



Strasbourg, 11 June 2010

**Public**  
**Greco RC-I/II (2008) 2E**  
**Addendum**

## **Joint First and Second Evaluation Round**

### **Addendum to the Compliance Report on Turkey**

Adopted by GRECO  
at its 47<sup>th</sup> Plenary Meeting  
(Strasbourg, 7-11 June 2010)

## I. **INTRODUCTION**

1. GRECO adopted the Joint First and Second Round Evaluation Report on Turkey at its 27<sup>th</sup> Plenary Meeting (10 March 2006). This Report (Greco Eval I/II Rep (2005) 3E) addressed 21 recommendations to Turkey and was made public on 30 November 2006.
2. Turkey submitted the Situation Report required under the GRECO compliance procedure on 1 October 2007. On the basis of this report, and after a plenary debate, GRECO adopted the Joint First and Second Round Compliance Report (RC Report) on Turkey at its 37<sup>th</sup> Plenary Meeting (4 April 2008). This last report was made public on 4 November 2008. The Compliance Report (Greco RC-I/II (2008) 2E) concluded that recommendations iv, ix, x, xx and xxi had been implemented satisfactorily and recommendations i and vi had been dealt with in a satisfactory manner. Recommendations viii, xi, xii, xiii, xv, xvii, xviii and xix had been partly implemented and recommendations ii, iii, v, vii, xiv and xvi had not been implemented. GRECO requested additional information on their implementation. This information was provided on 11 November 2009 and updated on 11 May 2010.
3. The purpose of this Addendum to the Joint First and Second Round Compliance Report is, in accordance with Rule 31, paragraph 9.1 of GRECO's Rules of Procedure, to appraise the implementation of recommendations ii, iii, v, vii, viii, xi, xii, xiii, xiv, xv, xvi, xvii, xviii and xix in the light of the additional information referred to in paragraph 2.

## II. **ANALYSIS**

### **Recommendation ii.**

4. *GRECO recommended to entrust a body with the responsibility of overseeing the implementation of national anti-corruption strategies as well as proposing new strategies against corruption. Such a body should represent public institutions as well as civil society and be given the necessary level of independence in its monitoring function.*
5. GRECO recalls that it concluded in the Compliance Report that this recommendation had not been implemented as the authorities of Turkey had given the responsibility of overseeing the anti-corruption strategies to the “Ministerial Commission for Enhancing Transparency in Turkey and Improving Good Governance”, headed by the Minister of the Interior and with a strong influence from law enforcement authorities, instead of entrusting the oversight function to a body representing public institutions as well as civil society and, with an appropriate degree of independence.
6. The Turkish authorities now report that the draft Anti-Corruption Strategy Plan, prepared by the Prime Ministry Inspection Board, following consultations with and opinions from 41 institutions, including 29 public institutions, 3 international organisations (EU, OECD and the World Bank) and 9 non governmental organisations (such as TUSIAD, TEPAV, TURK-IS and Transparency International), was adopted by the Council of Ministers on 22 February 2010. A Ministerial Commission, consisting of the Deputy Prime Minister and four ministers (Ministry of Justice, Ministry of Interior, Ministry of Finance, Ministry of Labour and Social Security), has been designated to form further anti-corruption strategies and to direct and monitor their implementation. The authority is to be led by an Executive Board, headed by the Deputy Undersecretary of the Prime Ministry and four other deputy undersecretaries: Ministry of Justice, Ministry of Interior, Ministry of Finance, Ministry of Labour and Social Security. The Board also

includes the head of the Union of Chambers and Commodity Exchanges (TOBB) and the head of the Turkish Confederation of Labour Unions (TURK-IS). When needed, the Board may also invite representatives of other public institutions and organisations, the private sector and NGOs.

7. GRECO takes note of the information provided. It welcomes that Turkey has established a new oversight body which represents important areas of public administration through various ministries. It also welcomes that some representatives of the Board represent organisations in the area of industry, and trade through the business sector and trade unions. However, GRECO regrets that no representative of civil society, representing wider public interests and with a particular anti-corruption focus, has been invited to participate on a permanent basis in this important body. This lacuna also effects the level of independence of this body.
8. GRECO concludes that recommendation ii has been partly implemented.

