

2020 - Questionnaire on the implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products by its Parties

A. ORIGIN OF THE REPORT

Name of contracting Party:

Turkey

Information on national contact responsible for preparation of the report:

Title

Dr

Family name

Altan

First name

Peyman

Full name of institution

Ministry of Health

Mailing address

Mailing address 1 Adnan Saygun Cad. no 55

Mailing address 2 No: 55 Sihhiye

Post code 06100

Post box

City Ankara

Country

Turkey

E-mail

peymanaltan@gmail.com

Alternative email address

peyman.altan@saglik.gov.tr

Telephone number

+90 542 286 76 04

Fax number

+90 312 565 5758

Signature of government official submitting the report:

Title

Dr

Family name

Keskinkılıç

First name

Bekir

Full name of institution

Ministry of Health Public Health General Directorate

Mailing address

Mailing address 1	Adnan Saygun 2 Cad
Mailing address 2	No: 55 Sıhhiye
Post code	06100
Post box	
City	ANKARA

Country

Turkey

E-mail

bekir.keskinkilic@saglik.gov.tr

Alternative email address

bekirkeskinkilic@gmail.com

Telephone number
+ 90 312 565 5873

Fax number
+90 312 565 61 53

Web page

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PART I: B. INTRODUCTION

ARTICLE 2 - RELATION BETWEEN THIS PROTOCOL AND OTHER AGREEMENTS AND LEGAL INSTRUMENTS

Please list any bilateral or multilateral agreements you entered into on issues relevant or additional to the Protocol, as mentioned in Article 2 of the WHO FCTC.

There are provisions in the additional protocols of 1946 Turkey - Iraqi Friendship Neighborhood Treaty related to the prevention of the illicit trade between the two countries. However, in the mentioned treaty there is no legal regulation to prevent illegal trade of tobacco products.

The Agreement on the Customs Mutual Assistance between the Government of the Republic of Bulgaria and the Republic of Turkey is entered into force on 06.10.1998 and includes provisions on the cooperation on combating illegal trading acts.

"Turkey-Bulgaria Customhouse Working Group" has been set up through "Turkey-Bulgaria Customs Administrations Heads Meeting" held on June 16, 2016 reaching a consensus on the provisions including the cooperation on the fight against cigarette smuggling.

In addition to the cooperation in the context of customs and border security, it was decided to cooperate in the field of "cigarette smuggling" in the "Police Cooperation Agreement" signed in 2005 between Turkey and Bulgaria.

"Turkey-Bulgaria-Greece Joint Police and Customs Cooperation Contact Center" dated May 25, 2015 concerning the establishment agreement, approved by Parliament on March 10, 2016; It entered into force on 25.03.2016.

Southeast European Law Enforcement Center (SELEC), which has been working since October 7, 2011, is an international regional organization in which Turkey and Bulgaria are members. The SELEC Convention provides with the cooperation of member states to fight against cross-border crime acts. As part of the agency's activities, joint activities are being carried out to combat smuggling and especially tobacco and tobacco products smuggling in addition to combat other crimes. As a result, there is a close cooperation between Turkey and Bulgaria, especially between the customs administrations on the prevention of tobacco smuggling / illegal trade having the legal infrastructure of this cooperation. The cooperation continues within the framework of this legal infrastructure.

Between Turkey and the Turkish Republic of Northern Cyprus "Protocol on the Customs Matters Cooperation and Prevention and Detection of Smuggling" was signed on 25.04.2007. Article 3 (e) of this Protocol obliges the parties to exchange information mutually regarding the "illegal trade of cigarettes, tobacco products and alcoholic beverages".

In the Joint Committees third meeting between Ministry of Commerce of Turkey and the Republic of Azerbaijan State Customs Committee on Customs Areas (Ankara, 11 October 2019) the Protocol Article 2 has the following phrase: "two countries has decided to collaborate on narcotics, tea, tobacco, banknotes and security dog and decided to cooperate on training of their managers besides Dog Training Centers of two countries ". On the first article of the Additional Protocol changing the Security Cooperation Agreement Signed in Baku on 25 February 2020 between the Government of Turkey and the Republic of Azerbaijan "all kinds of commodities and trafficking of other products" have been included.

There is no protocol signed between Turkey and Georgia on the prevention of trafficking of tobacco products. However, there is close cooperation and coordination between the customs authorities of the two

countries. Especially at the Sarp border gate, with the method called “ant trade”, activities such as illegally selling to the third parties or smuggling the cigarettes passed through the border within the legal limits are encountered.

Moreover controlled delivery application is available in 42 countries through Security Cooperation Agreements.

The mentioned 42 countries are Germany, France, Spain, Italy, Latvia, Lithuania, Russia, Serbia, Ukraine, Greece, Bosnia and Herzegovina, Bulgaria, Hungary, Romania, Slovenia, Azerbaijan, Georgia, UAE, Bahrain, Iraq, Qatar, Oman, Syria, Yemen, Egypt, Afghanistan, India, Pakistan, Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan Mexican Ethiopia, Ghana, Cameroon, Congo C., Congo DC, Mauritania, Niger, Somalia Tanzania.

