform the Undersecretariat of Treasury of the actions taken,
10. to collect and evaluate all the statistical and other kinds of information concerning money laundering offences and, to notify the related parties and competent authorities within the framework of bilateral and multilateral international agreements to which Turkey is a party,
11. to make the necessary arrangements on principles and procedures of Presidency's operations and on the implementation of Decrees of Council of Ministers concerning the principles and procedures of customer identification, as well as on the determination and prevention of money laundering offences,

The Presidency performs its duties of investigation and examination of money laundering offences through Ministry of Finance Inspectors, Auditors, Revenue Comptrollers, Sworn-in Bank Auditors, Treasury Comptrollers and Capital Market Board Experts. The Ministry of Finance Inspectors, Auditors, Revenue Comptrollers, Sworn-in Bank Auditors, Treasury, Comptrollers and Capital Market Board Experts to be appointed are determined upon the request of the President of the Board by the proposal of the head of the unit concerned and by the approval of the Minister to whom they are attached or related.

The Ministry of Finance Inspectors, Auditors, Revenue Comptrollers, Sworn-in Bank Auditors, Treasury Comptrollers and Capital Market Board Experts to be appointed upon the request of the Presidency are authorized to ask for information and documents, to make research and examination, to follow up and inspect the procedure to examine every kind of document for this purpose on the issues falling within the scope of the subject matter of their assignment.

Duties and Powers of the Coordination Board for Combatting Financial Crimes

Article 4- Under the Chairmanship of the Under-Secretary of Ministry of Finance, the Coordination Board consists of the Presidents of the Inspectors Board and the Auditors Board

of the Ministry of Finance, Financial Crimes Investigation Board, Board of Sworn-in Bank Auditors and Board of Treasury Comptrollers of the Undersecretariat of Treasury as well as Capital Market Board; together with the General Director of Revenues, General Director of Banking and Exchange, General Director of Legislation of the Ministry of Justice, General Director of Relations with Middle-East, Africa and International Organizations of the Ministry of Foreign Affairs and Head of the Department for Combatting Smuggling and Organized Crimes of the General Directorate of Security of the Ministry of Interior. When necessary, Chief Legal Adviser and General Director of Legal Affairs of the Ministry of Finance; Director of the Board of Inspectors of the Undersecretariat of Customs; Head of Smuggling, Intelligence, Operation and Information Gathering Department of the Ministry of Interior and the representatives one each from the Prime Ministry, the Ministry of Health and the Central Bank of the Republic of Turkey at least at the level of General Director are invited to participate as a member in the Coordination Board. The Coordination Board may also invite representatives from other public institutions and establishments when it deems necessary.

The Coordination Board is responsible for coordination of the activities that will be performed by the Financial Crimes Investigation Board on prevention of money laundering together with the related institutions and establishments, determining policies concerning implementation and evaluating draft legislation and proposals.

Obligation to Submit Information and Documents

Article 5- Public institutions and establishments, natural persons and corporate bodies are obligated to submit information and documents to be requested by the Presidency and the other authorities specified in Article 3 of this Law and provide them with adequate support.

Natural persons and corporate bodies from whom information and documents are requested by the Presidency and the other authorities may not refrain from submitting information and documents by claiming the protection provided by privacy provisions in special laws, provided that the provisions related to the right of defense are reserved.

Obligation of Secrecy

Article 6- The persons stated below may not disclose the secrets or other confidential information, which they acquire while exercising their functions, about the personalities, transactions and account statements, businesses, undertakings, properties or professions of the persons and other persons having relation with them and shall not make use of those secrets confidential information for their own or third parties' benefit:

- a) President of the Financial Crimes Investigation Board and his/her deputies, the Investigation Experts and Assistant Experts of Financial Crimes and other officials employed at the Board,
- b) Chairman and Members of the Coordination Board of Combatting Financial Crimes,
- c) Other public officials who are authorized in accordance with this Law,
- d) Natural persons and corporate bodies whose information and expertise on money laundering operations are applied,
- e) Persons performing duties as expert witness on money laundering issues,

This obligation continues even after the termination of the assignments of the persons stated above.