#### **Recommendation iii.**

9. *GRECO recommended to establish or assign a specialised unit with investigative powers in cases of corruption, for the sharing of information between law enforcement agencies and to provide advice to law enforcement agencies on preventive and investigative measures.*
10. GRECO recalls that it was concluded in the Compliance Report that this recommendation had not been implemented– despite the fact that a number of measures had been taken to enhance the sharing of information and cooperation between the various law enforcement agencies – as none of these measures had led to the establishment or assignment of a specialised unit with investigative powers as required by the recommendation.
11. The Turkish authorities now report that the Ministry of Interior Strategy Plan (2010–2014) adopted in 2009, foresees further administrative, legal and other arrangements to strengthen any kind of cooperation between the relevant law enforcement bodies, including international cooperation, that is needed to investigate corruption offences.
12. GRECO takes note of the information provided, however, no concrete measure to comply with the recommendation has been reported.
13. GRECO concludes that recommendation iii remains not implemented.

#### **Recommendation v.**

14. *GRECO recommended to further enhance the independence of judges vis-à-vis the Ministry of Justice, concerning their supervision and appointment.*
15. GRECO recalls that it was noted in the Compliance Report that only minor adjustments to the examination of candidate judges and prosecutors as well as some procedural safeguards had been introduced but no real progress concerning the principle issue of the independence of judges vis-à-vis the executive power, i.e. the Ministry of Justice, in relation to their appointment and supervision had been reported. The recommendation was considered not implemented.
16. The Turkish authorities now report that for the purpose of preparing a strategy for judicial reform, a Commission with wide participation of different departments of the Ministry of Justice was established in January 2008. The “Draft Judicial Reform Strategy Document” was subsequently

prepared by the Commission and it was released on the web-site of the Ministry of Justice in April 2008 to encourage public debate. The Draft was also discussed by chief public prosecutors, heads of justice commissions of courts of first instance, presidents of regional administrative courts across the country and senior officials of the Ministry of Justice on 20-25 May 2008. The issue was debated at a symposium on “Judicial Reform under the Shadow of the Ministry of Justice’s Judicial Reform Strategy” organised by the Union of Turkish Bar Associations on 18-20 June 2008. In November 2008, a revised draft was sent to the High Council of Judges and Prosecutors (HCJP), the Constitutional Court, the Court of Cassation, the Council of State, the Military Court of Cassation, the High Administrative Military Court, the Ministry of National Defence, the Union of Turkish Bar Associations, the Union of Turkish Notaries and the Bar and Law Faculties. The opinions of these institutions were published on a dedicated web-site to ensure transparency and encourage debate. Furthermore, a workshop was organised on 8-10 June 2009 at which the “Judicial Reform Strategy Document” was negotiated with the participation of representatives of the Constitutional Court, the Court of Cassation, the Council of State, the Military Court of Cassation, the High Administrative Military Court, the Ministry of the National Defence, the Union of Turkish Bar Associations, the Union of Turkish Notaries, the Bars and Law Faculties. The Document was finally adopted by the Council of Ministers on 24 August 2009 and the issue of strengthening the independence of the judiciary is referred to as follows: *“In Turkey, certain criticisms on the formation and working methods of the HCJP have been expressed by different circles and have been the subject of academic studies for years. Thus, the aims are to restructure the HCJP to provide representation of the judiciary as a whole on the grounds of objectiveness, impartiality and transparency in the light of international documents, and to establish a system that paves the way for judicial remedies as well as an effective system for appeal against the decisions of the HCJP.”*

