CHAPTER ONE
Objective, Scope, Legal Basis and Definitions

Objective and Scope
ARTICLE 1 – (1) The objective of this regulation is to determine the principles and procedures to be implemented in the examinations carried out by examiners within the scope of Law No. 5549 on Prevention of Laundering Proceeds of Crime dated 11/10/2006, in order to ensure carrying out the fight against money laundering effectively.

Legal Basis
ARTICLE 2 – (1) This Regulation has been drawn up on the basis of Articles 19 and 27 of Law No. 5549.

Definitions
ARTICLE 3 – (1) In this Regulation:

a) Money laundering offence means the offence defined in article 282 of Turkish Criminal Law N.5237 dated 26/9/2004,

b) Analysis means the studies carried out by MASAK in order to obtain qualified financial intelligence from the various data collected and the denunciations and STRs received within the scope of Law No.5549 by using statistical and analytic methods and processing with the help of technical instruments.

c) Ministry means Ministry of Finance,

c) Head of MASAK means the Head of Financial Crimes Investigation Board,

d) MASAK means Financial Crimes Investigation Board,

e) Evaluation means the studies carried out by MASAK in order to reveal the serious suspicions and grounds related to laundering and terrorist financing offence related with the assets and the individuals based on the cases that MASAK penetrated or the analyses conducted.


g) Examination means research and examination works conducted by examiners in order to detect serious findings which indicate that laundering offence has been committed,


h) Proceeds of crime means proceeds derived from crime.

CHAPTER TWO
Initiating an Examination

ARTICLE 4 – (1) MASAK shall initiate an examination either directly by basing on the case MASAK is involved due to its duties or the reports and information it receives or if it deems it is necessary as a result of the analysis and evaluation conducted.
Request of Public Prosecutor’s Office

ARTICLE 5 – (1) In the event that there are serious grounds on obtaining proceeds of crime and laundering those proceeds, and where the issue needs to be examined, the public prosecutor may request from MASAK to detect whether there is any fact that money laundering offence has been committed.

CHAPTER THREE
Assignment and Working Principles

Assignment

ARTICLE 6 (Amended - Official Gazette – 10.06.2014/29026) – (1) Upon the assignment request of the Head of MASAK, an examiner shall be assigned to conduct the examination with the proposal of the director of the related unit, and by the approval of the minister to whom he/she is attached, related or in relation. The assignment shall be carried out in ten days at the latest as from the date of request. The examiner shall take office within seven days at the latest as from the date on which the MASAK submits him/her the documents related to the examination, and shall within this period inform, in writing, MASAK and his/her unit of the date of taking up office. Any examiner unable to take office within seven days shall inform his/her unit within this period about the situation together with its justifications. In this case, without any need for another request from MASAK a new examiner shall be assigned within ten days following the date on which the former examiner informs his/her unit and MASAK shall be informed in writing.

(2) Examiners shall complete the examination by including the issues conveyed to him/her by MASAK in relation to the ongoing examination within the scope of the initial approval of assignment without seeking for another one.

(3) In the event that examiners are asked whether the issues conveyed afterwards are related to the ongoing examination, they shall inform MASAK about their opinion together with its grounds within ten days at the latest as of notification of the letter asking their opinion.

(4) (Added - Official Gazette – 10.06.2014/29026) The related examination unit shall take necessary measures for ensuring that the examiner who starts the examination concludes the task without transferring it to another examiner.

(5) (Amended - Official Gazette – 10.06.2014/29026) If an examiner will give up the task due to any reason before concluding it, he/she shall draw up a interim report declaring the completed stages of the examination and submit it to MASAK, and shall inform his/her unit for the assignment of a new examiner. The related unit shall assign a new examiner through the approval of the minister to whom he/she is attached, related or in relation before the current examiner give up office. The examiner who will give up office shall deliver all related documents and one copy of the interim report to the new examiner with minutes. The new examiner shall send copies of the minutes to his/her unit and to MASAK. The date of the minutes is deemed the date for taking and giving up office. the related unit shall take necessary measures for completing these procedures in time.

Working Principles

ARTICLES 7– (1) Within the assignment period, examiners primarily fulfill the duty of examining money laundering offence. This shall be considered by the related unit in making the assignment.
(2) Examiners shall submit the report they draw up to MASAK within six months as from the date of taking office. (Amended - Official Gazette – 10.06.2014/29026) In the event of a transfer, this period shall be calculated by MASAK considering the scope and the attained stage of the examination.

(3) (Amended - Official Gazette – 10.06.2014/29026) In the event that the examination cannot be concluded within the period set forth in the second paragraph, the examiner may request extra time through a report explaining the completed studies, the attained stage and reasons for not concluding the examination. This request shall be assessed by MASAK and extra time may be given. The examination shall be concluded and reported within the time period given. In cases where the examination cannot be concluded within the extra time period, MASAK may either give a new extra time or request from the related unit to assign a new examiner instead of the current examiner.