Besides the above mentioned agreements Ministry of Interior has Security Cooperation Agreements with 91 countries and Fight Against Smuggling takes part in 89 agreements. Those 91 countries are: Germany, Austria, Belarus, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Netherlands, England, Ireland, Spain, Switzerland, Italy, TRNC, Latvia, Lithuania, Malta, Moldova, Poland, Russia, Slovakia, Serbia, Ukraine, Greece, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Romania, Slovenia, Montenegro, Azerbaijan, Georgia, BAE, Bahrain, Palestine, Iraq, Israel, Qatar, Kuwait, Lebanon, Oman, Syria, Saudi Arabia, Jordan, Yemen, Egypt, Algeria, Morocco, Libya, Tunisia, Afghanistan, India, Iran, Pakistan, Kazakhstan, Kyrgyzstan, Mongolia, Uzbekistan, Tajikistan, Turkmenistan, Argentina, Cuba, Mexico, USA, Canada, South Africa, Ethiopia, Gambia, Ghana, Guinea Bissau Cameroon, Congo C.,Congo D.C, Mauritania, Niger, Somalia, Sudan, Tanzania, Uganda, Zambia, Australia, China, South Korea, Cambodia, Malaysia.

PART II: C. GENERAL OBLIGATIONS

ARTICLE 5 - PROTECTION OF PERSONAL DATA

What measure have you taken, in particular in the past two years, to ensure the protection of personal data of individuals, regardless of nationality or residence, when implementing this Protocol?

Law on Protection of Personal Data No. 6698 of 24/3/2016 has been in force.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

PART III: D. SUPPLY CHAIN CONTROL

ARTICLE 6 – LICENCE, EQUIVALENT APPROVAL OR CONTROL SYSTEM

Do you have a licensing system in place for any of the following activities:

Manufacture of tobacco products?

Yes ✓

Manufacture of manufacturing equipment?

No ✗

Import of tobacco products?

Yes ✓

Export of tobacco products?

Yes ✓

Import of manufacturing equipment?

Yes ✓

Export of manufacturing equipment?

No ✗

Do you require a license for any natural or legal person engaged in:

Retailing of tobacco products

Yes ✓

Growing of tobacco, except for traditional small-scale growers, farmers and producers

Yes ✓

Transporting commercial quantities of tobacco products or manufacturing equipment

Yes ✓

Wholesaling, brokering, warehousing or distribution of tobacco and tobacco products or manufacturing equipment

Yes ✓

Which competent authority/ies, if any, have been established or designated with regard to licensing?

Tobacco and Alcohol Department, Ministry of Agriculture and Forestry

Does the competent authority have the prerogative to issue, renew, suspend, revoke and/or cancel licences for:

the manufacture of tobacco products?

Yes ✓

the import of tobacco products?

Yes ✓

the export of tobacco products?

Yes ✓

the manufacture of manufacturing equipment?

No ✗

the import of manufacturing equipment?

No ✗

the export of manufacturing equipment?

No ✗

Is the applicant for a license required to provide proof of any of the following?

When the applicant is a natural person

Its identity, including full name?

Yes ✓

Its tradename?

Yes ✓

Its business registration number (if any)?

Yes ✓

Applicable tax registration numbers (if any)?

Yes ✓

When the applicant is a legal person

Its full legal name?

Yes ✓

Its tradename?

Yes ✓

Its business registration number?

Yes ✓

Date and place of incorporation?

Yes ✓

Location of corporate headquarters and principal place of business

Yes ✓

Applicable tax registration numbers?

Yes ✓

Copies of articles of incorporation or equivalent documents?

Yes ✓

Its corporate affiliates

No ✕

Names of its directors and of any designated legal representatives

Yes ✓

Does the application for the licence requires the applicant to specify any of the following information?

precise business location of the manufacturing unit, warehouse location and production capacity of the business run by the applicant?

Yes ✓

product description?

Yes ✓

name of the product?

Yes ✓

registered trade mark (if any)?

Yes ✓

design?

Yes ✓

brand?

Yes ✓

model or make and serial number of the manufacturing equipment?

Yes ✓

description of where manufacturing equipment will be installed and used?

Yes ✓

documentation or a declaration regarding any criminal records?

Yes ✓

complete identification of the bank accounts intended to be used in the relevant transactions and other relevant payment details?

No ✗

a description of the intended use and intended market of sale of the tobacco products?

Yes ✓

How often, if at any time, are licence fees monitored and collected?

Licence for facility establishment is valid for 3 years whereas licence for production is valid for 5 years. Fees for these licences are collected ones. Fees for tobacco trade licence and cigar and cigarillo licence are collected once and yearly renewal fee is collected. The sales service fee is collected for every thousand of the tax stamps on the unit packages of tobacco products produced.

What measures, if any, are taken to prevent, detect and investigate any irregular or fraudulent practices in the operation of the licensing system?

Without getting a facility and production licence; Those who set up and operate tobacco products plants or factories are punished with imprisonment from one year to three years and judicial fines from five thousand days to ten thousand days.

Penalties for tobacco and tobacco products smuggling are increased from half to twice the penalties imposed on other products, and the punishment cannot be less than three years.

(16) Those who manufacture or introduce copies of labels, holograms, stamps, stamps or similar marks applied to tobacco products, and those who possess, transfer, sell or use them, are sentenced to imprisonment from three to six years and up to twenty thousand days administrative punishment.