17. The authorities submit that the “Judicial Reform Strategy Action Plan” contains *inter alia* the following elements to ensure broader representation of the judiciary in the HCJP (three chambers to be established and an increase in its number of members from 7 to 22). According to the Constitutional amendment, the President of the HCJP is the Minister of Justice and the Undersecretary to the Minister of Justice is to be an ex-officio member of the HCJP. Four regular members whose qualifications are stipulated in the Law are to be appointed by the President of the Republic among the members of the teaching staff of law, economics and political sciences of the institutions of higher education, senior administrative officers and lawyers; three regular and three substitute members are to be appointed by the Plenary Assembly of the High Court of Appeal (Court of Cassation) among the members of the Court of Cassation; two regular and two substitute members are to be appointed by the Plenary Assembly of the Council of State among the members of the Council of State; one regular and one substitute member are to be appointed by the Plenary Assembly of the Justice Academy among the members of the Justice Academy; seven regular and four substitute members are to be elected by the judges and public prosecutors of the courts of justice among the judges and public prosecutors (first category); three regular and two substitute members are to be elected by the administrative judges and public prosecutors among the administrative judges and public prosecutors (first category). They may be re-elected at the end of their term of office. Moreover, it is planned to provide the HCJP with fiscal autonomy and its own premises. It is also planned to attach the Inspection Board to the HCJP (and not to the Ministry of Justice) in order to provide a clear separation of powers. Thirdly, the HCJP would have its own secretariat in contrast to the current system, where the secretariat services of the HCJP are performed by the Directorate General of Personnel Affairs of the Ministry of Justice. A draft amendment to Article 159 of the Constitution has been approved by Parliament as a first step in the process of amending the Constitution. The Constitutional amendment was adopted by Parliament by 336 votes out of 550. The President of the Republic

has approved the amendment. However, as it was not adopted by two thirds of the majority (367 votes) the amendment is to be submitted to referendum on 12 September 2010.

18. GRECO takes note of the information provided. The preparation of the “Judicial Reform Strategy Action Plan” appears to have been thorough and transparent and the conclusions of the Council of Ministers of 24 August 2009 provide for promising reforms. GRECO stresses that the measures to reform the High Council of Judges and Prosecutors (HCJP) that have been outlined and approved by Parliament are important achievements in the ongoing process towards amendment of the Constitution as they cover a broader range of members of the judiciary. It notes, however, that the Ministry of Justice is still to be represented by the Minister, who would remain Chair of the HCJP, although only in the plenary meetings of HCJP and not in its three chambers. In any event, GRECO welcomes the substantial reform - which is still ongoing - - towards enhancing the judiciary’s independence from the executive branch.
19. GRECO concludes that recommendation v has been partly implemented.

**Recommendation vii.**

20. *GRECO recommended to reconsider the system of immunities of members of Parliament in such a way as to establish specific and objective criteria to be applied when deciding on requests for the lifting of immunities and to ensure that decisions concerning immunity are free from political considerations and are based on the merits of the request submitted by the prosecutor.*
21. GRECO recalls that it was noted in the Compliance Report that it was expected that the Turkish Parliament would deal with the follow up to this recommendation, within the framework of a wider constitutional reform or separately. However, no action had been taken and it was concluded in the Compliance Report that this recommendation had not been implemented.
22. The Turkish authorities now state that no further action has been taken in respect of this recommendation.
23. GRECO concludes that recommendation vii remains not implemented.

**Recommendation viii.**

24. *GRECO recommended to analyse the effects of the administrative authorisation for prosecution on the effectiveness of the criminal proceedings and to consider reforming the system of preliminary administrative investigation and administrative authorisation for prosecution, in order to reduce the categories of public officials who de facto benefit from immunities from criminal proceedings.*
25. GRECO recalls that the Compliance Report concluded that this recommendation had been partly implemented as the effects of the administrative authorisation for prosecution on the effectiveness of the criminal proceedings had been analysed but no consideration had been given at the time to reforming the system.
26. The Turkish authorities now report that the analysis concerning the effects of the system of administrative authorisation for prosecution has been discussed among representatives of relevant institutions and, as a result, it has been decided to include the issue raised in this particular recommendation in the “Anti-Corruption Strategy Plan”, under the title

“Coercive Measures” - one of the three main components of the Strategy. The administrative authorisation for prosecution will therefore be reviewed within this framework.

