

# ASSESSING POLITICAL INTEGRITY RULES IN TÜRKİYE

INTEGRITY WATCH WESTERN  
BALKANS & TÜRKİYE



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### **Assessing Political Integrity Rules in Türkiye**

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# TABLE OF CONTENTS

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**04**

LIST OF ABBREVIATIONS

**05**

EXECUTIVE SUMMARY

**08**

INTRODUCTION

**09**

METHODOLOGY

**13**

ASSESSMENT RESULTS

**41**

CONCLUSION

**42**

ENDNOTES



# LIST OF ABBREVIATIONS

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**EKAP** : Elektronik Kamu Alım Platformu (Electronic Public Procurement Platform)

**PEP** : Politically Exposed Persons

**PPA** : Public Procurement Authority

**PPL** : Public Procurement Law

**SBE** : Supreme Board of Elections

**TCC** : Turkish Criminal Code



# EXECUTIVE SUMMARY

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## Assests and Interest Declarations

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### Strengths

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Türkiye's regulatory framework, particularly through Law No. 3628 on Declaration of Property and Law No. 657 on Public Officials, mandates asset declarations to prevent conflicts of interest and detect variations in wealth among public officials. These regulations require disclosures from senior officials, high-risk positions, and elected officials, as well as their immediate family members, ensuring a degree of accountability which would allow for scrutiny. Articles 3 and 14 prescribe periodic declarations during an official's tenure, allowing for ongoing financial monitoring. Additionally, Law No. 4734 on Public Procurement promotes integrity by prohibiting conflicts of interest among officials involved in procurement, thus laying the foundation for promoting lower levels of corruption in good faith.

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### Vulnerabilities

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Despite the legal requirements, Türkiye's regulations have significant gaps that limit their effectiveness. The asset declarations required by Law No. 3628 and Law No. 657 are kept confidential and are not published for public scrutiny, reducing transparency. The lack of provisions for disclosing assets of associates or business partners leaves room for hiding wealth through indirect channels. Furthermore, the regulations do not mandate regular updates on significant changes in assets, and enforcement mechanisms are weak, leading to inconsistent application of penalties. Additionally, Law No. 4734 lacks specific procedures for managing conflicts of interest once identified, and there are no detailed provisions for proactive auditing or cross-referencing with other financial datasets to detect undeclared assets.

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## Political Finance

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### Strengths

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The legal framework governing political finance in Türkiye, including Law No. 2820 on Political Parties, Law No. 298 on Elections, and Law No. 6271 on Presidential Elections, establishes essential rules for political transparency. These laws require political parties and presidential candidates to submit annual financial reports (Article 61 of Law No. 2820) and campaign finance disclosures (Article 14 of Law No. 6271). Additionally, they set limits on donations, prohibiting contributions from foreign entities and certain corporations (Article 66 of Law No. 2820).



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## Vulnerabilities

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Despite the regulations, enforcement remains weak due to the lack of real-time reporting requirements and limited oversight. The absence of digital reporting systems prevents timely and comprehensive public access to financial data. Additionally, the framework does not mandate the disclosure of beneficial owners for legal entities making donations, allowing potential circumvention through affiliated individuals or third parties. The laws also lack specific requirements for third-party donors and media platforms leaving gaps in transparency. Although financial audit of political parties is carried out by the Constitutional Court of Türkiye according to Law No. 2820, the lack of stringent oversight mechanisms, especially during election periods, undermines the regulations' effectiveness in preventing undue influence and corruption.

## Favouritism in Public Contracting

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### Strengths

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Türkiye's Law No. 4734 on Public Procurement promotes transparency and accountability in public contracting. Article 5 emphasizes principles of equal treatment, transparency, and fair competition, ensuring that all bidders are treated fairly. Open tender procedures are the standard, which reduces the risk of favouritism and corruption. The ethical guidelines in Article 17 explicitly prohibit public officials involved in procurement from engaging in conflicts of interest or receiving gifts from bidders, helping maintain integrity in the procurement process. These measures collectively aim to ensure that public contracts are awarded based on merit, thereby reducing opportunities for political favouritism.

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### Vulnerabilities

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Despite the strengths, significant vulnerabilities remain in the public procurement framework. The use of negotiated tenders under Article 21(b)—originally intended for emergencies like natural disasters—has become widespread, which can foster favouritism, especially toward politically connected firms. The increasing use of direct supply in public procurement, rising from 5.37% in 2023 to 10.23% in 2024, raises transparency and competitiveness concerns. The lack of comprehensive mechanisms for tracking indirect involvement by politically exposed persons through third parties leaves room for undue influence. Additionally, there are no robust requirements for disclosing procurement data in open data formats in terms of the lack of sufficient information on procurements in the Electronic Public Procurement Platform (EKAP), and the inability of data to be downloaded via the EKAP, thus limiting transparency and public oversight. Finally, inconsistent enforcement of sanctions for noncompliance weakens deterrence, allowing certain violations to go unaddressed, thus undermining the integrity of the procurement system.



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## Recommendations

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- 1** Parliament should amend the Law No. 3628 to include the obligation to identify business associates and close relatives in asset and interest declarations, as well as its Article 9 to make compulsory public access to asset declarations for greater transparency and civil society oversight. This access can be provided through either proactive disclosure on an open-access government platform or responsive access via Freedom of Information (FOI) requests, depending on feasibility and best practices. Furthermore, Article 18 must be amended to establish regular, independent audits of asset declarations with penalties for non-compliance or inaccuracies. An independent anti-corruption agency should be established to carry out these audits.
- 2** Law No. 4734 should be amended to explicitly prohibit donations from suppliers, bidders, or license applicants through third parties or affiliates.
- 3** Public Procurement Law should be revised to restrict the use of the negotiated tendering and direct supply methods to exceptional and clearly defined circumstances, with independent oversight to prevent misuse and favouritism.
- 4** Mandatory due diligence for political donations from entities involved in public procurement, requiring verification of beneficial ownership should be introduced.
- 5** Real-time disclosure of political donations by contractors and bidders, accessible online, with penalties for non-compliance should be established.



# INTRODUCTION

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In Türkiye, the landscape of political integrity is regulated by several laws addressing asset and interest declarations, political finance, and public procurement. Key regulations include Law No. 657 on Public Officials, Law No. 2820 on Political Parties, and Law No. 4734 on Public Procurement. These laws aim to promote transparency, prevent conflicts of interest, and curb undue influence in public decision-making processes.

Law No. 657 requires public officials to submit asset declarations to detect potential conflicts of interest, although it lacks comprehensive provisions for regular updates and does not extend to associates beyond immediate family members. Law No. 2820 regulates political finance by prohibiting donations from legal entities and foreign entities to political parties, aiming to reduce undue influence. In the realm of public procurement, Law No. 4734 emphasizes transparency and accountability, requiring open tendering procedures as the default while restricting conflicts of interest under Article 17.

While the legal framework is in place, its effectiveness is limited by gaps in enforcement and transparency. Public access to data is restricted; for example, asset declarations are not published in open data formats, reducing public scrutiny. Additionally, procurement data is not readily available in centralized, user-friendly formats, which limits the ability to detect patterns of favouritism or conflicts of interest. The absence of real-time reporting requirements for political finance and asset disclosures hampers the impact of existing regulations. There have been recent amendments to some laws, indicating a partial commitment to enhancing transparency. However, enforcement remains inconsistent, and there is limited political will to advance comprehensive reforms. While anti-corruption measures are occasionally prioritized, the absence of strong, independent institutions to monitor compliance hinders progress. The focus tends to be on compliance with formal requirements rather than proactive enforcement, leaving loopholes that politically connected entities can exploit. To strengthen political integrity, Türkiye needs to enhance open data practices, enforce existing laws more rigorously, and establish independent oversight mechanisms.



# METHODOLOGY

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The methodology for this assessment is based on the Integrity Watch framework developed by the Transparency International Secretariat (TI-S). It is designed to evaluate the political integrity regulations in selected countries, with a specific focus on asset and interest declarations, political finance, **and** public contracting and licensing. The aim is to identify regulatory gaps, assess the effectiveness of existing frameworks, and provide actionable recommendations to improve transparency and accountability.

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## 1 Data Collection

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The assessment relies on both primary and secondary sources of data:

- **Primary Data:** Collection of laws, bylaws, rulings, and decisions applicable to political integrity, including asset declarations, political finance regulations, and public contracting rules. This includes the most recent legislative amendments and their practical implications.
- **Secondary Data:** Reports, analyses, and databases, especially from Integrity Watch's own platform and government portals, were reviewed to supplement factual data on political integrity.