CHAPTER THREE

Penalties and Procedural Provisions

Penalties of Money Laundering Offence³

Article 7- Whoever commits money laundering offence shall be sentenced to imprisonment for from two years to up to five years and also heavy fine of one fold of the money laundered and all the property and assets in the scope of dirty money including the returns derived from them and in case the property and assets could not be seized, the corresponding value of them shall be subject to confiscation..

If dirty money is derived from offences of terrorism or from smuggling of substances or items which are forbidden by law to be imported to or exported from Turkey, or if the offence is committed to obtain sources for the offences of terrorism, the term of imprisonment to be

³ As of 01.06.2005, relevant articles of Turkish Criminal Law No:5237 dated 26.09.2004 shall apply.

Article 54- Confiscation of property

(1) *Provided not belonging to the bona fide third parties, the property used in committing a deliberate offence or allocated for committing an offence or derived from a crime shall be confiscated. The property prepared for using in committing an offence shall be confiscated in case of danger for public security, public health or public morality.*

(2) *In case of removing, transferring, consuming of the property in the scope of first paragraph or in case confiscation of aforementioned property is impossible in another way, an equivalent value of the property shall be confiscated.*

(3) *If it is considered that the confiscation of the property used in committing the offence generates more serious results in comparison to this offence and for this reason it is understood that confiscation of the property violates equity, then the confiscation may not be ordered.*

(4) *The property whose production, disposition, usage, transportation, purchase and sale constitutes a crime shall be confiscated.*

(5) *When a partial confiscation of any article is required, that part shall be confiscated providing that it can be separated without giving any harm to the whole of it.*

(6) *With regard to the properties belong to joint owners, only the share of the person participating the crime shall be confiscated.”*

Article 55- Confiscation of benefits(1) *The material benefits derived from the commission of a crime or constitutes the subject of the crime or provided for the commission of the crime with the economical earnings obtained by the deposition or conversion of them shall be confiscated. In order to give the confiscation decision in accordance with this paragraph, the material benefit can not be returned to the inflicted person.*

(2) *When the property or material benefits can not be seized or submitted to the competent authorities, an equivalent value of these assets shall be confiscated.*

Article 282- Laundering of Assets Obtained from Crimes

(1) *Whoever transfers, transmits or transports assets, derived from an offence minimum punishment of which is 1 year or more imprisonment, abroad or subjects these assets to a series of transactions for the purposes of disguising illicit sources of them and misleading as if they have been derived from legitimate sources, is sentenced to imprisonment from 2 years up to 5 years and to payment of a fine not more than twenty thousand days.*

(2) *In case this offence is committed by public servants or natural or legal persons, who deal with particular professions, during the execution of their duties or businesses, the sentence to imprisonment shall be increased by half of it.*

(3) *In case this offence is committed in the context of the activities of a criminal organization designed for the purpose of committing offences, the sentence shall be increased by two fold of it.*

(4) *With regard to committing this offence, for legal persons, security measures pertinent to them are taken.*

(5) *Before initiating the prosecution procedure, whoever enables the competent authorities to seize the assets subject to an offence or facilitates the seizing these assets by informing competent authorities about where these assets are concealed shall not be sentenced due to the offence defined under this Article.*

imposed on the perpetrator according to the clause of the above referred paragraph shall not be less than four years.

If the crime is committed;

- a) by the persons who establish an organization to launder money or lead or become a participant of the organization,
- b) by officials or civil servants due to their duties and by those working at the bodies operating in accordance with; Banks Act No.3182, Insurance Supervision Law No.7397, Law No.3326 on Financial Leasing, Law No.1567 Regarding the Protection of the Value of Turkish Currency, Capital Market Law No. 2499, legislation on Money Lending Transactions and Principles and Procedures about Establishment, Operations and Liquidation of Special Finance Institutions,
- c) by way of violence or threat or by force of arms,

The penalties are increased by one fold additionally.

If the crime is committed by corporate bodies, in cases where the clause of subparagraph (a) of third paragraph could not be applied, both the managers committing the acts stated above being sentenced by the same penalties and corporate bodies shall be sentenced to fines from five hundred million Turkish liras to up to five billion Turkish liras.

If money laundering offence is committed by one of the ascendants or descendants or wife-husband or sister-brother in order to disguise the predicate crimes from which the dirty money is stemmed, the punishment shall be reduced from one-half to two-thirds.