27. GRECO takes note of the additional information provided, which it interprets as fulfilling the second part of the recommendation as regards considering reforms in the area of administrative authorisation for prosecution which it had considered could negatively affect the capacity of the law enforcement and prosecutorial authorities in their investigation and prosecution of criminal offences relating to corruption.
28. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

**Recommendation xi.**

29. *GRECO recommended to strengthen the independence of the Board of Review of Access to Information; that it be given a dedicated budget and dedicated staff sufficient for it to undertake its role in hearing and determining appeals and to act as the authoritative source of advice and guidance to public bodies in their application of the Law on Right to Access to Information.*
30. GRECO recalls that the Compliance report concluded that despite the fact that the Secretariat of the Board of Review of Access to Information had been reinforced through new staff and that preparations had been made to provide the Board with a dedicated budget, it had not yet been allocated to the Board and no further measures to improve the independence of the Board had been reported.
31. The Turkish authorities now report that the Board of Review of Access to Information has been provided with its own budgetary resources from the central Government budget (Law on Annual Budget 2009, 27/12/2008 no. 5828). A new line of expenditure “Evaluation Board of Access to Information” has been added to the budget for the Public Relations Department of the Prime Ministry, which is commissioned to execute the secretariat functions of the Evaluation Board of Access to Information. Under this line of expenditure, the expenses of the Board relating to meeting fees, travel expenses and purchase of goods and service, are covered. The Evaluation Board of Access to Information held 23 meetings in 2008. The authorities also submit that of the 81 466 negative replies to requests for access to public information by various authorities throughout Turkey in 2008, the Board had received complaints concerning 1 305 of them and subsequently 424 complaints had been appealed to administrative courts.
32. GRECO takes note of the information provided and concludes that the authorities have substantiated that the Board of Review of Access to Information has been given a dedicated budget and that staffing has been enhanced. The conditions for a higher degree of operational independence of the Board – within the Prime Ministry – have therefore been strengthened. GRECO recalls in this respect that the decisions of the Board are, ultimately, subject to judicial review by (independent) administrative courts.
33. GRECO concludes that recommendation xi has been implemented satisfactorily.

**Recommendation xii.**

34. *GRECO recommended to provide the Ethics Council with sufficient independence, providing it with an appropriate budget and staff that would enable it to promote and promulgate the new codes of ethics throughout the public administration; to properly investigate complaints made*

*against senior officials and undertake proactive studies into particular areas of concern in respect of ethical behaviour and corruption in the public administration.*

35. GRECO recalls that it was concluded in the Compliance Report that this recommendation had been partly implemented as the staff of the secretariat of the Ethics Council had been increased, but the Council was still closely dependent on the Government and no measures had been taken to provide it with an appropriate regular budget which would enable it to investigate complaints made against senior officials properly and to undertake proactive studies. Further efforts were required in order to meet fully the purpose of this recommendation.
36. The Turkish authorities now report that since 1 January 2009 the Ethics Council is staffed by three inspectors (two justice inspectors and one internal affairs inspector) seconded from the Ministries of Justice and Internal Affairs respectively to carry out examinations and inspections. While the budget of the Council was previously included under “representation and accommodation expenditures” within the Prime Ministry General Directorate of Personnel and Principles, an amendment to the 2009 Budget now identifies the Council of Ethics for Public Service as a different function. The authorities also report that a commission has been established within the Council in order to prepare amendments to the law establishing the Ethics Council (Law No. 5176) and that a draft amended text aimed at making the Council independent, to provide for its own dedicated staff and to form a detached budget for the Council as well as at widening its authority to investigate cases (to remove article 4/4 from the law) had been sent to various institutions for comments on 3 August 2009.
37. GRECO takes note of the information provided. It appears that some further measures, including amendments to the law which aim at providing more independence for the Ethics Council, are underway. However, this process is still on-going.
38. GRECO concludes that recommendation xii remains partly implemented.

#### **Recommendation xiii.**

39. *GRECO recommended to develop training material to be used in the training of all civil servants on the new Code of Ethics and anti-corruption policies and to require all ministries and civil service bodies to include this training as part of their curriculum; it should be ensured that it forms a core part of the induction training for new civil servants as well as in the in-service training.*
40. GRECO recalls that this recommendation was assessed as partly implemented in the Compliance Report as a number of measures were pending: the “Regulation on the principles of Ethical Behaviour of the Public Officials and Application Procedures and Essentials” providing that public officials were to be informed about the principles of ethical behaviour and managers were to ensure the integration of these principles; a training programme “Ethics for the Prevention of Corruption in Turkey” aimed at promoting a culture of ethics (planned for 2007-2009) in cooperation with the European Union. The authorities also referred to a draft circular of the Prime Ministry aimed at providing training on “Professional Ethics Principles”.
41. The Turkish authorities now report that the Implementation Circular for Civil Servants was published in the Official Gazette (No. 27066) in November 2008. According to its Article 3, institutions are to provide their staff with training on the principles of professional ethics and the fight against corruption. The training comprises induction and in-service training. Regarding the implementation of the training in practice, the authorities submit that 15 training sessions for