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## 2 Scope of Analysis

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Three main topics were selected for analysis:

- **Asset and Interest Declarations:** This involves evaluating the comprehensiveness of rules requiring public officials to declare assets and interests, with particular focus on high-risk officials such as Politically Exposed Persons (PEPs).
- **Political Finance:** This includes examining regulations governing political donations, campaign financing, and the influence of third parties in elections and political decision-making.
- **Public Contracting and Licensing:** This area focuses on the potential for conflicts of interest in public procurement processes and the role of political connections in the issuance of licenses.

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## 3 Assessment Dimensions

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The questionnaire assesses each set of regulations across 12 dimensions, categorized into three main groups:

- **Extent:** Evaluates the existence and scope of the regulations.
- **Transparency:** Examines the accessibility, comprehensiveness, and reliability of the disclosed information.
- **Accountability:** Assesses the strength of compliance mechanisms, enforcement agencies, and sanctions for breaches of political integrity.



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## 4 Evaluation Criteria

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Each aspect of the regulations is rated on a four-point scale:

- Not at all
- Some extent
- Most extent
- Full extent

This scale allows the assessment to measure the level of implementation and effectiveness of regulations, considering both the written laws and their application in practice.

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## 5 Validation

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To ensure the accuracy of the assessment, all findings were cross-referenced with relevant stakeholders and publicly available data sources. Peer consultations were conducted where necessary to substantiate findings, and recommendations were formulated based on the results.

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## 6 Recommendations

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For each dimension assessed, up to three recommendations are provided. These recommendations target regulatory improvements, practical enhancements in enforcement mechanisms, and strategies to close existing loopholes. Each recommendation is addressed to the appropriate agency, such as the Ethics Committee, oversight bodies, or lawmakers.

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## 7 Regional Comparisons

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The methodology allows for a comparative analysis across countries in the region, identifying best practices and weaknesses in political integrity regulations. This comparative approach aims to foster a shared learning environment for the adoption of robust anti-corruption measures.

## LIST OF INDICATORS AND SUB-INDICATORS

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### Pillar 1. Asset and Interest Declarations

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#### Main Indicators:

##### 1 Extent

- Existence of regulations governing asset and interest declarations.
- Goals of the regulations (e.g., conflict of interest prevention).
- Scope of regulations (e.g., high-risk officials, family members).

##### 2 Transparency

- Comprehensiveness of declarations (e.g., disclosure of assets, employment, secondary income).
- Reliability (e.g., updates, inclusion of family interests).
- Timeliness (submission deadlines and publication requirements).
- Openness (public access, centralized platforms, searchability).

##### 3 Accountability

- Compliance systems (support for accurate reporting, electronic submission).
- Empowered agencies (independent oversight and verification).
- Verification mechanisms (audits, cross-referencing with other data).
- Deterrence (sanctions for non-compliance, effectiveness of enforcement).

#### Sub-Indicators

- Laws and bylaws relevant to asset declarations.
- Compliance with updates (e.g., frequency, family members' inclusion).
- Existence of public access to asset declarations.
- Presence of a dedicated agency for overseeing declarations.

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### Pillar 2. Political Finance

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#### Main Indicators:

##### 1 Extent

- Existence of regulations for political finance (laws, dates of enforcement).
- Goals (leveling the playing field, curbing undue influence).
- Scope (reporting obligations for parties, candidates, legal entities).

##### 2 Transparency

- Comprehensiveness (reporting of income, expenses, donations).
- Reliability (bookkeeping, financial controls, audit reports).



- Timeliness (campaign and annual reporting deadlines).
- Openness (public access to political finance reports, centralization).

### 3 Accountability

- Compliance systems (facilitation of accurate reporting).
- Empowered agency (functional independence, funding for enforcement).
- Verification (audits, third-party collaboration for cross-checks).
- Deterrence (sanctions for breaches, complaint mechanisms).

#### Sub-Indicators

- Laws on financial transparency for political parties.
- Requirements for timely submission of campaign finance reports.
- Accessibility of political finance data to the public.
- Presence of sanctions for non-compliance with political finance rules.

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## Pillar 3. Favouritism in Public Contracting and Licencing

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#### Main Indicators:

##### 1 Extent

- Existence of regulations for ethical public procurement.
- Restrictions on officials (conflict of interest rules, revolving door policies).
- Influencing (disclosure of political engagement by contractors).

##### 2 Transparency

- Comprehensiveness (disclosure of procurement details, contractor contributions).
- Timeliness (publication of procurement information in open formats).

##### 3 Accountability

- Verification (cross-checking procurement declarations with political finance data).
- Deterrence (sanctions for non-compliance, redress mechanisms for breaches).

#### Sub-Indicators

- Laws on public procurement/licencing ethics.
- Disclosure obligations for contractors (e.g., political donations).
- Existence of procurement oversight agencies.
- Sanctions for conflict-of-interest violations in procurement.



# ASSESSMENT RESULTS

## TOPIC 1. ASSET AND INTEREST DECLARATIONS

### 1.1 Extent

#### 1.1.1 Existence

##### Information required

List the laws, policies, or regulations governing the collection or reporting, verification, publication and appropriate accountability of Asset and Interest Declarations (or equivalent), and management of conflicts of interest particularly in public contracting and licencing, indicating:

- a. links to or digital copies of documents
- b. When were they first passed/did first enter into force? (dates)
- c. When were last amended, and what specific issues were addressed by such amendments (dates)

##### Description

Law No. 3628 on Declaration of Property and Fight Against Bribery and Corruption: <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3628.pdf>

Passed: April 19, 1990

Last Amended: March 25, 2021 (Amendments updated the requirements for asset declaration and the procedures for enforcing penalties in case of non-compliance).

Key Issues Addressed: Requires asset and interest declarations from public officials, including politicians, and establishes penalties for non-compliance.

Law No. 2820 on Political Parties: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2820&MevzuatTur=1&MevzuatTertip=5>

Passed: April 22, 1983

Last Amended: March 30, 2022 (Amendments concerned political party financing rules, updating donation caps and expenditure tracking procedures).

Key Issues Addressed: Regulates political party financing, including rules on donations, public subsidies, and financial reporting.

Regulation on the Implementation of Law No. 3628: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=90748&MevzuatTur=3&MevzuatTertip=5>

Passed: February 3, 1991

Last Amended: December 7, 1999 (Amended to clarify asset declaration procedures and confidentiality rules).

Key Issues Addressed: Implements Law No. 3628, covering asset and interest declarations. Specifies submission, verification, and confidentiality procedures. Includes rules for comparing new declarations with previous ones to monitor wealth changes.



Law No. 657 on Public Officials: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=657&MevzuatTur=1&MevzuatTertip=5>

Passed: July 14, 1965

Last Amended: July 2023. These amendments often focus on updating regulations related to public service rights, disciplinary measures, and ethical standards.

Key Issues Addressed: prohibitions on secondary employment to prevent conflicts of interest, mandatory wealth declarations, ethical standards and penalties for violations, and provisions for employment rights and conditions.

### 1.1.2 Goals

#### Overall question(s)

To what extent do the regulations provide for the following goals:

- a. prevention of conflicts of interests.
- b. detection of variations in wealth of the senior, high-risk, elected and appointed public officials (e.g. PEP); and
- c. increasing public scrutiny and bolstering confidence in the integrity of public officials?

#### Assessment

Law No. 3628 provides a legal framework to prevent conflicts of interest by requiring asset declarations from senior, high-risk, and appointed public officials. Article 2 outlines the scope of officials obligated to declare their wealth, including those in senior positions and individuals involved in sensitive public roles. Asset declarations are to be made not only by the officials themselves but also by their spouses and dependents. Articles 9-11 of the Regulation mandates these declarations at the start of their service, every five years during their service, and at the end of their service, ensuring continuous oversight of their financial situation. However, the law lacks detailed mechanisms for actively managing conflicts of interest, such as preventing officials from holding stakes in sectors where they have decision-making power.

Article 18 of the Regulation provides the legal basis for auditing these declarations, allowing authorities to monitor changes in officials' financial positions over time. Any discrepancies or unjustified increases in wealth can trigger an investigation. Penalties for failing to submit declarations or for submitting false information are set out in the third section of the Law, which stipulates consequences such as dismissal or criminal sanctions.

Although the law seeks to promote integrity in public office, it does not fully enhance public scrutiny. Article 15 of the Regulation protects the confidentiality of asset declarations, restricting access to authorized bodies, such as the judiciary or specific oversight committees.

Law No. 657 on Public Officials provides measures to prevent conflicts of interest by prohibiting secondary employment (Article 28), mandates wealth declarations for detecting variations in assets (Article 14), and outlines ethical standards to increase public scrutiny and confidence in the integrity of public officials.