How often, if at any time, are periodic review, renewal, inspection and audit of licences being undertaken? (please provide details)

While the production licence is renewed every 5 years, inspection is performed. In addition, technical inspections are made to the production facilities.

Tobacco products are placed on the market after being analysed.

Are all licenced natural or legal persons obliged to inform, in advance, the competent authority of any change of location of their business or any significant change in information relevant to the activities as licenced?

Yes ✓

Are all licenced natural or legal persons obliged to inform the competent authority, for appropriate action, of any acquisition or disposal of manufacturing equipment?

Yes ✓

Please provide a brief description of the progress made in implementing Article 6 (Licence, equivalent approval or control system) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

Tobacco growers in Turkey are small scale. Licence are given to natural or legal persons who make those farmer grow tobacco.

The export of the equipment in the production facility of the tobacco product producer companies is subject to permission.

D2. ARTICLE 7 - DUE DILIGENCE

Is it a requirement to conduct due diligence before the commencement of a business relationship for all natural and legal persons:

engaged in the supply chain of tobacco?

Yes ✓

engaged in the supply chain of tobacco products?

Yes ✓

Is it a requirement to conduct due diligence during the course of a business relationship for all natural and legal persons?

engaged in the supply chain of tobacco?

Yes ✓

engaged in the supply chain of tobacco products?

Yes ✓

Is it a requirement for actors in the supply chain of tobacco and tobacco products to conduct due diligence with regards to customer identification?

Yes ✓

As part of due diligence of the supply chain, for the purpose of customer identification, do you require documentation or a declaration regarding any criminal records required for customer identification?

Yes ✓

As part of due diligence of the supply chain, for the purpose of customer identification, do you require identification of the bank accounts intended to be used in transactions?

Yes ✓

Have any legal or natural persons been “blocked” as customers within your jurisdiction?

Please provide a brief description of the progress made in implementing Article 7 (Due diligence) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

Legal or natural persons leave the system when the situation that requires their blocking.

D3. ARTICLE 8 - TRACKING AND TRACING

Has a tracking and tracing system been established in your jurisdiction (also in relation to Article 15.2.b of the WHO FCTC)?

Yes ✓

Is it a requirement that unique, secure and non-removable identification markings (“unique identification markings”), such as codes or stamps, are affixed to or form part of:

All unit packets of cigarettes

Yes ✓

All unit packages of cigarettes

No ✘

Any outside packaging of cigarettes

No ✘

All unit packets of other tobacco products

Yes ✓

All unit packages of other tobacco products

No ✘

Any outside packaging of other tobacco products

No ✘

Is the following information available in your jurisdiction, either directly or accessible by means of link?

Date of manufacture

Yes ✔

Location of manufacture

No ✘

Manufacturing facility

Yes ✔

Machine used to manufacture tobacco products

Yes ✔

Production shift or time of manufacture

Yes ✔

Information (name, invoice, order and payment records) on the first customer who is not affiliated with the manufacture

No ✘

The intended market of retail sale

No ✘

Product description

Yes ✔

Any warehousing and shipping

No ✘

The identity of any subsequent purchaser

No ✘

Shipment details (intended shipment route, the shipment date, shipment destination, point of departure and consignee)

No ✘

How is this information specified under D33 recorded in your country?

This information specified only answered as “yes” under D33a,D33c,D33d,D33e, D33h recorded on central data base of Turkish Revenue Administration and Tax Stamp Product Tracking System (BUIS)

Is the recorded information accessible to the global information sharing focal point through a secure electronic interface?

No ✕

In which way have you ensured that any of the obligations assigned to your government are not delegated to or performed by the tobacco industry?

Producers' responsibilities and obligations abided by them are regulated with our “Tax Procedure Law” and General Notifications corresponding Tax Stamp Product Tracking System (BUIS)

Which percentage of the costs associated with the government's obligations concerning the tracking and tracing regime, has the tobacco industry been required to bear?

The costs associated with the government's obligations concerning the tracking and tracing regime are the unit tax stamp costs and machines applying for tax stamp except for other machine relevant system component

Please provide a brief description of the progress made in implementing Article 8 (Tracking and tracing) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

Turkey has been implementing Tax Stamp Product Tracking System (BUIS) in order to prevent tax loss and evasion and to maintain tax security via applied tax stamp in tobacco products and alcoholic beverages since 2007.

D4. ARTICLE 9 - RECORD-KEEPING

Do you require maintenance of complete and accurate records of all relevant transactions, for all natural and legal persons engaged in the supply chain of:

Tobacco?

Yes ✓

Tobacco products?

Yes ✓

Manufacturing equipment?

No ✘

What information do you require persons licenced in accordance with Article 6 of the Protocol to provide to the competent authorities?:

To establish a tobacco product facility

a) the main agreement published in Turkey Trade Registry Gazette and signature of the authorized person.

b) Certificate of activity obtained from the chamber of commerce within the past six months, and a special declaration describing the activity history and the targeted activity.

c) For the real persons, the applicant, the chairman and members of the board of directors for the legal persons and the persons authorized to represent the legal person, has no final sentence due to the violation of the Law related with tobacco and illicit trade.