senior public officials and 25 training sessions for other publicly employed staff were organised within the framework of the “Ethical Project for Prevention of Corruption” in Ankara in 2008 and 2009. In addition, 10 Regional ethical leadership seminars, including senior administrators from 81 provinces were organised between June and November 2009. The project, which came to an end in November 2009, is to be followed up by a new project for the strengthening of the culture of ethics in the public service. It is EU funded and its implementation is planned in 2011-2013 in cooperation with the Ethics Commission to provide further ethics training throughout the country. The authorities finally report that training materials which will be used throughout the country for ethics training and a guide for the usage of such training materials has been prepared and some public officials have been trained as ethics trainers. Apart from the training arranged by the Ethics Council, ethics training is provided for in the various administrations.

42. GRECO takes note of the information provided. It welcomes that further training guidelines have been adopted to provide for a regulatory framework for training. Moreover, it appears that the EU funded project on ethics training (2007-2009) has been implemented and that it will be followed up with yet another EU supported project for 2011-2013. GRECO is also pleased to learn that Turkey is providing for regular training in the various public institutions through specifically selected staff. GRECO is thus pleased that substantial progress appears to have been made to institutionalise ethics training for civil servants. GRECO encourages the authorities to continue their efforts in order to maintain ethics as a core component of long term, regular training of civil servants.

43. GRECO concludes that recommendation xiii has been dealt with in a satisfactory manner.

#### **Recommendation xiv.**

44. *GRECO recommended to consider reforming the system of Inspection Boards – in the light of the on-going overall reforms of public administration and of a more specialised law enforcement system.*

45. GRECO recalls that this recommendation was not implemented in the Compliance Report as the Turkish authorities had not reported any progress concerning reform of the Inspection Boards.

46. The Turkish authorities now report that this recommendation has been considered by the Council of Ministers within the framework of the Anti-Corruption Strategy Plan for 2009-2013. One of the basic components of the Strategy, the section concerning preventive measures, stipulates a series of measures, aimed at strengthening the Inspection Boards of the various ministries and public institutions. To this end a working group is to be established to draw up standards for their work and to ensure their access to pertinent databases (e.g. land registry, vehicle, bank, tax records etc). In addition, the EU-funded project “Strengthening Coordination of Anti-Corruption Strategies and Implementations” also deals with the strengthening the inspection boards. The project has been approved by the Government and is to be implemented in the last quarter of 2010. The main beneficiaries of the project are the Prime Ministry Inspection Board and the inspection boards and audit units of the Ministry of Interior, Ministry of Finance, Ministry of Transport and Communication, Ministry of Agriculture and Rural Affairs, Ministry of Labour and Social Security, Ministry of Public Works and Settlement.

47. GRECO takes note of the information provided, which indicates that some reform of the inspection boards has been considered and some measures to strengthen these boards appear to be underway. However, GRECO recalls that the main concern was not necessarily



strengthening the capacity of these boards. More precisely, “the GET was concerned that the potential risk for overlapping between the internal inspection regimes (Ministry; Prime Ministry; Finance Ministry), a lack of clarity regarding who is responsible to investigate allegations of corruption (including the police and prosecutors) and the potential for political and other influence in the work of the ministerial inspection regimes, factors which could well reduce the effectiveness of the measures to tackle corruption and increase the lack of public trust in the public administration. Consequently, the GET was of the opinion that the organisation, role and function of the inspection board system should, in the light of the general reforms of public administration, in particular its relation with the law enforcement, should be re-defined to provide clearer demarcation, hierarchy and responsibility” (Evaluation Report paragraph 202). GRECO notes that the foreseen reforms take another stance, but hopes that the intention is to include these wider considerations in the on-going reflection process. In this light, GRECO cannot conclude that the full range of reforms targeted by the current recommendation has been considered.