### 1.1.3 Scope

#### Assessment question(s)

To what extent do regulations unambiguously define the responsibility for officials at the most at-risk agencies and positions to submit interest and asset declarations, including:

- a. At-risk high-level officials (PEPs)
- b. Elected officials (national, subnational)
- c. Family: partners, children
- d. Associates

#### Assessment

Law No. 3628 clearly mandates that at-risk high-level officials (PEPs), such as ministers and senior public officers, submit interest and asset declarations. Article 2 outlines this obligation, targeting individuals in positions prone to corruption and conflicts of interest. Elected officials at both national and subnational levels, including parliament members and mayors, are also required to declare their assets periodically, ensuring continuous monitoring throughout their term.

The law extends this requirement to the immediate family—specifically spouses and children—under Article 4 of the Regulation, preventing officials from hiding illicit wealth through family members. This provides a fuller picture of the official's financial situation. However, the law does not cover associates, such as business partners who are closely connected to the officials through, for example, familial relationships, leaving a potential loophole for hiding assets.

While the regulations are clear regarding the responsibilities of officials and their families, they lack provisions concerning associates, which may weaken the effectiveness of asset declarations in combating corruption. Nonetheless, the framework sets a solid foundation for monitoring the wealth of high-risk officials.

### 1.1.4 Recommendations

#### Assessment question(s)

If that's the case, propose up to three recommendations, like new laws, amendments to existing laws and other forms of regulation, aimed at addressing the lack of regulation for assets and interest declarations.

#### Recommendations

1. Amending Law No. 3628 to include business associates and close relatives in asset and interest declarations. The law could mandate that officials identify these associates and disclose the nature of shared financial interests, ensuring transparency without placing undue burden on third parties.
2. Introducing public access to asset declarations for greater transparency and civil society oversight by amending Article 9 of Law No. 3628.



3. Establishing regular, independent audits of asset declarations with penalties for non-compliance or inaccuracies by amending Article 11 of the Regulation. An independent anti-corruption agency should be established to carry out these audits.
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## 1.2 Transparency

### 1.2.1 Comprehensiveness

#### Assessment question(s)

- To what extent are reporting obligations sufficiently comprehensive to enable the detection of:
- a. ...conflicts of interest, by requiring declaration of secondary employment; prior remunerated positions in companies and other outside activities; shares and stocks in companies, beneficial ownership in companies, securities, and others relevant?
  - b. ...unexplained variation of wealth, by requiring the value of bank deposits, cash, immovable assets; movable assets, including art, stocks, securities, and gifts, among others relevant?

#### Indicator assessment

Regarding conflicts of interest, Article 5 of the law requires officials to declare their property and assets, but it does not explicitly mandate the declaration of secondary employment, prior remunerated positions, or other outside activities, leaving a significant gap. The regulation underlines asset declaration requirements but does not extend to employment-related interests, such as shares or beneficial ownership in companies. Without mandatory reporting on these aspects, the detection of potential conflicts of interest remains limited.

In terms of unexplained variation in wealth, the law and regulation require declarations of immovable property, movable assets, bank deposits, and securities. Article 8 of the Regulation specifies the need to declare the value of movable assets such as vehicles, valuable goods, and gifts, as well as bank deposits and stocks. However, the law does not require exhaustive reporting on certain high-value assets like art collections or cryptocurrencies, and it lacks a mechanism for verifying the legitimacy of declared wealth. Overall, while the regulations provide a structure for asset declarations, they are not comprehensive enough to detect all potential conflicts or significant unexplained wealth increases.

Article 28 of Law No. 657 prohibits public officials from engaging in secondary employment or any commercial activities that could create a conflict of interest. Public officials are required to declare any shares, stakes, or control in private companies. However, the law does not explicitly require the declaration of prior remunerated positions in companies, making it harder to detect conflicts of interest based on past employment.

#### Assessment question(s)

- Are information on previous employment, affiliations, ownership, relationships, and interests of contracting and/or licencing authorities required to be disclosed as part of regular Asset and Interest declaration?



### Indicator assessment

Under Law No. 4734 on Public Procurement, there are specific provisions that promote transparency and accountability, but it does not require officials to disclose previous employment, affiliations, ownership, or business relationships as part of regular asset and interest declarations.

Article 17 of the law addresses the “Prohibition of Fraud and Corruption” and outlines ethical requirements for officials involved in public procurement. However, it does not explicitly mandate the declaration of personal interests such as previous employment or affiliations, which could lead to conflicts of interest in procurement decisions.

Law No. 3628 and its accompanying regulation do not require public officials to disclose information on previous employment, affiliations, ownership, relationships, or interests of contracting and licensing authorities as part of regular asset and interest declarations. The law primarily focuses on current assets, such as property, bank deposits, securities, and certain movable items

### Assessment question(s)

Are contracting and/or licencing authorities required make ad hoc declarations of no-conflicts of interests (sworn statements, affidavits, etc.) on the relationships they have with specific bidders or applicants at the onset of contracting and licencing procedures, as appropriate?

### Assessment

Under Law No. 4734, there is no explicit requirement for contracting or licencing authorities to submitted ad hoc declarations of no conflicts of interest regarding their relationships with specific bidders or applicants at the onset of contracting or licencing procedures. While Article 17 of the law prohibits fraud and corruption and sets ethical standards to ensure impartiality in public procurement, it does not specifically mandate officials to declare potential conflicts with bidders.

The law emphasizes the prevention of conflicts of interest through general prohibitions, such as barring public officials and their relatives from participating in procurement processes in which they have a personal interest. However, without a formal requirement for officials to declare, at the start of the process, whether they have any personal, financial, or professional ties to specific bidders or applicants, a gap in transparency remains.

## 1.2.2 Reliability

### Assessment question(s)

To what extent do regulations provide for the collection and reporting of...

- a. information to be submitted by public officials themselves?
- b. regular updates of significant changes in assets or interests?
- c. declarations to include assets and interests of family (e.g. spouses) and other associates?



### Indicator assessment

Under Law No. 3628 on Declaration of Property and its accompanying regulation, public officials are required to submit information about their assets, including property, bank deposits, and securities. Articles 6 and 7 mandate officials to declare their assets at the beginning of their term and every five years. The law also extends the declaration requirement to the assets of spouses and dependents but does not cover associates or business partners, leaving a gap in full transparency regarding personal and professional relationships.

Law No. 657 on Public Officials mandates public officials to submit asset declarations, including family members like spouses (Article 14), but it lacks explicit provisions for regular updates on significant changes in assets or interests and does not extend reporting to associates beyond family.

### 1.2.3 Timeliness

#### Assessment question(s)

To what extent do regulations set clear and reasonable timelines for:

- a. the submission of declarations?
- b. their publication?
- c. declaration and publication of regular updates?

### Indicator assessment

According to Article 9 of the Regulation, the officials listed in Article 3 together with the documents required for entry into office, members of the Council of Ministers within 1 month following their appointment, elected positions within 2 months following the finalization date of the election, those elected or appointed as members of the management and audit boards and commission within 1 month following the date of taking office, those whose duties have ended within 1 month following the resignation date, for persons who own newspapers or members of companies who own newspapers within the date of commencement of operation are mandated to submit declarations. As of Article 11, those who continue to work in the duties specified in Article 3 must renew their notifications by the end of February at the latest for the years ending in (0) and (5). According to Article 12, "Good Declaration Form" shall be filled in a single copy and signed by specifying the date to the select authorities to whom property notification will be submitted as laid out in Article 3 of the Decree No. 90748

## 1.2.4 Openness

### Assessment question(s)

Does an agency, public or otherwise, effectively publish the information thus received 1) online, 2) in a centralised location so that it is easily located, in formats that are 3) downloadable, 4) comparable, and 5) searchable by the public, in 6) user-friendly platforms, and 7) free-of-charge manner? To what extent the exceptions to the publication of the information are minimal and well justified?

### Indicator assessment

Under Law No. 3628 on Declaration of Property and its accompanying regulation, asset declarations made by public officials are not published online or in a centralized, publicly accessible location. The law and regulation explicitly protect the confidentiality of these declarations, limiting their availability to designated oversight bodies, such as the judiciary or other regulatory agencies, and preventing public access.

As a result, the information is not published in formats that are downloadable, comparable, or searchable by the public. There are no user-friendly platforms that allow for public scrutiny of this data, and access is not provided free of charge because the declarations are not publicly accessible at all. The law does not mandate the creation of any centralized repository for these declarations, nor does it provide for their publication in any manner that would meet modern transparency standards.

The exceptions to the non-publication of information are broad, with confidentiality being the default rule. There is no framework that limits or justifies why this information is not made publicly available, which results in a significant lack of transparency.