ç) Feasibility report prepared in accordance with the format determined by the institution and its copy transferred to the electronic environment.

d) Document showing the zoning status taken within the framework of the zoning legislation in force for the plant site to be established.

e) Document indicating that the application fee has been deposited to the account of the Authority.

the exact workplace, storage location of the manufacturing unit and the production capacity of the job operated by the applicant, product name, package designs, ingredients, registered trademark brand, technical description of the manufacturing equipment, description of where to install and use production equipment

In your country, are tobacco products and manufacturing equipment sold or manufactured for export, or subject to duty-suspended movement in transit or transshipment on the territory?

Yes ✓

Please upload any legislation/regulation that govern those movements.

No comment

File type "gif"

What kind of measures have you adopted (legislative, executive, administrative or other measures) for record-keeping?

(1) the Firms make notifications to the Authority in the form of approved reports of raw material movements, production quantities, product quantities shipped from the production warehouse and other warehouses established within the country from here, sales, returns and tax stamp movements.

(2) Firms are required to keep the records listed below.

a) Type, origin or sort of records related to tobacco imported, domestic tobacco, used in the production of tobacco products, shipped to another place without being used in production, destroyed, destroyed or otherwise issued.

b) Records of processed products such as fine cut tobacco, homogenized or reconstituted tobacco

c) Records on the basis of brands and types of tobacco products that are produced, imported, placed on the market, returned from the market, exported, destroyed, destroyed or otherwise released.

ç) Records of the supplied, used, unused, discarded, destroyed and returned tax stamp.

Administrative fines shall be issued for those who do not submit the activity reports required by the Ministry of Agriculture and Forestry within the specified time period.

Have you established a system for sharing with other Parties details contained in all records kept in accordance with Article 9?

No ✘

Do you cooperate with other Parties and with competent international organizations in progressively sharing and developing improved systems for record-keeping?

No ✘

Please provide a brief description of the progress made in implementing Article 9 (Record keeping) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

The manufacturer of tobacco products must keep records of the equipment in their facilities.

D5. ARTICLE 10 - SECURITY AND PREVENTATIVE MEASURES

What kind of measures are in place in your jurisdiction to prevent diversion of tobacco products into illicit trade channels?

Do you have sanctions in place when licensees do not adhere to the provisions of article 10?

Please provide a brief description of the progress made in implementing Article 10 (Security and preventive measures) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

D6. ARTICLE 11 - SALE BY INTERNET, TELECOMMUNICATION OR ANY OTHER EVOLVING TECHNOLOGY

Does the Protocol apply to all sales through internet, telecommunication or any other evolving technology?

Yes ✓

Have you banned sales of tobacco products through internet, telecommunication or any other evolving technology?

Yes ✓

If so, please provide further details.

Relevant legislation is under the auspices of Ministry of Agriculture and Forestry. However, if any case of sale of this sort is discovered, we are responsible for investigating and if necessary issuing administrative fines.

Please provide a brief description of the progress made in implementing Article 11 (Sales by Internet, telecommunication or any other evolving technology) in the past two years or since submission of your last report.

Administrative fines are recalculated and increased every year, according to the medium of the sale.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

Board of Advertisement is responsible for examining misleading advertisements, and setting principles in terms of commercial ads. It also issues administrative fines and protect consumers against unlawful commercial practices.

D7. ARTICLE 12 - FREE ZONES AND INTERNATIONAL TRANSIT

Do you have authorizations to conduct controls in free zones, by use of all relevant measures as provided in the Protocol?

Yes ✓

Do you prohibit the intermingling of tobacco products with non-tobacco products in a single container or any other such similar transportation unit at the time of removal from free zones?

Yes ✓

Do you control transit or transshipment of tobacco products and/or manufacturing equipment?

Yes ✓

Please provide a brief description of the progress made in implementing Article 12 (Free zones and international transit) in the past two years or since submission of your last report.

The production of tobacco and tobacco products in free zones is not permitted and applications for operating licenses are rejected.

The purchase and sale of leaf tobacco under HS Code 2401 may be permitted providing that they have a tobacco trade authorization certificate issued by the Tobacco and Alcohol Market Regulatory Authority and only Turkish origin products to be sold abroad. However, there are currently no companies operating in this field.

The purchase and sale of tobacco products is generally prohibited, and only companies operating in the catering sector and Duty-Free stores are exempted.

Transit of cigarettes through the customs territory of Turkey is allowed provided that each package and its packaging, outer packaging and labels, and empty cigarette packets have warning signs in the official language/languages of the country of destination.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

D8. ARTICLE 13 - DUTY FREE SALES

Do you allow duty-free sales in your jurisdiction?

Yes ✓

If yes, are they taking place?

Yes ✓

Do you implement effective measures to subject any duty-free sales to all relevant provisions of this Protocol?

Yes ✓

If yes, please provide details

- 1- The opening of the duty free shop is subject to the permission of the Ministry.
 - 2- There are sales limits.
 - 3- Only the main operators can sell tobacco products, only one company can be the main operator at every Customs gate.
-

Please provide a brief description of the progress made in implementing Article 13 (Duty free sales) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

PART IV: E. OFFENCES (Articles 14-19 of the Protocol)

ARTICLE 14: UNLAWFUL CONDUCT INCLUDING CRIMINAL OFFENCES

Please note that information requested in this section might be of confidential nature and might only be made accessible to Parties to the Protocol only, upon their request, unless otherwise stated by the transmitting Party.

In accordance with the Protocol, does the following constitute an unlawful conduct in your country's domestic laws?