48. GRECO concludes that recommendation xiv has been partly implemented.

**Recommendation xv.**

49. *GRECO recommended to give high priority to the establishment of an Ombudsman institution, independent from the Executive, with a wide mandate to deal with complaints from the public concerning maladministration; and to provide for an awareness campaign throughout Turkey once relevant legislation is adopted.*
50. GRECO recalls that this recommendation was partly implemented as the Law on the Ombudsman (No. 5548) which had already been adopted by Parliament at the time of the adoption of the Compliance Report had been brought before the Constitutional Court which had decided (on 27 October 2006) to suspend its implementation, and therefore the establishment of such an institution, temporarily.
51. The Turkish authorities now report that on 25 December 2008, the Law on the Ombudsman was nullified by the Constitutional Court. The elaboration of a new law had then become a new priority of the Ministry of Justice and the establishment of such an institution is foreseen in the “Judicial Reform Strategy Document”. On 6 May 2010, Parliament approved a draft amendment to Article 74 of the Constitution for the establishment of a parliamentary ombudsman as a first step in the process of amending the Constitution for such a measure.
52. GRECO notes that the establishment of the institution of ombudsman remains a priority of the Government and the approval by Parliament of the amendment of Article 74 of the Constitution is an important achievement which substantiates the high priority given by the authorities to the establishment of the institution of ombudsman. GRECO encourages the authorities to continue their efforts during the remaining procedure.
53. GRECO concludes that recommendation xv has been dealt with in a satisfactory manner.

**Recommendation xvi.**

54. *GRECO recommended to introduce guidelines and training on reporting of corruption and the proper handling of reports as well as to ensure that public officials who report suspicions of corruption in good faith (whistleblowers) are protected.*

55. GRECO recalls that this recommendation was not implemented in the Compliance Report as at the time the Turkish authorities had not reported any new measures taken to establish guidelines and training on reporting of corruption, nor in respect of specific whistleblower protection.
56. The Turkish authorities now submit that “Guiding principles for Reporting Corruption” (i.e. a compilation of documents comprising international standards, constitutional standards, legislation as well as by-laws) has been prepared and published by the Ministry of Justice in cooperation with the Prime Ministry and the Council of Ethics for Public Service. Moreover, on 19 September 2009, the Council of Ministers amended the “By-Law on Complaints and Applications of Public Officials”. Article 11 concerning reporting obligations, now reads: “... *public officials are obliged to report the situations which constitute an offence, which they come across during their duties, to the competent authorities*”. In addition, they report that the following paragraph has been added to article 14 of the same By-Law: “*Public officials who perform their obligation of reporting shall not be punished due to such reports and it is ensured that their service conditions shall neither be aggravated nor changed directly or indirectly*”. Furthermore, the authorities report that article 18 of the Labour Law (No. 4857) has been amended (No. 5838, of 18 February 2009) in order to make it clear that reporting of corruption, which is an obligation, cannot be used as a reason for termination of employment. Finally, regarding training on reporting of corruption, the authorities submit that all training sessions organised by the Ethics Council have attached great importance to raising awareness among public officials of the issues of reporting of corruption and the protection of whistleblowers. The theoretical aspects are explained and case studies are also used.
57. GRECO welcomes the measures taken by the Turkish authorities. It notes that this recommendation has been dealt with in a thorough manner and that several ministries and the Ethics Council have been involved. The measures reported concern legislative changes, the establishment of new by-laws and the carrying out of related training. The Turkish authorities should be commended for these achievements in an area of paramount importance for the prevention as well as the detection of corruption in public administration.
58. GRECO concludes that recommendation xvi has been implemented satisfactorily.