(4) (Amended - Official Gazette – 10.06.2014/29026) If the examiner makes a reasoned request regarding subjects and persons included in the examination afterwards by correlating with ongoing examinations, MASAK may request assignment of additional examiners or may give extra time period to the examiner.

(5) Examiners are responsible for fulfilling the examination duty given completely within the time period given above.

(6) (Amended - Official Gazette – 10.06.2014/29026) If the examiners encounter violations of obligations which are determined by the Law or come across serious suspicion or signs related to terrorist financing offence, then the situation shall immediately be reported in writing to MASAK without waiting for the conclusion of the examination.

(7) If examiners detect during examination any contradiction of other legislation, then they shall report this in writing to their own department for the required procedures. MASAK shall also be informed of the situation in writing.

(8) If it deems necessary, MASAK may demand through the approval of the related unit that the examination is carried out in a place to be determined.

(9) MASAK may form a team of examiners for an examination. MASAK shall charge one of the examiners with ensuring the coordination. The examiner charged with coordination shall ensure flow of information and documents within the team. It is essential that the works of the team are planned, carried out and completed together, and that the reports are drawn up together.

(10) In the event that more than one team is formed, one of the examiners charged with coordination may be charged by MASAK with ensuring general coordination.

(11) (Added - Official Gazette – 10.06.2014/29026) In order for ensuring cooperation between examiners, MASAK is authorized to combine examination files which are understood during examinations or upon information obtained by MASAK to be correlated in terms of persons or subjects.

(12) (Added - Official Gazette – 10.06.2014/29026) In examinations carried out upon requests from the public prosecutors, the examiner shall inform the public prosecutor in writing quarterly about the phases of the examination. One copy of the informing letter shall be send to MASAK simultaneously.

(13) (Added - Official Gazette – 10.06.2014/29026) In cases where the examination task is not concluded within the given time period, MASAK shall inform the unit who ratified the assignment about the situation.
Temporary assignment of examiners at MASAK and their working principles
(Added - Official Gazette – 10.06.2014/29026) ARTICLE 7/A – (1) MASAK may also perform the duty of research and examination of laundering offence through examiners temporarily assigned to MASAK under Additional Article 1 of the Law.
(2) Examiners assigned temporarily shall work under the supervision and as per the directions of the Head of MASAK, or the Deputy Head of MASAK nominated by the Head of MASAK during their assignment period.
(3) Examiners assigned temporarily shall be appointed through approval given by Head of MASAK. MASAK may make multiple assignments within the scope of research and examination of laundering offence. Examiners shall immediately take office as of the notification date of the approval.
(4) The time period for the conclusion of the examination duty shall be determined by MASAK. Examiners assigned temporarily shall submit a report to MASAK at the end of this period.
(5) Databases and access systems at MASAK shall be used by examiners within the frame of access authorization determined by MASAK. Researches and examinations shall be carried out and concluded by the examiners personally.
(6) As to matters that are related to working principles and procedures of examiners assigned temporarily and that are not covered in this Article, other provisions of the Regulation related to examinations shall apply.

Working under coordination of Public Prosecutor’s Office
ARTICLE 8 – (1) When Public Prosecutor considers that it is necessary; the examinations shall be conducted under coordination of Public Prosecutor and the examiner shall be assigned.
(2) (Added - Official Gazette – 10.06.2014/29026) MASAK may notify its conviction to Public Prosecutor’s Office that it is necessary to conduct examinations under coordination of Public Prosecutor. If the Public Prosecutor approves, the examination shall be carried out under the coordination of Public Prosecutor.
(3) The periods specified in Article 7 are also valid to the assignments made within the scope of this Article.
(4) While a copy of laundering offence examination report, which is to be prepared after the work performed under coordination of Public Prosecutor’s Office, is delivered to Public Prosecutor’s Office, a copy of it is forwarded to MASAK as well.

Information requests sent to abroad
ARTICLE 9 – (1) In requests for information and document pertaining to examinations sent to abroad, principles and procedures which are to be determined by MASAK shall be followed.

Powers
ARTICLE 10 – (1) Examiners wield the powers specified in Article 7 and paragraph (4) of Article 19 of the Law during examinations.
CHAPTER FOUR
Protection Measures

Request for seizure
ARTICLE 11 - (1) MASAK or examiners may request for seizure on asset under Article 17 of the Law in cases where there is strong suspicion that money laundering offence is committed. The request for seizure is conveyed to relevant Public Prosecutor’s Office. Minimum required information for requests is as follows:
   a) For the natural person whose proceeds of crime are to be seized, identity information of the person; for the legal person, clear title, if detected trade registry number, legal representatives, partners, relevant tax administration and tax identity number of it,
   b) The amount requested to be seized,
   c) The information about the asset requested to be seized if it is detected,
   d) The legal ground of the request for seizure.
(2) The request for seizure which was conveyed to Public Prosecutor’s Office by examiner is notified to MASAK without delay.