	Tobacco	Tobacco Products	Manufacturing equipment
E11a. Illicit manufacturing, wholesaling, brokering, selling, transporting, distributing, storing, shipping, importing or exporting of:	1	1	1
E11b. Tax evasion for tobacco products for:	1	1	1
E11c. Smuggling or attempted smuggling of:	1	1	1
E11d. Falsification of markings for:	1	1	1
E11e. Counterfeiting of :	1	1	1

In accordance with the Protocol, does the following constitute an unlawful conduct in your country's domestic law?

concealment of tobacco products?

Yes ✓

intermingling of tobacco products with non-tobacco products in contravention of Article 12.2 (*Free Zones and international transit*) of the Protocol?

Yes ✓

illicit trade of tobacco products through the Internet or other technology-based modes of sale?

Yes ✓

acting against good faith in relation to the supply chain of tobacco products?

Yes ✓

obstructing any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?

Yes ✓

fraud?

Yes ✓

money laundering?

Yes ✓

Does any of the above activities constitute criminal offences in your jurisdiction?

Yes ✓

If yes, please provide further details.

5607 Anti-Smuggling Law

Law No. 4733 on Regulation of Tobacco, Tobacco Products and Alcohol Market

Forensic processing is established within the scope of the law numbered 4733, for those who produce, import, transport and sell false labeled tobacco products to the market, for those who produce, transport or sell tobacco products, to establishers, factories or manufacturers to produce tobacco or tobacco products without a license. In addition, if the manufacturing / equipment used in the production of tobacco products is introduced into the country illegally, judicial proceedings are established for the suspect within the framework of the Law No. 5607.

Please attach the relevant legislation concerning the establishment of unlawful conduct in your country.

Please provide a brief description of the progress made in implementing Article 14 (Unlawful conduct including criminal offences) in the past two years or since submission of your last report.

No changes in the legislation.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

E2. ARTICLE 15: LIABILITY OF LEGAL PERSONS

Has the liability of legal persons been established for the unlawful conduct (including criminal offences) under Article 14 of the Protocol?

Please provide a brief description of the progress made in implementing Article 15 (Liability of legal persons) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

E3. ARTICLE 16: PROSECUTIONS AND SANCTIONS

Is it ensured that persons held liable for the unlawful conduct (including criminal offences) under Article 14 are subjected to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions?

Yes ✓

Please provide a brief description of the progress made in implementing Article 16 (Prosecutions and sanctions) in the past two years or since submission of your last report.

20,356 suspects were caught in the last 2 years as part of the efforts to combat tobacco smuggling. If the suspects arrested are sentenced as a result of a trial, judicial fines are imposed.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

E4. ARTICLE 17: SEIZURE PAYMENTS

Have you adopted legislative and / or other measures to levy an amount proportionate to lost taxes and duties from the producer, manufacturer, distributor, importer or exporter of seized tobacco, tobacco products and /or manufacturing equipment?

Yes ✓

Please provide a brief description of the progress made in implementing Article 17 (Seizure payments) in the past two years or since submission of your last report.

A tax loss penalty is imposed on the tobacco products seized within the scope of the SCT (Special consumption tax) General Communiqué numbered 27.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

E5. ARTICLE 18: DISPOSAL OR DESTRUCTION

Please provide information on the quantity of confiscated tobacco, tobacco products and manufacturing equipment that was destroyed (e.g, product, unit, quantity, by year and destruction method), if available.

According to the Anti-Smuggling Law No. 5607 confiscated tobacco and tobacco products are destroyed by the law enforcement officers. A certain quantity of product is separated as a sample during this process and sent to the disposal units. After court process these samples are destroyed by related units. Therefore, it is difficult to give a clear number about the amount of destroyed product. However, we can give a value and approximate amount from the registration certificate which is regulated by disposal units for these product.

According to these certificates and Ministry of Trades tracking systems records; 836.710 boxes, 8.240.031 packages, 216.639.013 cigarettes and approximately 250.000 kilograms of tobacco was destroyed in 2018 and their value was 456.710.797 TL.

For 2019 1.196.707 boxes, 13.231.270 packages, 9.806.701 cigarettes and approximately 180.000 kilograms of tobacco was destroyed and their value was 278.805.050 TL.

On the other hand, In the works carried out by the provincial KOM (Department of anti-smuggling and organized crime) units affiliated to the KOM Department of the General Directorate of Security; In 2018, 20.119.986 packets of illegal cigarettes, 10.582.552 pieces of macaroons and 177.229 kg (hookah, pipe, shredded tobacco) and in 2019 8.772.616 packets of illegal cigarettes, 8.367240 pieces of macaroons and 304.509 kg (hookah, pipe, shredded tobacco) were seized. The tobacco products seized are destroyed or disposed of by burning, shredding and making them completely worthless or unusable in appropriate recycling facilities.

Please provide a brief description of the progress made in implementing Article 18 (Disposal or destruction) in the past two years or since submission of your last report.

Since 14.11.2013 destroying conducts within the framework of the Anti-Smuggling Law No. 5607 in Turkey. According to this Law confiscated tobacco and tobacco products are destroyed by the law enforcement officers who captured these product. A certain quantity of product is separated as a sample during this process and sent to the disposal units. These samples will be destroyed by these units after the court decision. Destroying process involves various processes such as shredding and burying. According to the Anti-Smuggling Law No. 5607 destroying is the only method of liquidation in Turkey for confiscated tobacco and tobacco products.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

There is nothing to specify about this subject.