**Recommendation xvii.**

59. *GRECO recommended to establish statistics on the use of disciplinary proceedings and sanctions in public administration.*
60. GRECO recalls that at the time of the adoption of the Compliance report the authorities had been in the process of establishing a centralised data base for key information on public officials under the responsibility of the State Personnel Presidency of the Prime Ministry, which at the time had drafted a circular aimed at regulating the collection of statistics regarding disciplinary measures. GRECO concluded that the recommendation was partly implemented.
61. The Turkish authorities now report that the “Implementation Circular for Civil Servants” (No. 2008/1) has entered into force and was published in the Official Gazette on 26 November 2008. 104 institutions are currently connected to the system and since 31 March 2009, 37 institutions have entered data into the system regarding disciplinary penalties that have been imposed. Furthermore, 1 355 disciplinary penalties inflicted for different reasons have been submitted to the State Personnel Presidency through this system.

62. GRECO takes note of the information provided and welcomes that statistics on the use of disciplinary proceedings/sanctions are now in place.

63. GRECO concludes that recommendation xvii has been implemented satisfactorily.

**Recommendation xviii.**

64. *GRECO recommended to take appropriate measures in order to facilitate access to registration information on the various forms of legal persons.*

65. GRECO recalls that according to the Compliance Report, this recommendation was partly implemented; the Ministry of Industry and Trade, responsible for the establishment of a central on-line registration system of legal persons, had taken measures indicating that the project was well on its way towards implementation.

66. The Turkish authorities now report that on 16 April 2010, the Central Legal Person Registry of the Ministry of Industry and Trade entered into force as published in the Official Gazette (No. 27554).

67. GRECO takes note of the information provided and concludes that recommendation xviii has been implemented satisfactorily.

**Recommendation xix.**

68. *GRECO recommended to ensure that the provisions of the Criminal Code on the application of security measures in relation to legal persons fully comply with the standards of the Criminal Law Convention on Corruption (ETS173) concerning the liability of legal persons.*

69. GRECO recalls that it was concluded in the Compliance report that this recommendation was partly implemented as the Ministry of Justice had established a working group to take the requirements of the recommendation into consideration and that, after analysing the relevant provisions of the Criminal Code, consultations had been under way on how to fully comply with the standards of the Criminal Law Convention on Corruption as regards legal persons. However, no concrete steps to ensure full compliance with these standards as described in the Evaluation report, paragraph 226, had been taken at the time.

70. The Turkish authorities now report that as a result of the above consultations within the Ministry of Justice, a new article, 43/A, concerning "liability of legal persons", has been added to the Code of misdemeanours by Law No. 5918, dated 26 June 2009. This law provides that when a representative of a legal person or someone who is not the representative who undertakes a duty within the scope of that legal person's operational framework, commits, inter alia corruption offences or money laundering, to the benefit of that legal person, the legal person is also to be penalised with an administrative fine of between 10,000 Turkish lira (EUR 5 000) to 2,000,000 Turkish Lira (EUR 1 000 000).

71. GRECO takes note of the information provided, welcomes the above amendments to the Code of misdemeanours and concludes that recommendation xix has been implemented satisfactorily.

### **III. CONCLUSION**

72. In addition to the conclusions contained in the Joint First and Second Round Compliance Report on Turkey and in view of the above, GRECO concludes that recommendations xi, xvi, xvii and xviii and xix have been implemented satisfactorily and recommendations viii, xiii and xv have been dealt with in a satisfactory manner. Recommendations ii, v, xii and xiv have been partly implemented. Recommendations iii and vii have not been implemented.
73. With the adoption of this Addendum to the Joint First and Second Round Compliance Report, GRECO concludes that out of the 21 recommendations issued to Turkey, in total 15 recommendations have now been implemented satisfactorily or dealt with in a satisfactory manner. GRECO notes that Turkey has made further efforts to ensure the practical implementation of a number of recommendations since the adoption of the Compliance Report. The measures required are substantial and include constitutional reform. GRECO expects that further positive developments can be signalled in the near future, in particular to broaden the representation of the anti-corruption oversight body, to enhance the independence of the judiciary and, to reform the system of immunities and to finally establish the Ombudsman institution.
74. The adoption of the present Addendum to the Compliance Report terminates the Joint First and Second Evaluation Round compliance procedure in respect of Turkey. The Turkish authorities may, however, wish to inform GRECO of further developments with regard to the implementation of recommendations ii, iii, v, vii, xii and xiv.
75. Finally, GRECO invites the Turkish authorities to translate the Addendum into the national language and to make the translation public.