## 1.2.5 Cross comparison and data quality

### Assessment question(s)

Is the regulation specific on open data standards that could allow detection of political corruption risk? For example, but not limited to:

- a. Minimum information required.
- b. Unique identifiers that for cross comparison with other datasets
- c. Open and machine-readable formats

### Indicator assessment

Law No. 3628 on Declaration of Property does not specify open data standards for detecting political corruption risks. There is no requirement for providing detailed information or unique identifiers that allow cross-comparison with other datasets. Additionally, the law does not mandate open or machine-readable formats for asset declarations, and confidentiality rules prevent public access to such data altogether.



## 1.2.6 Recommendations

### Assessment question(s)

Propose recommendations, like new laws, amendments to existing laws and other forms of regulation, aimed at addressing transparency gaps on assets and interest declarations. (Up to three recommendations)

### Recommendations

1. Amending Law No. 3628 by the Grand National Assembly of Türkiye to require public disclosure of asset declarations in open, machine-readable formats for public access.
2. Introducing unique identifiers in asset declarations to enable cross-comparison with other public datasets, such as procurement and ownership records by amending the Law No. 3628 on Declaration of Property by the Grand National Assembly of Türkiye.
3. Establishing regular updates and reporting of significant asset changes, including past affiliations, in a centralized, publicly accessible online platform by the authorities obliged to declare goods according to Article 3 of the Regulation.

## 1.3 Accountability

### 1.3.1 Compliance systems

#### Assessment question(s)

To what extent do existing systems facilitate reporting? Do regulations empower an agency or official to facilitate tools for the accurate and timely reporting and publication of required data, through e.g. advisory services, electronic reporting and disclosure systems (clear formats, automatised, web-based)

#### Indicator assessment

Existing systems under Law No. 3628 do not effectively facilitate reporting through modern tools such as electronic reporting or web-based systems. The law and its accompanying regulation primarily outline the requirements for asset declarations but do not provide for digital or automated systems to simplify reporting.

There are no provisions that empower a specific agency or official to develop or maintain electronic systems, such as web-based platforms or automated tools, for the accurate and timely submission of declarations. Moreover, the regulation does not mandate the creation of advisory services or tools to assist public officials in submitting their declarations in clear, standardized formats.

Without these tools, the process remains manual and lacks efficiency and transparency. As a result, reporting may be slower and less accurate, and the lack of an automated system hinders the potential for real-time updates or streamlined public access to the data.

### 1.3.2 Empowered agency

#### Assessment question(s)

To what extent do regulations clearly endow an agency with functional independence and a mandate to ensure monitoring the implementation of regulations, timely conduct of verifications, investigations and sanctioning in cases of non-compliance, as well as adequate funding to train and professionalize staff on the job and keep up appropriate technology?

#### Assessment

According to Article 2 of the Law No. 3628, public officials, notaries, political party and union affiliated senior officials, officials working in local newspaper agencies, officials working in public institutions, and associations are amongst authorities who must submit declarations. The regulations under Law No. 3628 on Declaration of Property and Decree No. 90748 do not clearly provide any specific agency with functional independence or a comprehensive mandate to ensure effective monitoring, verification, and enforcement of asset declarations. While oversight is assigned to certain bodies, such as the judiciary and other public authorities, the law does not guarantee their functional independence to investigate and sanction non-compliance without external interference.

The law and decree are vague about the timely conduct of verifications and investigations. While they outline the obligations for submitting declarations, they do not specify clear timelines or procedures for reviewing or verifying the information provided. As a result, there is ambiguity in how efficiently these checks are conducted, which may reduce the law's effectiveness in detecting corruption or conflicts of interest.

Additionally, the regulations do not address the need for adequate funding or resources to ensure that monitoring bodies have the necessary tools, such as technology and staff training, to carry out their duties effectively.

### 1.3.3 Verification

#### Assessment question(s)

Do(es) agency(ies) invest resources to verify declarations? To what extent does the agency effectively verify the information received, request missing or additional information, conduct audits, and engage with other agencies or external parties to verify information received as necessary?

#### Assessment

According to Article 18 of the Regulation (Decree No. 90748), new and additional notifications are compared with previous notifications by the competent authorities specified in Article 6. (Added: 7/12/1999 – 99/13770 K.) The information contained in the property declarations collected in the authorities specified in paragraphs (b) and (c) of Article 6 will be processed in a computerized environment with the information available on the computers of public institutions, within the



framework of the principles to be determined by the Prime Ministry to ensure its confidentiality. According to Article 15 of the Regulation, property declarations are kept in the relevant units of the authority or authorities specified in Article 6, or in the private files of the relevant parties, if any. No explanation or information can be given to anyone other than the authorities authorized for investigation and prosecution regarding the content of property declarations. So, relevant authorities cannot engage with external parties that are not specified in the law.

While the regulations provide for some level of internal verification, they do not allow for engagement with external agencies or independent parties, which restricts the scope of verification and audit, thereby potentially reducing the effectiveness of detecting undisclosed assets or inconsistencies.

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#### Assessment question(s)

Do the regulations effectively mandate the agency to cross-reference information from Asset and Interest Declarations and/or additional ad-hoc disclosures by contracting authorities with beneficial ownership and business registries of companies that are government suppliers, bidders and licencing applicants?

#### Assessment

The regulations do not specifically mandate agencies to cross-reference Asset and Interest Declarations with beneficial ownership or business registries of companies that are government suppliers, bidders, or licensing applicants. There is no explicit mandate for integrating or automating this cross-referencing process between declarations and business or ownership registries, despite its potential to detect political corruption and conflicts of interest. The Public Procurement Law and Law No. 3628 operate largely in isolation, without a clear framework for linking asset disclosures to procurement-related data.

### 1.3.4 Deterrence

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#### Assessment question(s)

To what extent do rules allow for investigations that lead to credible, proportional sanctions? Does the agency credibly implement regulations and deterrents against non-compliance, including complaint systems, investigations, and proportional sanctions on infringements, including administrative and criminal liabilities?

#### Assessment

Under Law No. 3628 on Declaration of Property, the rules provide for investigations and sanctions in cases of non-compliance, but there are significant limitations in the clarity and effectiveness of enforcement mechanisms. Section 3 outlines penalties for failing to submit declarations, submitting false information, or non-compliance, which can lead to both administrative and criminal sanctions, including dismissal, fines, and imprisonment. However, the law lacks detailed guidance on how investigations are initiated, particularly regarding complaints, random audits, or proactive monitoring by an oversight body.

The responsibility for initiating and conducting investigations is left to designated authorities such as the judiciary and relevant administrative bodies. However, there is no specific agency solely responsible for monitoring compliance or conducting routine audits of declarations, reducing the likelihood of systematic enforcement. Additionally, Article 15 of the Regulation ensures the confidentiality of asset declarations, which limits public access and external oversight, weakening the potential for third-party complaints to trigger investigations.

The law allows for sanctions, but the credibility of enforcement is questionable due to unclear processes for triggering investigations. Overall, while the framework exists for investigations and sanctions, the lack of proactive enforcement and clear implementation limits the effectiveness of deterrence against non-compliance.

### 1.3.5 Redress

#### Assessment question(s)

To what extent do rules enable adequate resolution of cases?

When there is failure to submit declarations, or when conflicts of interest are disclosed or detected, how adequate are the rules for managing them in practice?

When undeclared or unexplained changes in assets are detected, how adequate are the rules to investigate and prosecute them in practice?

#### Assessment

Section 3 of the Law outlines penalties, including administrative sanctions like dismissal and criminal penalties such as fines or imprisonment. However, the practical resolution of these cases is less robust. The law does not establish clear mechanisms for proactively managing conflicts of interest once they are disclosed or detected, and the responsibility largely falls on designated oversight bodies, whose action is inconsistent. Without a dedicated agency responsible for conflict-of-interest management, the process lacks sufficient rigor.

Regarding undeclared or unexplained changes in assets, the law does permit investigations and prosecution when such discrepancies are identified. Articles 10-16 allow for criminal prosecution, but the law lacks specific procedural guidance for how these investigations should be conducted in practice. The absence of systematic auditing and cross-referencing with other data sources further limits the ability to detect undeclared assets. Additionally, the confidentiality of asset declarations and the lack of regular updates between intervals weaken continuous oversight.

#### Assessment question(s)

To what extent do measures such as recusal, resignation, divesture, reassignment, termination, etc. adequately help manage conflicts of interest by contracting authorities in public contracting and licencing procedures?

Are civil, administrative, and criminal sanctions –such as contracts null and void, fines, debarment, or recovery of funds, etc- adequate or proportionate to redress instances of favouritism or conflicts of interest in public contracting and licencing procedures?



