MASAK GENERAL COMMUNIQUE
(NO: 21)

CHAPTER ONE
Preamble

Purpose and Scope

ARTICLE 1 – (1) The purpose of this Communiqué is to regulate the principles and procedures for enhanced measures required to be taken and implemented by obliged parties in relation to politically exposed persons within the scope of implementing Law No. 5549 on Prevention of Laundering Proceeds of Crime of 11/10/2006.

Legal Basis

ARTICLE 2 – (1) This communiqué has been drawn up on the basis of Article 26/A of Regulation on Measures Regarding Prevention of Laundering Proceeds of Crime and Financing of Terrorism put into force upon Council of Minister Decision No. 2007/13012 of 10/12/2007 and Article 13 of Regulation on Program of Compliance with Obligations of Anti-Money Laundering and Combating the Financing of Terrorism published on Official Gazette No. 26999 of 16/9/2008.

Definitions

ARTICLE 3 – (1) In this Communiqué;

a) MASAK means Financial Crimes Investigation Board,

b) Financial institution means the obliged parties listed in Article 3(1)(f) of the Regulation,

c) Designated non-financial businesses and professions means obliged parties listed in Article 3(1)(m) of the Regulation,

ç) Beneficial owner means natural person(s) defined in Article 3(1)(h) of the Regulation,

d) Politically exposed person means senior natural persons entrusted with prominent public functions domestically or in a foreign country by election or appointment, and members of the executive board and senior management of international organizations and individuals entrusted with equivalent functions in such organizations

e) The Regulation means Regulation on Measures Regarding Prevention of Laundering Proceeds of Crime and Financing of Terrorism put into force upon Council of Minister Decision No. 2007/13012 of 10/12/2007

CHAPTER TWO
Principles and Procedures for Enhanced Measures to be Taken in relation to Politically Exposed Persons

Measures to be Taken in Relation to Politically Exposed Persons

ARTICLE 4 – (1) Financial institutions, designated non-financial businesses and professions and crypto asset service providers shall take reasonable measures to determine if the customer or the beneficial owner is a politically exposed person or not.

(2) Risk management activities of obliged parties that will establish a compliance program pursuant to Article 4(1) Regulation on Program of Compliance with Obligations of Anti-Money Laundering and Combating the Financing of Terrorism shall cover measures for determination of politically exposed persons elected or appointed by foreign countries as well.

(3) The obliged parties specified in Paragraph (1) shall, at a minimum, take following measures in business relationships established and transactions conducted with politically exposed persons elected or appointed by a foreign country or their spouses, first degree relatives or close associates:

a) Requiring the approval of senior official for the establishment of business relationship, continuance of the existing business relationship or execution of the transaction.
b) Taking reasonable measures to determine the sources of the assets and funds that belong to these persons or that are the subject of the transaction.
c) Conducting enhanced monitoring on the business relationship by increasing the number and frequency of controls and determining the types of transactions requiring additional control.

(4) Measures specified in Paragraph (3) shall also apply in cases where business relationships established and transactions conducted with politically exposed persons elected or appointed by Türkiye or politically exposed persons serving in international organizations, or their spouses, first degree relatives or close associates are considered to pose high risk,

(5) Reasonable measures shall be taken before or at the latest at the time of the payment of insurance policy-related rights and claims to the beneficiary in order to determine whether the beneficiaries or beneficial owners of a life insurance policy are politically exposed persons. In cases where a high risk is identified in this context, the senior management shall be informed before making the payment and the measures specified in Paragraph (3)(c) shall be applied.

(6) The phrase "close associates of politically exposed persons" refers to any kind of social, cultural or economic relation, such as being a relative other than by first degree, being a fiancé, being company partner or employee, which can be considered an association of interest or purpose.

(7) In cases where politically exposed persons leave office or no longer hold such status, the measures specified in Paragraph (3) shall continue to be imposed for at least one year as of their leave of office or termination of their status. This period shall be extended in cases where the transactions or business relationships with these persons pose risk.

CHAPTER THREE
Miscellaneous and Final Provisions

Penalty to be Imposed in case of Violation of Obligations

ARTICLE 5 – (1) Penalties set forth in Law No. 5549 shall apply in cases where obligations related to politically exposed persons introduced by this Communiqué are violated by financial institutions, designated non-financial businesses and professions and crypto-asset service providers.

Implementation Guidance

ARTICLE 6- (1) MASAK shall issue an implementation guidance for the implementation of this Communiqué. The implementation guidance shall be announced on the official website of MASAK.

(2) In cases where MASAK makes an amendment in the principles and procedures specified in the implementation guidance, it shall announce the amendment on its official website and the implementation shall take place in accordance with the updated guidance drawn up within the framework the new principles and procedures introduced.

Enforcement

ARTICLE 7 – (1) This Communiqué shall enter into force on the date of publication.

Execution

ARTICLE 8 – (1) The Minister of Treasury and Finance shall execute the provisions of this Communiqué.