Other protection measures
ARTICLE 12 – (1) MASAK or examiners may request for execution of other measures on protection specified in Chapter IV of Part I of Criminal Proceedings Law N.5271 dated 4/12/2004. The requests are conveyed to relevant Public Prosecutor’s Office.
(2) The requests which were conveyed to Public Prosecutor’s Office by examiners are notified to MASAK without delay.

CHAPTER FIVE
Reports to be prepared and Processes to be conducted on them

Reports to be prepared
ARTICLE 13 – (1) As a result of the examination, laundering offence examination report is prepared and submitted to MASAK.
(2) Principles and procedures of the reports to be prepared are determined by MASAK.

Reading examination reports
ARTICLE 14 – (1) (Amended - Official Gazette – 10.06.2014/29026) Laundering offence examination reports which are prepared by examiners and conveyed to MASAK are read by MASAK in order to detect whether there is any material or legal mistake and deficiency before processing. The report is returned to the examiner for the purpose of correcting the matters detected after reading in the time period given by MASAK. In the event that the examiner who drew up the report leaves office, a new examiner shall be assigned and the new examiner shall fulfill the task within the time period given by MASAK.
(2) (Amended - Official Gazette – 10.06.2014/29026) In the event that the examiner does not agree with the grounds for return, a commission shall be constituted under the chairmanship of Deputy Head of MASAK determined by the Head of MASAK. The commission shall consist of two examiners - one of them is from the unit where the examiner carrying out the examination is attached and the other is from examiners assigned temporarily to MASAK under Additional Article 1 of the Law. The commission shall give final decision. However MASAK may determine both of the examiners of the commission to be established regarding
the reports written by temporarily assigned examiners among other temporarily assigned examiners at MASAK. The decision of the commission is absolute.
(3) In the joint examinations carried out by examiners from different units, the commission shall be constituted under the chairmanship of the Deputy Head of MASAK determined by the Head of MASAK with examiners from each units involved in the examination.
(4) The reports prepared after the study conducted under coordination of Public Prosecutor’s Office shall not be subjected to reading.

Transactions that shall be done onto reports
ARTICLE 15- (1) Laundering offence examination reports comprising serious suspicion and findings regarding that laundering offence is committed shall be conveyed to the competent and commissioned Public Prosecutor’s Office for the necessary legal actions.
(2) The reports drawn up as the result of the examination upon the request of Public Prosecutor’s Office shall be sent to relevant Public Prosecutor’s Office.
(3) A copy of the reports comprising serious suspicion and findings regarding that laundering offence is committed and seizure requests shall be sent to Ministry of Finance General Directorate of Judicial Affairs and the Office of the Chief Legal Advisory.
(4) (Amended - Official Gazette – 10.06.2014/29026) The other procedural transactions regarding the monitoring of reports and seizure requests by Public Prosecutors and pursuing of cases shall be carried out in accordance with the Decree Law No. 178 dated 13.12.1983 and the Decree Law No. 659 dated 26.09.2011.

Notification of Decisions to MASAK
ARTICLE 16- (1) A copy of the decision on lack of grounds for legal action or indictment as a result of all investigation related to offences of money laundering, adjudication in the conclusion of proceedings or the seizure decision given shall be sent to MASAK until the end of the following month by the Public Prosecutor’s Offices and the courts regardless of whether the case is conveyed by MASAK.
(2) (Added - Official Gazette – 05.02.2010/27484) MASAK, based on the decisions submitted to itself and reportings received within the scope of laundering and terrorist financing offence, is authorized to issue the statistical data to be created for measuring the effectiveness of anti-money laundering and terrorist financing system.

CHAPTER SIX
Miscellaneous Provisions

Detections made while other duties are fulfilled
ARTICLE 17- (1) In the event that examiners encounter with serious suspicions and signs that money laundering or terrorist financing offence is committed while fulfilling their own duties entrusted to them by their units they shall report these detections to MASAK via their own units.

Assistances of Administrations
ARTICLE 18 – (1) The administrative chiefs, mayors, law enforcement units, headmen and other public institutions and organizations are obliged to facilitate and provide support to MASAK and examiners during the examination by using all their opportunities.
Security
ARTICLE 19 – (1) The law enforcement units are assigned temporarily in favor of MASAK by Ministry of Interior upon the request of MASAK.

Abolished Provisions
ARTICLE 20 – (1) The Articles 21 to 30 of Regulation Regarding Implementation of Law No. 4208 on Prevention of Money laundering are abolished by the Decision of Council of Ministers dated 03/06/1997 with the number 97/9523.

Ongoing examinations
PROVISIONAL ARTICLE 1 – For the examinations started before the publication of this Regulation, the enforcement date of this Regulation shall be taken into account in calculation of the periods in Article 7 as the beginning date.

Entrance into force
ARTICLE 21 – (1) This Regulation shall be put into force on its publication date.

Execution
ARTICLE 22 – (1) The Ministry of Finance executes the provisions of this Regulation.