## Assessment

Under Law No. 4734 on Public Procurement, measures such as recusal, resignation, divestiture, reassignment, and termination are not explicitly mandated to manage conflicts of interest by contracting authorities. Article 17 prohibits conflicts of interest and Article 11 bars public officials and their close relatives from participating in contracts where they have a personal interest. However, the law lacks detailed provisions on how to handle conflicts once identified, such as requiring formal recusal or reassignment of involved individuals. This absence of specific mechanisms creates a gap in managing conflicts of interest effectively during the contracting process.

Regarding sanctions for favoritism or conflicts of interest, Articles 58-61 outline civil, administrative, and criminal penalties, including contract nullification, fines, debarment from future tenders, and recovery of funds. While these sanctions are in place, their application can be inconsistent due to weak enforcement mechanisms. Although sanctions can theoretically address misconduct, in practice, they may not always be proportionate or effectively enforced, reducing their deterrent effect.

### 1.3.6 Recommendations

#### Assessment question(s)

Propose recommendations, like new laws, amendments to existing laws and other forms of regulation, aimed at addressing accountability gaps on assets and interest declarations. (Up to three recommendations)

#### Recommendations

1. Amending Law No. 3628 to require public access to asset and interest declarations in open, machine-readable formats for transparency.
2. Introducing regular, independent audits and real-time updates on significant asset changes to ensure continuous oversight and accountability conducted by the non-profit, non-partisan organizations such as Transparency International.
3. Establishing a centralized, publicly accessible platform for declarations, enabling comparison with other datasets like procurement and beneficial ownership by the Council of Ministers who had to authority to enforce the provisions specified in Law No. 3628.
4. Creating a dedicated oversight agency by the government with enforcement powers for verifying declarations and managing conflicts of interest.

## TOPIC 2. POLITICAL FINANCE

### 2.1 Extent

#### 2.1.1 Existence

##### Background information required

List the laws, policies, or regulations governing the recording, reporting, verification, publication, and accountability for political finance information, indicating:

- Links to or digital copies of documents
- When were they first passed/did first enter into force? (dates)
- When last amended, what specific issues were addressed (indicate dates)

##### Description

Law No. 2820 on Political Parties: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2820&MevzuatTur=1&MevzuatTertip=5>

Passed: April 22, 1983

Last Amended: March 30, 2022 (Amendments concerned political party financing rules, updating donation caps and expenditure tracking procedures).

Key Issues Addressed: Regulates political party financing, including rules on donations, public subsidies, and financial reporting.

Law No. 298 on Basic Provisions on Elections and Voter Registers: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=298&MevzuatTur=1&MevzuatTertip=4>

Passed: April 26, 1961

Last Amended: March 2022 (Amendments addressed election monitoring, campaign financing, and electronic voter lists).

Key Issues Addressed: Governs the conduct of elections, voter registration, and political finance rules for campaigns, including spending limits.

Law No. 6271 on Presidential Elections: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6271&MevzuatTur=1&MevzuatTertip=5>

Passed: January 19, 2012

Last Amended: April 2, 2021 (Focused on updating the rules for campaign financing, donation limits, and disclosure of contributions for presidential candidates).

Key Issues Addressed: Regulates the election of the president, with specific rules on campaign finance, including donation limits and prohibitions on foreign or corporate donations.

Law No. 3628 on Declaration of Property and Fight Against Bribery and Corruption: <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3628.pdf>

Passed: April 19, 1990

Last Amended: March 25, 2021 (Amendments updated the requirements for asset declaration and the procedures for enforcing penalties in case of non-compliance).

Key Issues Addressed: Requires asset and interest declarations from public officials, including politicians, and establishes penalties for non-compliance.

Supreme Board of Elections Regulations: <https://www.ysk.gov.tr/>



Passed: The SBE was established in 1950, and it regularly updates its regulations regarding election conduct, political finance, and spending limits.

Last Amended: Regular updates before each election cycle, with the latest major amendments in 2022 addressing campaign finance transparency and electronic monitoring.

Key Issues Addressed: Oversees the election process, including political finance regulations during elections, auditing of campaign finance, and enforcement of rules concerning donations and spending.

Turkish Criminal Code, Law No. 5237: <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5>

Passed: September 26, 2004

Last Amended: June 30, 2021 (Amendments included updates on criminal liabilities for illegal political financing, bribery, and corruption).

Key Issues Addressed: Includes provisions on bribery, corruption, and the misuse of political finance, with specific penalties for violations of political finance laws.

## 2.1.2 Goals

### Summary question(s)

Does the regulation adequately provide for, overall:

- a. ...levelling the playing field for political contestation for political parties and candidates --during and outside election periods?
- b. ...curbing undue influence of vested interests (govt, private, foreign, criminal, etc) on election outcomes and policy decisions?

### Assessment

Law No. 2820 requires political parties to submit annual financial statements, but public funding heavily favors larger parties, disadvantaging smaller ones, particularly outside election periods. Public funds are allocated to political parties proportionally based on their valid votes in general elections, with eligibility requiring surpassing the 3% vote threshold, and additional increases in election years, restricted to party activities and reduced for parties with confiscated assets (Add. Article 1 of Law No. 2820).

Law No. 298 introduces spending limits during election periods. Law No. 6271, Article 14, limits individual donations in presidential campaigns but does not fully address resource imbalances.

Law No. 2820, Article 66, bans donations from public institutions, foreign entities, and limits donations from corporations to political parties. However, these laws allow individuals associated with companies to donate within limits, creating potential loopholes. Law No. 298 lacks strong enforcement mechanisms to ensure full compliance with donation limits and transparency.

Law No. 6271 on Presidential Elections adds important rules for curbing undue influence during campaigns, such as limiting individual donations and prohibiting foreign and corporate contributions. However, enforcement gaps and lack of stringent oversight allow indirect influence through personal donations by corporate-linked individuals.

### 2.1.3 Scope

#### Assessment question(s)

Does the regulation's scope establish reporting and disclosure obligations applicable to:

- a. Political parties (organisations)
- b. Candidates (party lists and independents)
- c. Third parties (un/coordinated)
- d. Legal entities making donations
- e. Media outlets (print, broadcast, online)
- f. Online platforms (search engines, social networks, messaging services, etc)
- g. Political consulting companies
- h. Others

#### Assessment

Law No. 2820, Articles 73-75 mandate political parties to report financial statements annually, covering donations, income, and expenditures. Law No. 6271, Article 14, requires presidential candidates to disclose campaign donations and imposes individual donation limits. However, reporting requirements for independent candidates are less stringent, leaving potential gaps in transparency.

The laws do not comprehensively cover third parties. Law No. 2820, Article 66, prohibits donations from legal entities such as public institutions and limits donations from corporates to political parties, but there are no clear reporting obligations for third-party involvement, whether coordinated or uncoordinated, such as support from interest groups or foundations.

There are no specific disclosure obligations for media outlets, online platforms, or political consulting firms under these laws. While media regulations may govern content, they do not focus on financial disclosures related to political campaigns.

### 2.1.4 Recommendations

#### Assessment question(s)

Recommendations, like new laws, amendments to existing laws and other forms of regulation, that in your view fill the regulation gaps for political finance. (Up to three recommendations)

#### Recommendations

1. Amending Law No. 2820 on Political Parties to include mandatory reporting and disclosure for third parties, including interest groups and uncoordinated political support entities.
2. Amending Law No. 298 on Elections to require media outlets and online platforms to disclose financial contributions and advertisements related to political campaigns.



3. Amending Law No. 6271 and Law No. 2820 to mandate transparency and reporting for political consulting companies involved in campaigns and candidates.
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## 2.2 Transparency

### 2.2.1 Comprehensiveness

#### Assessment question(s)

Do regulations establish that obligated subjects must timely record and report to a designated agency:

- a. Income transactions, both monetary and in-kind, with the identification of the sources of public subsidies and private donations, loans, discounts, credits, in kind and monetary, incl. beneficial owners in case of legal entities; distinguishing campaign periods;
- b. Itemised expenditure transactions with the identification of vendors against which expenditures are incurred, distinguishing campaign periods;
- c. the clear concept, date, and value (cash or in-kind) of each income and expenditure transaction (e.g. political consultancy, advertising, etc)

#### Assessment

The legal framework in Türkiye, including Law No. 2820 on Political Parties, Law No. 298 on Elections, and Law No. 6271 on Presidential Elections, imposes some reporting obligations for political finance, but there are gaps in ensuring full transparency regarding income and expenditure transactions.

Under Law No. 2820, political parties must report financial transactions annually, including income from public subsidies, private donations, loans, and other sources. However, the law does not specifically require the identification of beneficial owners for legal entities making donations. Law No. 6271, Article 14, requires presidential candidates to report campaign donations and financial support, but there is no mandate to distinguish campaign and non-campaign periods in detail, leaving potential loopholes for incomplete reporting.