E6. ARTICLE 19: SPECIAL INVESTIGATIVE TECHNIQUES

Do you allow the use of controlled delivery and other special investigative techniques to effectively combat illicit trade in tobacco, tobacco products or manufacturing equipment?

Yes ✓

If yes, please provide details.

4208 Law on the Prevention of Money Laundering

And Law enforcement authorities have been given controlled delivery authorization under the law.

Have you concluded any bilateral or multilateral agreement or arrangement for the use of techniques mentioned above when investigating the criminal offences established in accordance with Article 14 of the Protocol?

Yes ✓

If yes, please give further details on any agreement or international cooperation with other Parties for the use of such techniques in this area.

There is the authority given in the Law.

Controlled delivery application is available in 42 countries through Security Cooperation Agreements. The mentioned 42 countries are Germany, France, Spain, Italy, Latvia, Lithuania, Russia, Serbia, Ukraine, Greece, Bosnia and Herzegovina, Bulgaria, Hungary, Romania, Slovenia, Azerbaijan, Georgia, UAE, Bahrain, Iraq, Qatar, Oman, Syria, Yemen, Egypt, Afghanistan, India, Pakistan, Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan Mexican Ethiopia, Ghana, Cameroon, Congo C., Congo DC, Mauritania, Niger, Somalia Tanzania

Please provide a brief description of the progress made in implementing Article 19 (Special investigative techniques) in the past two years or since submission of your last report.

No changes in the legislation.

Special investigation techniques have been practiced for many years.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

PART V: F. INTERNATIONAL COOPERATION

ARTICLE 20 – GENERAL INFORMATION SHARING

Article 20.1(a) SEIZURES OF ILLICIT...

	Quantity seized	Value of seizures Please specify currency (e.g. in USD or local currency)	Description of seized product	Date and place of manu- facture	Taxes evaded (in USD or local currency; please, specify)
F11a. ...tobacco (raw)	304,509 kg	28,014,828 TL	Includes smoking tobacco		
F11b. ...smoking tobacco products	11,961,637 package	143539644 TL	cigarette package		
F11d. ...waterpipe tobacco products	12,820		package		
F11e. ...heated tobacco units	201,039	38,800,527 TL	electronic cigarette unit		
F11f. ...other tobacco products (please specify)	124.501 package		cigarette paper		
F11g. ...manufacturing equipment	54,726 unit		electronic cigarette liquid, heating elements for heated tobacco units		
F11h. ...other products (devices for ENDS; cartridges for ENDS; holders/heating elements for heated tobacco units; other (please specify))	109,439,467		Filtered cigarette tubes		

Please provide examples of some of your seizures, if available.

1-Within the scope of the operation carried out by the KOM Branch Directorate in Tokat, (2), in a search made at 2 addresses, 3 electric cigarette wrapping machines, 3 compressors, 3 valves, 10,200 empty macarons, 7,100 macarons filled with cut rag, 315 stamps. 500 empty cigarette boxes and 19,000 grams of chopped tobacco were seized. Judicial proceedings were made to 2 suspects regarding the incident.

2- In Gaziantep within the scope of the operation carried out by the KOM Branch Directorate, 638.000 packets of illegal cigarettes were seized as a result of the search made in 3 vehicles. Judicial proceedings have been established for 3 suspects regarding the incident,

3- As a result of the search a vehicle in Batman 18,000 packets of illegal cigarettes were seized. Regarding the incident, judicial proceedings were established for 3 suspects.

Article 20.1(b) TOBACCO TRADE-RELATED MATTERS...

Import (please specify unit)	Export (please specify unit)	Transit (please specify unit)	Taxes paid (in USD or local cur- rency; please, specify)	Duty free sales (in USD or local cur- rency; please, specify)	Quantity or value of domestic produc- tion (please specify unit)
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Please provide a brief description of the progress made in implementing Article 20 (General information sharing) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F2. ARTICLE 21 – ENFORCEMENT INFORMATION SHARING

Have you exchanged enforcement information with another Party on your own initiative or on their request?

Yes ✓

If yes, please provide examples of such enforcement information sharing (also in relation Article 24.2 of the Protocol).

Within the scope of the activities to combat tobacco smuggling, information is exchanged through SELEC, Interpol, Internal Foreign Affairs Consultants of Turkey in foreign countries and the foreign Police Liaison Officers in Turkey.

Please provide a brief description of the progress made in implementing Article 21 (Enforcement information sharing) in the past two years or since submission of your last report.

During the last 2 years, 159 information exchanges have been made within the activities of KOM (Department of anti-smuggling and organized crime).

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F3. ARTICLE 22 – INFORMATION SHARING: CONFIDENTIALITY AND PROTECTION OF INFORMATION

Have you designated competent national authority or authorities to which data referred to in Articles 20, 21 and 24 of the Protocol are supplied?

Yes ✓

If yes, please provide the name and contact details of such competent national authority or authorities.

Information exchange is provided within the scope of activities to combat tobacco smuggling. Data exchange is either provided directly by KOM Department (Department of anti-smuggling and organized crime) or by Foreign Relations Department of Security General Directorate of Ministry of Interior.