Statutory Limitation⁴

⁴ In Article 66 of Turkish Criminal Law No:5237 dated 26.09.2004 entered into force on 01.06.2005, limitation of action is set forth as 8 years.

Article 66 – Limitation of Action

(1) The public lawsuit shall abate except the situations stated otherwise in the law after;

- a) thirty years in crimes incurring aggravated life imprisonment,*
- b) twenty five years in crimes incurring life imprisonment,*
- c) twenty years in crimes incurring penalty of imprisonment not less than twenty years,*
- d) fifteen years incurring penalty of imprisonment more than five years and less than twenty years,*
- e) eight years in crimes incurring penalty of imprisonment not more than five years and criminal fine.*

(2) The public lawsuit shall abate after the half of this period regarding the persons who perpetrate the offence when he/she is more than twelve but less than fifteen years old; two thirds of the period regarding the persons who perpetrate the offence when he/she is more than fifteen but less than eighteen years old

(3) In the determination of limitation of action the situations which the crime incurring more penalty also shall be taken into consideration concerning the available evidences in the file.

(4) The upper limit of the penalty of the crime stated in the law is taken into consideration in the determination of the periods in the above subparagraphs; penalty of imprisonment is principle in limitation of crimes incurring alternative penalties.

(AMENDED: Subparagraph (5); 08/07/2005 – article 5377/8) (5) In the situations incurring rejudging for the same action, the limitation period is starts from the beginning of the date of the demand on this matter by the court.

(6) The limitation shall process as of the day; when the crime is committed in completed crimes, after the final action in the crimes remained as an attempt, at the outage in the continuous crimes, when the last crime is committed in the chained crimes and after the children become eighteen years old in the crimes committed by the ones who has lineal ancestor or decision and influence on the children.

Article 8- Statutory limitation of investigating money laundering offences is (Amended: statement, 26/12/2003 – Article 5020/16) “fifteen” years.

Litigation vacates the running of statutory limitation.

Imposing Precautionary Measures

Article 9- If there is serious circumstantial evidence about money laundering, the authority to give an order of freezing of claims and rights in banks and non-bank financial institutions as well as in real and other legal persons, including the values existing in deposit boxes; annulling the right of disposition completely or partially; the seizure of property, negotiable instruments, cash and other valuables; holding the assets in custody and taking other precautionary measures on claims and rights, belongs to the Peace Court Magistrate during the preliminary investigation and to the Court during the trial.

Requests for precautionary measures are concluded immediately as a result of evaluation of documents and at the latest within 24 hours.

Public Prosecutors may also decide to freeze claims and rights in cases where it is necessary to avoid delay. Public Prosecutors' Office notifies the Peace Court Magistrate about the decision at the latest within 24 hours. Peace Court Magistrate decides at most within 24 hours whether to approve the decision or not; in case of non-approval, the decision of the Public Prosecutor becomes void.

Conditions to Apply Controlled Delivery

Article 10- The following conditions are required for application of controlled delivery:

- a) Existence of a very seriously organized smuggling activity that falls within the scope of controlled delivery,
- b) Absence of other means to expose organizers, capital owners and members of the organization and to find out all the evidences pertaining to them.
- c) Securing the supervision of the smuggled goods or funds till they reach to the final destination without any interruption,
- d) Existence of required period of time for controlled delivery,
- e) Additionally, for the goods and funds which are prepared in Turkey for smuggling in order to be taken abroad or transported in transit through Turkey, the following conditions must be met:

1. Assurance of the requesting state for the uninterrupted continuance of controlled delivery and prosecution and investigation of the perpetrators,
2. Commitment for the extradition of the Turkish nationals and repatriation of substances, and funds together with the vehicles used for their transportation by the state where the controlled delivery has come to an end and the Turkish nationals have been captured.

Decision and Procedures of Controlled Delivery

(7) The limitation of action shall not be carried out if the crimes stated in the Forth Part of the Second Book of this Law incurring aggravated life imprisonment or life imprisonment or penalty of imprisonment more than ten years are committed in abroad.

Article 11- Implementation of controlled delivery shall be decided by the Chief Public Prosecutor of the State Security Court of Ankara, provided that the conditions stated in Article 10 exist.