Neither Law No. 2820 nor Law No. 298 mandates detailed, itemized expenditure reporting that identifies vendors or the specific nature of expenditures, such as political consultancy or advertising. While general expenditure reporting is required during campaigns, the lack of itemized transparency limits the ability to track spending effectively.

There is no explicit requirement in the laws for recording the exact date, concept, and value of each transaction. While Law No. 2820 covers broad financial reporting obligations, the absence of detailed transaction-level disclosure limits accountability and oversight.

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## 2.2.2 Reliability

### Assessment question(s)

Do regulations effectively compel to -at least- political parties, candidates and third parties to apply minimum controls, such as:

- a. essential bookkeeping (incl. by treasurers or accounting professionals);
- b. manage cash flows through dedicated bank accounts;
- c. due diligence checks before accepting the donations or expenditures;
- d. audited financial reports

### Assessment

Law No. 2820, Articles 73-74, requires political parties to maintain financial records, which must be submitted annually to the Constitutional Court. However, there is no explicit requirement for these records to be maintained by treasurers or accounting professionals, leaving room for inconsistent financial management.

Law No. 2820 mandates that political parties manage their income and expenditures through designated bank accounts, ensuring that transactions are traceable. Similarly, Law No. 6271, Article 14, requires presidential candidates to conduct their campaign finances through designated bank accounts.

There are no explicit due diligence requirements in Law No. 2820 or Law No. 298 for parties or candidates to perform checks before accepting donations or expenditures. This creates a gap in preventing illicit funding sources from influencing political campaigns.

Political parties are required under Law No. 2820, Article 74, to submit their financial records for auditing by the Constitutional Court. However, this requirement does not extend to independent candidates or third parties, leaving their finances less scrutinized.

## 2.2.3 Timeliness

### Assessment question(s)

Do regulations effectively provide for the submission of reports and their publication within reasonable timelines, namely:

- a. Campaign interim reports for candidates, political parties and third parties, both income and expenditure incl. individual transactions (fortnightly or as possible as in real time in election campaigns).
- b. Campaign period reports by candidates, parties and third parties (after election day);
- c. Annual report incl. financial statements for political parties.

### Assessment

The laws do not explicitly require candidates, political parties, or third parties to submit interim reports during election campaigns. While SBE regulations oversee election financing, there is no mandate for real-time or fortnightly reporting of income and expenditures, which limits



transparency during the active campaign period. This gap makes it difficult to track financial flows and monitor for any irregularities while the campaign is ongoing.

Both Law No. 298 and SBE regulations require candidates and political parties to submit post-election financial reports. These reports must detail income and expenditure during the campaign period, but the regulations do not extend comprehensively to third parties. Additionally, while the laws set deadlines for these submissions, the lack of real-time or frequent reporting before election day weakens financial transparency.

Law No. 2820 requires political parties to submit annual financial statements, including details of donations, income, and expenditures. However, these annual reports are typically published well after election campaigns, limiting the public's ability to scrutinize election-related finances promptly.

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## 2.2.4 Openness

### Assessment question(s)

To what extent is political finance information publicly accessible to citizens? Do regulations mandate the oversight agency receiving the reports to publish them in timely and accurate fashion, accessible online, centralised so that it is easily located, downloadable, comparable, and searchable in a user-friendly, and free-of-charge manner by the public? Indicate if exceptions to the publication of comprehensive information are minimal and/or well justified, as well as whether political parties and campaigns are required to publish the information themselves.

### Assessment

In Türkiye, political finance information is not fully accessible to the public in a transparent, timely, and comprehensive manner. While some regulations provide for reporting and publication, significant gaps remain in ensuring public access to political finance data.

Law No. 2820 on Political Parties, Article 74, mandates that political parties submit annual financial reports to the Constitutional Court for auditing, but the law does not require these reports to be made publicly accessible in real time or in an online, user-friendly format. Similarly, SBE oversees the submission of campaign finance reports from candidates and parties after election periods, but there is no strong provision that ensures the timely publication of this information online for public scrutiny.

The regulations do not mandate that financial reports be published in a central, online, and easily accessible platform. There are no specific requirements for the reports to be searchable, downloadable, or comparable. As a result, accessing comprehensive political finance information can be difficult for citizens, limiting their ability to scrutinize party and candidate finances.

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## 2.2.5 Cross comparison and data quality

### Assessment question(s)

Is the regulation specific on open data standards that could allow detection of political risk, such as unique identifiers that for cross comparison with other datasets?



### Indicator assessment

The laws do not mandate the use of unique identifiers (such as taxpayer IDs or corporate registration numbers) for donations or political entities that would facilitate cross-referencing with other datasets, such as business registries, procurement databases, or beneficial ownership records. This limits the ability to detect conflicts of interest, political favoritism, or hidden influence.

There are no provisions within these laws that require the financial reports of political parties, candidates, or third parties to be published in open, machine-readable formats such as CSV or XML. Without these data standards, it is difficult for oversight bodies, civil society, or the public to systematically analyze financial flows for risks such as undue influence, corruption, or conflicts of interest.

## 2.2.6 Recommendations

### Assessment question(s)

Recommendations, like new laws, amendments to existing laws and other forms of regulation, that could improve transparency political finance. (Up to three recommendations)

### Recommendations

1. Amending Law No. 2820 to mandate real-time, online publication of all political finance reports in machine-readable, open data formats.
2. Amending Law No. 2820 and Law No. 6271 to require detailed disclosure of beneficial owners for all legal entities making donations to political parties and candidates.
3. Requiring political parties and candidates to publish financial reports independently, in searchable and downloadable formats, free of charge.

## 2.3 Accountability

### 2.3.1 Compliance

#### Assessment question(s)

To what extent are there systems in place to facilitate reporting? To what extent does the relevant oversight agency facilitate accurate, timely reporting and publication through e.g. advisory services, clear formats, digital reporting, and disclosure systems, etc.

#### Assessment

In Türkiye, the legal framework for political finance reporting, primarily outlined in Law No. 2820 on Political Parties, Law No. 298 on Elections, Law No. 6271 on Presidential Elections, and



SBE regulations, establishes certain obligations for the submission of financial reports, but the systems in place to facilitate reporting are limited.

There are no comprehensive digital reporting systems mandated by law that streamline and facilitate the submission of financial reports by political parties, candidates, or third parties. Law No. 2820 does not mandate specific digital platforms or formats for submission. Similarly, Law No. 6271, Article 14 outlines the financial reporting requirements for presidential candidates, but again, there is no mention of systems like online platforms or electronic reporting that would ease the process or ensure accuracy.

Additionally, the lack of an open-access digital platform for public disclosure means that even when reports are submitted, they are not readily available for public scrutiny.

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### 2.3.2 Empowered agency

#### Assessment question(s)

To what extent do regulations clearly endow an agency with functional independence and a mandate to ensure monitoring the implementation of regulations, timely conduct of verifications, investigations and sanctioning in cases of non-compliance, as well as adequate funding to train and professionalize staff on the job and keep up appropriate technology?

#### Assessment

In Türkiye, Law No. 2820 on Political Parties and Law No. 298 on Elections provide the Constitutional Court and the SBE with the authority to oversee political finance reporting, but they do not fully endow these bodies with functional independence or a comprehensive mandate for proactive enforcement.

Law No. 2820, Article 74, requires the Constitutional Court to audit political parties' financial records, yet the law lacks specific provisions ensuring that the court operates with full functional independence in its oversight role. The Constitutional Court conducts audits but is more reactive, focusing primarily on annual financial submissions rather than active, ongoing monitoring throughout the year or during election periods. Furthermore, Law No. 6271 does not clarify the role of any independent agency tasked with conducting regular verifications for presidential campaign finances beyond basic reporting to SBE.

There are also no explicit provisions in the laws that guarantee adequate funding for these oversight bodies to maintain up-to-date technology, conduct regular training for staff, or professionalize the workforce responsible for monitoring political finance compliance. Without sufficient resources, these agencies struggle to implement technology-driven solutions or ensure comprehensive investigations in cases of non-compliance.

As a result, while the Constitutional Court and SBE have basic auditing powers, the regulations lack detailed provisions that ensure functional independence, adequate funding, or the capacity to conduct proactive and timely investigations.

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### 2.3.3 Effective verification

#### Assessment question(s)

Do(es) agency(ies) invest resources to verify compliance with political finance rules? To what extent does the agency effectively verify reports, request missing or additional information, monitor undeclared income or expenditure, conduct audits, and engage other agencies or external parties to obtain additional information as necessary, in particular from public procurement and company registries?