Please provide a brief description of the progress made in implementing Article 22 (Information sharing: General Obligations) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F4. ARTICLE 23 - ASSISTANCE AND COOPERATION:

Have you provided financial or technical assistance (be it through unilateral, bilateral, multilateral agreements, and/or through international and regional organizations) in any of the following areas:

F41a. Information gathering	Yes
F41b. Law enforcement	Yes
F41c. Tracking and tracing	Yes
F41d. Information management	
F41e. Protection of personal data	
F41f. Interdiction	
F41g. Electronic surveillance	No
F41h. Forensic analysis	
F41i. Mutual legal assistance	
F41j. Extradition	

If you answered "Yes" to any of the previous sub-questions, please provide further information (Party/Parties that were provided assistance, type of assistance (project), etc.)

Turkish Coast Guard Command is the founder state of The Black Sea Coast/Border Guards Cooperation Forum

(BSCF). The parties have agreed on immediate and effective information exchange including enhancement of existing interaction among border/coast guard agencies in order to prevent the smuggling of drugs psychotropic substances, their analogs and precursors ammunition explosive poisonous drastic, radioactive substances and petrol by sea, illegal migration and other kinds of illegal activities as well as strengthening the safety and security of navigation in the Black Sea. In order to achieve this goal, BSCF has created "AIES" Automated Information Exchange System between member states to exchange real time informations.

On the other hand, Turkey International Drug and Organized Crime Training Academy Crime (TADOC) of KOM (Department of anti-smuggling and organized crime) has given 29 trainings in the last 2 years to 429 participants from Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan, Albania, Kosovo, Montenegro, Macedonia, Bosnia and Herzegovina, Serbia, Bulgaria, Ecuador, Qatar, Palestine, Libya, TRNC -Turkish Republic of Northern Cyprus, Pakistan, Romania and Sudan on Risk Analysis and Search Techniques at Airports, Risk Analysis in Anti-Smuggling Crimes and Search Techniques at Airports, Anti-Smuggling Training, Risk Analysis and Search Techniques, Crime Intelligence Analysis, Tracking Techniques, KOM Basic Training, Risk Analysis and Search Techniques and Monitoring with Technical Tools.

Have you received financial or technical assistance (be it through unilateral, bilateral, multilateral agreements, and/or through international and regional organizations) in any of the following areas:

- F42a. Information gathering Yes
 - F42b. Law enforcement
 - F42c. Tracking and tracing
 - F42d. Information management
 - F42e. Protection of personal data
 - F42f. Interdiction
 - F42g. Electronic surveillance
 - F42h. Forensic analysis
 - F42i. Mutual legal assistance
 - F42j. Extradition
-

If you answered "Yes" to any of the previous sub-questions, please provide further information (Party/Parties from which assistance was received, type of assistance (project), support from other entities including the tobacco industry etc.)

Turkish Coast Guard Command is the founder state of The Black Sea Coast/Border Guards Cooperation Forum (BSCF). The parties have agreed on immediate and effective information exchange including enhancement of existing interaction among border/coast guard agencies in order to prevent the smuggling of drugs psychotropic substances, their analogs and precursors ammunition explosive poisonous drastic, radioactive substances and petrol by sea, illegal migration and other kinds of illegal activities as well as strengthening the safety and security of navigation in the Black Sea.

In order to achieve this goal, BSCF has created "AIES" Automated Information Exchange System between member states to exchange real time informations.

Have you developed or conducted research on identifying the exact geographical origin of seized tobacco and tobacco products?

Please provide a brief description of the progress made in implementing Article 23 (Assistance and cooperation: training technical assistance and cooperation in scientific, technical and technological matters) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F5. ARTICLE 24 – ASSISTANCE AND COOPERATION: INVESTIGATION AND PROSECUTION

Have you entered in multilateral, regional or bilateral arrangements for the purpose of the advancement of investigation and prosecution of offences in accordance to Article 24 of the Protocol?

Yes ✓

If yes, please provide details as appropriate.

KOM (Department of anti-smuggling and organized crime) of General Directorate of Security; Ministry of Interior has Security Cooperation Agreements with 91 countries and Fight Against Smuggling takes part in 89 agreements. Those 91 countries are: Germany, Austria, Belarus, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Netherlands, England, Ireland, Spain, Switzerland, Italy, TRNC, Latvia, Lithuania, Malta, Moldova, Poland, Russia, Slovakia, Serbia, Ukraine, Greece, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Romania, Slovenia, Montenegro, Azerbaijan, Georgia, BAE, Bahrain, Palestine, Iraq, Israel, Qatar, Kuwait, Lebanon, Oman, Syria, Saudi Arabia, Jordan, Yemen, Egypt, Algeria, Morocco, Libya, Tunisia, Afghanistan, India, Iran, Pakistan, Kazakhstan, Kyrgyzstan, Mongolia, Uzbekistan, Tajikistan, Turkmenistan, Argentina, Cuba, Mexican, USA, Canada, South Africa, Ethiopia, Gambia, Ghana, Guinea Bissau Cameroon, Congo C., Congo D.C, Mauritania, Niger, Somalia, Sudan, Tanzania, Uganda, Zambia, Australia, China, South Korea, Cambodia, Malaysia.