In case the follow-up and surveillance operations are in danger or if the possibility of loss of evidences or escape of the accused arises when controlled delivery are carried on, controlled delivery shall, without a decision, be terminated immediately.

The jurisdictional power with respect to controlled delivery belongs to the court where the operation terminates. Controlled delivery operation shall not abolish the jurisdictional power of the Turkish courts.

Violation of Obligations

Article 12- The persons stated in Article 6 of this Law shall be sentenced to imprisonment for from one year to up to three years, in case they disclose the information that must be kept secret. In case it is determined that disclosure is made for a pecuniary benefit, the benefit concerned and the returns derived from it, are subject to confiscation.

Whoever refrains from furnishing the information and documents requested by the Presidency and other competent authorities, whoever does not make customer identification within the framework of principles and does not keep the records on customer identification for five years and whoever does not comply with the Decrees of the Council of Ministers and the Communiqués pertaining to implementation of the mentioned Decrees regarding the determination and prevention of money laundering offence, shall be sentenced to imprisonment for from six months up to one year and to heavy fine from twelve million Turkish liras to one hundred twenty million Turkish liras.

Jurisdiction⁵

Article 13- Requests concerning money laundering offences are taken up and decided within the framework of Law No.3005 on Trial of Flagrant Delicto by the court where the dirty money exists.

Peace Courts Magistrates in Ankara are authorized to decide on foreign countries' requests of confiscation in accordance with Article 7 and controlled delivery of dirty money.

The request for confiscation judgement shall be made in accordance with the provisions of agreements to which the Republic of Turkey is a party.

⁵ Procedure Law of Flagrant Offences No:3005 has been annulled by the Law No:5230 dated 23.03.2005. As of 01.06.2005, Criminal Procedure Law No:5271 dated 04.12.2004 has applied.

Article 18.- The Laws annulled:

(1) As of 1 April 2005;

- a) Criminal Procedure Law No:1412 dated 4.4.1929,
- b) Criminal Procedure Law of Flagrant Offences No:3005 dated 8.6.1936,
- c) Law No:466 dated 7.5.1964 on Rendering Compensation to the Persons who were captured or arrested unjustly,
- d) Law No:4422 dated 30.7.1999 on Combatting Organizations Pursuing Illicit Gain with all its annexes and amendments have been annulled.

(2) The provisions in relation to taking into force and implementation under Article 6, 8 and 12 of this Law have been reserved.

CHAPTER FOUR

Miscellaneous Provisions

Additional Payments

Article 14- The president and members of the Coordination Board are paid per meeting a remuneration in the amount to be calculated through multiplying the indicator number of 2000 by the salary coefficient of public officials.

Monthly additional payment, not exceeding the amount to be found by multiplying the salary coefficients of public officials with the following indicator numbers, is made with the approval of the Minister to the following personnel employed in the Financial Crimes Investigation Board with regard to prevention of money laundering;

- a) 10,000 for auditors charged with research and examination,
- b) 5,000 for the President and the Vice Presidents of the Financial Crimes Investigation Board
- c) 4,000 for experts and 3,000 for assistant experts performing data collection, pursuit and evaluation.
- d) 2,000 for those employed on management and office works.

In the appointments, deduction is made for periods less than one month.

Such payments are not subject to any tax or deduction other than stamp tax.

Regulations

Article 15- Necessary arrangements for the implementation of this Law on the issues of submitting information, customer identification, methods of research and examination, suspicious transactions, determination of property and proceeds subject to laundering; as well as the principles and procedures on convention and functioning of Coordination Board, quorum for meeting and decision will be set out by regulations to be issued by the Council of Ministers within six months following the date of promulgation of this Law.

The principles and procedures of controlled delivery shall be determined in the regulation to be issued by the Ministry of Interior after consulting the Ministries of Justice and Finance and the Ministries to which Undersecretariats of Treasury and Customs are attached. The controlled delivery operations to be carried out within the framework of this regulation are executed by the Ministry of Interior.

The principles and procedures on employment, promotion and functioning of the Investigation Experts of Financial Crimes and Assistant Experts are set out by a regulation to be issued by the Ministry of Finance.

PART TWO

Provisions Amended in Other Laws

CHAPTER ONE

Supplementary Article to Law No.2313 Regarding the Control of Narcotic Drugs.

Article 16- The following article is added to the Law No.2313 Regarding the Control of Narcotic Drugs.