#### Assessment

The Constitutional Court is tasked with auditing annual financial reports of political parties under Law No. 2820, Article 74. However, this audit process largely depends on the documents submitted by the parties, and there is no strong mandate for the Court to actively verify the accuracy of these reports through external data, such as cross-referencing with public procurement records or company registries. The Court typically relies on self-reported information without systematically requesting additional information or conducting in-depth verifications of undeclared income or expenditures.

The SBE, responsible for monitoring campaign finance during election periods, focuses primarily on the receipt of reports but lacks comprehensive mechanisms for engaging with external agencies like company registries or public procurement databases to detect undisclosed donations or expenditures. While Law No. 298 governs election-related finance, there are no provisions that require the SBE to routinely cross-check financial reports with other datasets, such as corporate ownership records.

### 2.3.4 Deterrence

#### Assessment question(s)

To what extent are breaches of political finance regulations detected and sanctioned? To what extent does the agency implement complaint systems, investigations, and proportional sanctions on infringements, including administrative and criminal liabilities?

#### Assessment

Under Law No. 2820, Article 74, the Constitutional Court audits political parties' finances, and it can impose sanctions such as warnings, fines, or referrals to criminal proceedings. However, these processes are reactive, relying on self-reported data, with no strong mechanisms for proactive investigations or verification. The SBE, responsible for monitoring campaign finance during elections under Law No. 6271 also faces limitations. While there are provisions to enforce campaign spending limits, the SBE rarely conducts thorough investigations or imposes significant sanctions for violations. Although complaint systems exist, they are not widely accessible or heavily utilized.

The Turkish Criminal Code (TCC), Law No. 5237, adds another layer of potential enforcement, particularly for more severe offenses. Article 252 addresses bribery involving public officials,



which could extend to political finance violations where illicit financial contributions are tied to corrupt activities. While the Criminal Code establishes criminal liabilities for such breaches, enforcement remains inconsistent due to insufficient capacity for proactive audits and investigations, resulting in many violations going undetected.

#### Assessment question(s)

To what extent are there effective preventive measures in place to reduce the risk of illegal contributions (monetary or in-kind) by suppliers, bidders or licence applicants, directly or through third parties?

#### Assessment

In Türkiye, the legal framework, including Law No. 4734 on Public Procurement and other related regulations, provides some preventive measures to reduce the risk of illegal contributions by suppliers, bidders, or license applicants, but gaps remain.

Article 11 of Law No. 4734 prohibits public officials involved in the procurement process, as well as their close relatives, from participating in tenders to avoid conflicts of interest. This article also forbids contractors from making financial contributions to officials involved in the tendering process. However, there are no explicit provisions preventing these entities from making donations indirectly through third parties, such as affiliated individuals or organizations, which leaves room for circumvention.

While Article 11 establishes restrictions on conflicts of interest and participation by certain individuals, the absence of a robust monitoring system for indirect donations and contributions creates a loophole. Furthermore, enforcement mechanisms are limited, with agencies focusing primarily on compliance with procurement processes rather than proactively preventing illicit political finance contributions from suppliers or bidders.

### 2.3.5 Recommendations

#### Assessment question(s)

Recommendations, like new laws, amendments to existing laws and other forms of regulation, that could improve accountability political finance. (Up to three recommendations)

#### Recommendations

1. Amending Law No. 4734 to explicitly prohibit donations from suppliers, bidders, or license applicants through third parties or affiliates.
2. Introducing mandatory due diligence for political donations from entities involved in public procurement, requiring verification of beneficial ownership.
3. Establishing real-time disclosure of political donations by contractors and bidders, accessible online, with penalties for non-compliance.

## TOPIC 3. FAVOURITISM IN PUBLIC CONTRACTING (Procurement and Licencing)

### 3.1 Public Procurement

#### 3.1.1 Goals

##### Summary question(s)

Does the public procurement framework contain rules or guidance for ethical discharge of duties by officials involved in public procurement procedures (pre-award, solicitation, tendering and post-award phases)?

To what extent do public procurement regulations establish protections from undue influence by politically connected individual and entities on contracting preparation, tailoring technical specifications, selection criteria, non-competitive procedures and other conflicts of interests?

##### Assessment

According to Article 61 of the PPL, those who oversee the implementation of this law cannot disclose information and documents such as the transactions of the bidders, the financial and technical aspect of the bids that must remain confidential to the tender process as well as cannot use them for the benefit of themselves or of third parties. Otherwise, sanctions will be applied as laid down in Articles 58 and 60. Furthermore, Additional Article 8 of the PPL details the responsibilities of officials at the PPA and the procedure for obtaining approval for their work. In order to promote a rather fair tendering procedure, Article 11 of the PPL prohibits those who are responsible for preparing, executing, finalizing and approving all kinds of tender procedures related to the work subject to the tender of the contracting authority; spouses, blood relatives up to the third degree and in-laws up to the second degree and adopted children and adoptees of the persons authorized to involved in the tendering procedure.

Article 17 explicitly prohibits people involved in procurement from engaging in fraudulent, corrupt, or unethical activities. This provision ensures that officials involved in all stages of procurement—pre-award, solicitation, tendering, and post-award—must act in an impartial and transparent manner. The article also prohibits public officials from having direct or indirect personal interests in any procurement contracts.

#### 3.1.2 Incompatibilities for contracting authority (including revolving door)

##### Assessment question(s)

Are there effective restrictions and incompatibilities to participate as contracting authorities to officials who:

- a. directly or indirectly (through relatives, associates) have substantial financial interest (share of stock, controlling position, or similar) in bidding and licensing applicant legal entities?



- b. With past remunerated positions in active suppliers or licence holders, bidding, and licencing applicant entities in the past x years in the same area of procurement or licencing?
- c. to have concurring responsibilities for promoting investment in their areas of competence?

### Assessment

According to Article 11 of the PPL, c) the authorized persons of the administration responsible of making the tender and the persons assigned to the Boards with this authority; d) those who are responsible for preparing, executing, finalizing and approving all kinds of tender procedures related to the work subject to the tender of the contracting authority; e) spouses, blood relatives up to the third degree and in-laws up to the second degree and adopted children and adoptees of the persons specified in para. c and d; f) partners and companies of those mentioned in the para. c, d, and e (except for joint stock companies where these persons are not on the Board of Directors or do not own more than 10% of the capital).

Organizations such as foundations, associations, unions, funds, etc. within the administration authorizing the tender and to companies in which these organizations are partners cannot participate in the tenders of the administration (Amended third para: 30/07/2003-4964/8 Art.).

Law No. 657 on Public Officials, Article 28, further emphasizes the incompatibility of holding financial interests in private companies while serving as a public official. This article prohibits public officials from engaging in any commercial activity, which would include holding financial stakes in entities related to their work. However, there is no explicit cooling-off period for officials who have previously held remunerated positions with suppliers or bidders.

### 3.1.3 Influencing

#### Assessment question(s)

Do companies that are government suppliers publicly disclose information about their corporate political engagement activities, including but not limited to:

- a) the positions on relevant policy issues affecting their core business activities.
- b) direct and indirect interactions with public officials with responsibilities in public contracting and licencing (from lawmaking to awarding procedures), including the information they provide in these interactions.
- c) On their own website or as part of lobbying and interest representation registries

#### Assessment

Under Law No. 4734 on Public Procurement, there are no specific provisions that require companies that are government suppliers to publicly disclose their corporate political engagement activities, such as their positions on relevant policy issues or interactions with public officials involved in contracting or licencing. The law focuses on the procedures and ethical standards for public procurement but does not extend to regulating corporate lobbying or political disclosures by suppliers.

Law No. 4734, Article 17 prohibits public officials and related parties from engaging in activities that create conflicts of interest, but it does not compel government suppliers to disclose any information regarding their political engagements. Furthermore, there are no requirements under this law that mandate companies to report on their lobbying efforts or interactions with officials responsible for public procurement and licencing.

Additionally, Türkiye lacks a formalized lobbying registry that would require companies to disclose their political engagements or communications with public officials. As a result, corporate transparency in this area remains limited. Companies are not required to publish such information on their own websites or through other public platforms, leaving a gap in accountability regarding their influence on public contracting decisions.

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#### Restrictions on government contractors(s)

Are there reasonable limitations and incompatibilities to prevent 1) legal entities with government contracts and 2) bidders in contracting procedures from making in-kind and financial donations to political parties and campaigns? Are there ways these limitations can be circumvented in practice?

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#### Assessment

Under Law No. 2820 on Political Parties, Article 66 prohibits donations from public entities and state-owned enterprises to political parties. This includes government agencies, municipalities, and institutions with partial state ownership. However, there is no explicit provision preventing private legal entities with government contracts from making in-kind or financial donations to political parties or campaigns.