Have you cooperated and exchanged relevant information?

Yes ✓

Please provide a brief description of the progress made in implementing Article 24 (Assistance and co-operation: investigation and prosecution of offences) in the past two years or since submission of your last report.

In line with the international collaboration activities of KOM (Department of anti-smuggling and organized crime) 8 detective cooperation agreements have been signed with 6 countries in the last two years. 1 agreement each signed with Palestine, Serbia, Cambodia, Brundi and 2 agreements with Uzbekistan and Zambia.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F6. ARTICLE 26 - JURISDICTION

Have you adopted measures to establish your jurisdiction over the criminal offences in accordance with Article 14 of the Protocol?

Yes ✓

If so, please provide details, as appropriate.

Please provide a brief description of the progress made in implementing Article 26 (Jurisdiction) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F7. ARTICLE 27 – LAW ENFORCEMENT COOPERATION

Have you established mechanisms for effective domestic cooperation, including between customs, police and other law enforcement agencies, for the benefit of information sharing and law enforcement?

Yes ✓

If yes, please provide examples of such domestic cooperation.

Turkish Customs Enforcement, National Police, the Coast Guard Command, and the Gendarmerie have entered into a joint protocol aiming enhanced cooperation in terms of combatting illicit trade. In some cases more than one MoU has been signed between sub-units of the same authorities to ensure greater coverage.

There is a protocol signed between the Ministry of Commerce and the Ministry of Interior. Information about the transactions made is shared, as both the samples and their analysis authorize our laws regarding the writing of an administrative fine in relation to other institutions.

By KOM synchronizely with the Gendarmerie General Command, the operation called DUMAN Code is carried out at the last point of sale of illegal tobacco products throughout the country. In addition, there is a continous contact and collaboration among KOM, the Gendarmerie General Command and the General Directorate of Customs Enforcement regarding the controlled delivery practice.

Have you established mechanisms for cooperation with other Parties for the benefit of information sharing and law enforcement?

Yes ✓

If yes, did you do so through a bilateral or multilateral agreement?

Yes ✓

If yes, please provide examples of such international cooperation (In relation to Article 27.1.c and 27.1.f).

SELEC Convention covers international cooperation on anti-smuggling and illicit trade activities. In addition, multiple bilateral agreements with different countries include provisions on cooperation in anti-illicit trade activities.

Although KOM; Security General Directorate cooperates effectively with the Gendarmerie General Command which is affiliated to the same Ministry, there is also a Protocol on Data Sharing with the Ministry of Commerce and being in touch with the related institution is provided with the official correspondence channels.

Please provide a brief description of the progress made in implementing Article 27 (Law enforcement cooperation) in the past two years or since submission of your last report.

Cooperation is made with relevant institutions according to the characteristics of the events.

In the last 2 years by KOM; synchronously with the Gendarmerie General Command, 2 joint operations called DUMAN Kod were carried out at the final sales point of illegal tobacco products across the country, 1 controlled delivery decision was implemented and 32 information exchanges were made with the Ministry of Trade.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F8. ARTICLE 28 – ASSISTANCE ADMINISTRATIVE MUTUELLE

Have you entered into a procedure of mutual administrative assistance with another Party on the basis of the Protocol?

Yes ✓

If yes, please provide details.

KOM reports published by the General Directorate of Security are sent to the relevant units and stakeholder institutions countrywide. Moreover these reports are also available online both in Turkish and English at <https://www.egm.gov.tr/kom/raporlarimiz>

Please provide a brief description of the progress made in implementing Article 28 (Mutual administrative assistance) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F9. ARTICLE 29 – MUTUAL LEGAL ASSISTANCE

Have you entered into mutual legal assistance procedures with another Party on the basis of the Protocol?

No ✘

Have you designated a central authority for the purpose of mutual legal assistance?

Yes ✔

If so, please provide details.

Ministry of Justice

Directorate General of Foreign Relations and European Union Affairs

Please provide a brief description of the progress made in implementing Article 29 (Mutual legal assistance) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

F10. ARTICLE 30 – EXTRADITION and ARTICLE 31 – MEASURES TO ENSURE EXTRADITION

Have you utilized the Protocol for the purposes of extradition?

No ✘

Please provide a brief description of the progress made in implementing Articles 30 (Extradition) and 31 (Measures to ensure extradition) in the past two years or since submission of your last report.

If you have any other relevant information pertaining to but not covered in this section, please provide details in the space below.

PART VI: G. PRIORITIES AND COMMENTS

What are the priorities for implementation of the Protocol in your jurisdiction?

The implementation of the Protocol is an essential part of the comprehensive implementation of FCTC as well as the effectively combating against illegal trade of addictive substances in Turkey.

In relation to Article 36 of the Protocol, do you finance your national activities, in accordance with your national plans, priorities and programmes?

Yes ✓

If yes, please provide the amount devoted to the implementation of the Protocol within the past two years or since the submission of your last report

Have you identified any specific gaps between the resources available and the needs assessed for implementing the Protocol?

No ✘

What, if any, are the constraints or barriers, other than lack of resources, you have encountered in implementing the Protocol?

If any of the actions reported in this instrument were only taken at subnational level, please give further information here.

Please provide any other relevant information not covered elsewhere that you consider important.

Please provide any suggestions for further development and revision of this reporting instrument.

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