Prevention of Production and Distribution of Narcotic Drugs and Psychotropic Substances.

Supplementary

Article 1- Manufacturing, importation and exportation, transportation, possession or purchase and sale of the substances stated in Table 1 and Table II annexed to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and of the substances that may take part in the amendments of these tables are subject to the permission of the Ministry of Health.

The provisions concerning the consultations with the related establishments for the permission to be given in accordance with the above paragraph and the principles and procedures of granting permission are set forth in the regulation to be issued by the Ministry of Health.

Whoever manufactures, imports and exports, transports, possesses, purchases or sells the substances stated in the first paragraph without permission shall, if the act does not necessitate a heavier punishment, be sentenced to heavy fine for from three-hundred million Turkish liras to up to one billion Turkish liras and the substances shall be confiscated.

If the crimes stated in the third paragraph are committed in order to use them in manufacturing of narcotic drugs and psychotropic substances or knowing that they will be used for such a purpose, the perpetrator shall be sentenced to heavy imprisonment for from two years to upto four years, if the act should not necessitate a heavier punishment. Whoever manufactures, imports, exports or transports or possesses, sells or purchases the necessary equipment and other materials in order to use in manufacturing of narcotic drugs and psychotropic substances or knowing that they will be used for such a purpose, also be sentenced to the same punishment.

The provisions of the Law No.3298 on Narcotic Drugs are reserved.

CHAPTER TWO

Provisions Amended or Added to Decree Law No.178

Article 17- The following paragraph (r) is added to Article 2 of the Decree Law No.178 Regarding the Organization and Functions of the Ministry of Finance:

r) to make necessary research and examination on prevention of money laundering, to determine the principles and procedures to be implemented for this purpose.

Article 18- The following paragraph (f) in Article 8 of the Decree Law No.178 which was abolished by Decree Law No.484 dated 2.7.1993 is modified as follows:

f) Presidency of the Financial Crimes Investigation Board

Article 19- The following Article 14 of the Decree Law No.178 which was abolished by Decree Law No.484 dated 2.7.1993 is modified as follow:

Duties of the Financial Crimes Investigation Board

Article 14- Financial Crimes Investigation Board performs the duties stated in Article 3 of the Law on Prevention of Money Laundering and other tasks entrusted to it by other laws.

Article 20- Article 33 of the Decree Law No:178 and its title concerning the High Board of Tariff policy which was abolished by the Article 9 of the Decree Law No:207 are modified as follows:

CHAPTER FIVE

Standing Committee

Coordination Board for Combatting Money Laundering

Article 33- Coordination Board for Combatting Money Laundering is formed as stated in Article 4 of the Law on Prevention of Money Laundering and performs the functions assigned in the same Article.

CHAPTER THREE

Amendments to State Personnel Law No.657

Article 21- Following statements have been added to State Personnel Law No. 657:

- a) the statements "Assistant Investigation Experts of Financial Crimes" to follow "Assistant Experts for the State Budget", "Investigation Experts of Financial Crimes to follow "Experts for the State Budget" in paragraph (a) subparagraph(11) of the section on "Common Provisions" in Article 36,
- b) "Investigation Experts of Financial Crimes" to follow the statement "Experts for the State Budget" in the section (11), paragraph (A) subparagraph (I) of the additional article following article 213,
- c) the statement "Investigation Experts of Financial Crimes" to follow "the State Budget Experts" in paragraph (h) of section "I-General Management Service Class" on the annexed Additional Indicator Table No.1,
- d) the statement "President and Vice-President of the Financial Crimes Investigation Board" to follow "Head of National Library" in the section under the heading "1- In the Prime Ministry and Ministries" on the annexed additional Indication Table No.11,
- e) the statement "Vice-Presidents of the Financial Crimes Investigation Board" to paragraph (d) of live 5 on the annexed Office Compensation Table No. IV.

PART THREE

Transitory Articles, Entry into Force and Enforcement

TRANSITORY ARTICLE 1- A new section as "Presidency of the Financial Crimes Investigation Board" has been added to the Annexed Table No.1 of by-law No.190, by creating new cadres indicated in the attached List No.1.