Similarly, there are no explicit rules in Law No. 2820 or other related legislation that directly prevent bidders in public contracting procedures from making donations to political parties. While the general prohibition on public entities and foreign donors applies, private companies participating in tenders can still donate, unless they fall under the limited category of state-controlled entities.

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#### Assessment question(s)

To what extent are there suppliers, bidders required to disclose (on their own websites or to the contracting authority) the contributions made to political parties, candidates and/or third parties pursuing electoral outcomes, and is this information timely published?

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#### Assessment

In Türkiye, there are no rules and regulations that require bidders to disclose (on their own websites or to the contracting authority) the contributions made to political parties, candidates and/or third parties pursuing electoral outcomes.

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#### Assessment question(s)

Do public officials with responsibilities in public procurement (from lawmaking to procurement procedures) timely disclose their personal interactions, meetings with, and documents received from suppliers, bidders?

#### Assessment

Law No. 4734 on Public Procurement and Law No. 657 on Public Officials outline ethical standards for public officials but do not specifically require them to disclose their interactions with suppliers and bidders. While Article 17 of Law No. 4734 prohibits conflicts of interest, there is no requirement for officials to report or publicly disclose meetings or documents exchanged with suppliers or bidders.

### 3.1.4 Transparency

#### Assessment question(s)

To what extent information concerning public procurement (pre-award, tendering and post-award phases) is published in a timely manner in open data formats?

#### Assessment

As specified in Article 13 of the PPL, open tenders 40 days before the tender date, pre-qualification announcements for among certain bidders 14 days before the application deadline, and announcements for tenders made through negotiation must be made 25 days before the tender date. Additional paragraph: 20/11/2008-5812/5 adds that preliminary announcements are published free of charge in the Public Procurement Bulletin. The PPA is authorized to determine which of the tenders are to be announced on a news website through the Press Advertisement Agency and in one of the newspapers distributed throughout Türkiye. Amended para: 13/10/2022-7418/27 adds that if the place where the tender will be held is not published in a newspaper or a news website, the announcement will be published on the Press Advertisement Institution's Advertisement Portal within the same period specified for the PPA. The administrations may also announce tenders, depending on the importance and characteristics of the work, internationally. In the case of an international announcement, 12 days are added to the minimum announcement periods stated above. The information regarding the outcome of tenders first goes through a selection by the PPA and then is published by the PPA in the PPB (Article 47).

### 3.1.5 Conflicts of interest

#### Assessment question(s)

To what extent are ad hoc disclosures on conflicts of interest or their lack thereof, requested from public officials involved in the public procurement process?



## Assessment

As laid down in the brochure prepared by the Transparency International-Türkiye in 2019 on the chronology of public procurement system in Türkiye, restricting the type and price of tenders that potential bidders can enter through the report card system and contracting report card application creates a risk of conflict of interest when bureaucrat have the same report card/qualification certificate. According to Article 17 of the PPL, it is forbidden for individuals involved in the procurement process to interfere or attempt to use fraud, trickery, pledge, threats, enforce authority and proceed to the tendering procured with conflicts of interest.

Although the potential risks mentioned by non-profit organizations and necessary rules and regulations laid down, there appears to be a lack of procedure for disclosing conflicts of interests or their mentioning thereof by public officials involved in the public procurement process.

## 3.2 Strengths and Vulnerabilities

### Assessment question(s)

Present other strengths and vulnerabilities on regulations, not mentioned before, on political integrity in the public procurement process in your country.

### Strengths

Law No. 4734 emphasizes transparency and competition in public procurement processes. Article 5 establishes principles such as transparency, equal treatment, and accountability, ensuring that all bidders have a fair opportunity to compete. Open tendering procedures are the standard method, which enhances competition and discourages favoritism. Ethical standards are enforced by Article 17, which prohibits conflicts of interest and gifts from bidders to public officials. These safeguards create a foundation for integrity in the procurement process, reducing opportunities for corruption and politically motivated manipulation of public contracts.

### Vulnerabilities

According to Article 21/b of the PPL, a negotiated tendering method is used to increase tenders in cases of natural disasters and epidemics. Yet, it is no longer an exceptional method that is used under certain circumstances but a widely used public procurement procedure, allowing the administration to strengthen dependency and favoritism networks with pro-government businesses. Furthermore, the law lacks comprehensive mechanisms for tracking the indirect involvement of PEPs through third parties, leaving room for undue influence. Reporting and publication of procurement data are not mandated in open data formats, limiting public oversight. The use of direct supply, a public procurement method outlined in Article 22 of Law No. 4734, has been steadily increasing in recent years. In 2023, it accounted for 5.37% of public tenders, rising to 10.23% in 2024. This growing reliance on direct supply raises concerns about



the transparency and competitiveness of public procurement processes, potentially limiting fair competition and oversight. Finally, sanctions for non-compliance are inconsistently enforced, weakening the law's deterrent effect and leaving some violations unaddressed.

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### 3.3 Recommendations

#### Assessment question(s)

Recommendations, like new laws, amendments to existing laws and other forms of regulation, that could improve accountability.

#### Recommendations

1. The Parliament should amend the Public Procurement Law to require companies and public officials to disclose political engagements and procurement-related interactions enforced by the PPA through a public registry.
  2. The Parliament should introduce a mandatory cooling-off period and conflict of interest declarations, with the PPA and ethics boards monitoring compliance and imposing sanctions for violations.
  3. The Parliament should revise the Article 21 of the PPL to restrict the use of the negotiated tendering method to exceptional and clearly defined circumstances, with independent oversight to prevent misuse and favoritism.
  4. The Parliament should amend Article 22 of Law No. 4734 to limit direct supply to clearly defined exceptional cases and require detailed justification and prior approval from an independent oversight body. Additionally, mandate real-time publication of all direct supply contracts to enhance transparency and prevent misuse in public procurement.
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# CONCLUSION

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The research underscores critical gaps in political integrity data availability and transparency in Türkiye, revealing significant weaknesses in the accessibility, reliability, and accountability of key datasets. While legal frameworks such as Law No. 3628 on asset declarations and the Public Procurement Law provide a foundation, their implementation falls short of ensuring robust oversight and public scrutiny.

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## Key Findings

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- Critical datasets like asset declarations, lobbying activities, and beneficial ownership are unavailable to the public due to restrictive confidentiality rules and legal exemptions.
- Political finance disclosures lack timeliness and granularity, with inadequate reporting during election campaigns.
- Institutions tasked with verification and enforcement lack authority, resources and capacity.
- Exemptions for negotiated tenders foster favoritism, while data aggregation and non-machine-readable formats hinder effective monitoring.

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## Recommendations

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- 1 Amending laws to ensure public access to asset declarations, regulate lobbying activities, and limit exemptions in procurement processes.
- 2 Establishing a centralized, digital platform providing datasets in open, machine-readable formats with unique identifiers for cross-referencing.
- 3 Strengthening institutional capacity with adequate funding, independence, and technology to facilitate regular audits and proactive enforcement.

Addressing these gaps is essential to enhance transparency, deter corruption, and align with global standards. By implementing these recommendations, Türkiye can improve the integrity of its governance systems and foster trust in its institutions.



# ENDNOTES

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*Law No. 2820 on Political Parties:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2820&MevzuatTur=1&MevzuatTertip=5>

*Law No. 298 on Basic Provisions on Elections and Voter Registers:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=298&MevzuatTur=1&MevzuatTertip=5>

*Law No. 3628 on Declaration of Property and Fight Against Bribery and Corruption:*

<https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3628.pdf>

*Law No. 6271 on Presidential Elections:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6271&MevzuatTur=1&MevzuatTertip=5>

*Law No. 657 on Public Officials:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=657&MevzuatTur=1&MevzuatTertip=5>

*Regulation on the Implementation of Law No. 3628:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=90748&MevzuatTur=3&MevzuatTertip=5>

*Supreme Board of Elections Regulations:*

<https://www.ysk.gov.tr/>

*Turkish Criminal Code, Law No. 5237:*

<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5>

*Public Procurement Authority 2023 12-Month Public Procurement Statistics:*

[https://dosyalar.kik.gov.tr/genel/Raporlar/2023\\_yil\\_sonu\\_kamu\\_alimlari\\_izleme\\_raporu.pdf](https://dosyalar.kik.gov.tr/genel/Raporlar/2023_yil_sonu_kamu_alimlari_izleme_raporu.pdf)

*Public Procurement Authority 2024 12-Month Public Procurement Statistics:*

[https://dosyalar.kik.gov.tr/genel/Raporlar/2024\\_yil\\_sonu\\_kamu\\_alimlari\\_izleme\\_raporu.pdf](https://dosyalar.kik.gov.tr/genel/Raporlar/2024_yil_sonu_kamu_alimlari_izleme_raporu.pdf)