TRANSITORY ARTICLE 2- (Article 85 of the Law No: 4369 amended by the Transitory article 4/b) The personnel who have worked, as of the date of entering into force of this Law, at least 5 years in the expert and auditor cadres of Ministry of Finance stated in paragraph (A) of the second section of the additional article following Article 213 of the State Personnel Law No.657, may be appointed as the Investigation Expert of Financial Crimes until the date of

31.12.1998 on the condition that they are successful in the examination held by the examination committee to be constituted by the Minister's approval

***The Article before amendment:** The personnel who have worked, as of the date of entering into force of this Law, at least 5 years in the expert and auditor cadres of Ministry of Finance stated in paragraph (A) of the second section of the additional article following Article 213 of the State Personnel Law No.657, may be appointed as the Investigation Expert of Financial Crimes within 6 months on the condition that they are successful in the examination held by the examination committee to be constituted by the Minister's approval*

Article 22- This Law enters into force on its publication date.

Article 23- The provisions of this Law shall be implemented by the Council of Ministers.

MINISTRY OF FINANCE

Class	Title	Degree of Cadre	No of Cadre	Tot
GAS	President of Financial Crimes Investigation Board	1	1	1
GAS	Vice President	1	3	3
GAS	Financial Crimes Investigation Expert	1	3	3
GAS	Financial Crimes Investigation Expert	2	3	3
GAS	Financial Crimes Investigation Expert	3	3	3
GAS	Financial Crimes Investigation Expert	4	3	3
GAS	Financial Crimes Investigation Expert	5	3	3
GAS	Financial Crimes Investigation Expert	6	4	4
GAS	Assistant Financial Crimes Investigation Expert	9	6	6
GAS	Director	1	2	2
GAS	Director	3	1	1
GAS	Analyst	4	1	1
GAS	Analyst	5	2	2
GAS	Analyst	6	2	2
GAS	Programmer	4	1	1
GAS	Programmer	5	2	2
GAS	Computer Operator	9	1	1
GAS	Computer Operator	10	1	1
GAS	Operator Preparing and Controlling Data	10	1	1
GAS	Operator Preparing and Controlling Data	11	5	5
GAS	Operator Preparing and Controlling Data	12	2	2
GAS	Clerk	6	3	3
GAS	Clerk	9	2	2
GAS	Clerk	12	2	2
		Total		60

MINISTRY OF FINANCE

(JUNE 2002)

Class	Title	Degree of Cadre	No of Cadre	Tot
GAS	President of Financial Crimes Investigation Board	1	1	1
GAS	Vice President	1	3	3
GAS	Financial Crimes Investigation Expert	1	3	3
GAS	Financial Crimes Investigation Expert	2	0	0
GAS	Financial Crimes Investigation Expert	3	2	2
GAS	Financial Crimes Investigation Expert	4	2	2
GAS	Financial Crimes Investigation Expert	5	0	0
GAS	Financial Crimes Investigation Expert	6	17	17
GAS	Financial Crimes Investigation Expert	7	2	2
GAS	Assistant Financial Crimes Investigation Expert	7	6	6
GAS	Assistant Financial Crimes Investigation Expert	8	21	21
GAS	Assistant Financial Crimes Investigation Expert	9	16	16
GAS	Director	1	3	3
GAS	Translator	1	2	2
GAS	Translator	2	1	1
GAS	Supervisor	6	1	1
TAS	Engineer	1	3	3
GAS	Analyst	4	1	1
GAS	Analyst	6	0	0
GAS	Programmer	4	1	1
GAS	Programmer	6	2	2
GAS	Computer Operator	5	1	1
GAS	Computer Operator	6	1	1
GAS	Computer Operator	9	1	1
GAS	Computer Operator	10	1	1
GAS	Operator Preparing and Controlling Data	3	2	2
GAS	Operator Preparing and Controlling Data	7	2	2
GAS	Operator Preparing and Controlling Data	8	0	0
GAS	Operator Preparing and Controlling Data	10	2	2
GAS	Operator Preparing and Controlling Data	11	2	2
GAS	Operator Preparing and Controlling Data	12	1	1
GAS	Clerk	5	4	4
GAS	Clerk	6	3	3
GAS	Clerk	7	1	1
GAS	Clerk	8	2	2
GAS	Clerk	9	2	2
		Total		112

* GAS : General Administrative Services