

Regulation on Procedure and Basis of Application of the Civil Servants Ethical Behavior Principles

CHAPTER ONE

Purpose, Scope, Basis and Definitions

Purpose

Article 1 — The purpose of this regulation is to establish an ethical culture in the public; to determine the ethical behavior principles that civil servants should obey during service in office; to help them to display suitable behaviors according to these principles; to improve confidence by eliminating situations that create a mistrust among public and that harm justice, honesty, transparency and neutrality principles while giving service to public; to inform society about their rights that they can expect from civil servants; and to organize the procedure and basis of application for the Board.

Scope

Article 2 — This regulation covers all the staff working in administrations which are included to the general budget, annexed budget administrations, state economic enterprises, fluid capital (revolving fund) enterprises, local administrations as well as units affiliated to these institutions, those who are employed with board, supreme board, enterprise, institute, venture, organization, funds or all state offices and enterprises which were founded under other names; all the staff including the chief and members of executive and advisory board as well as members of the board and Supreme Board.

The articles of this regulation cannot be executed upon against the President, members of the Turkish National Assembly, members of the Cabinet, members of the Turkish Armed Forces and judiciary members and universities.

Legal basis

Article 3 — This regulation is prepared in accordance with articles 3 and 7 of Law No. 5176 on Establishing the Civil Servants Ethical Board and Amendments to Certain Laws, dated May 25, 2004.

Definitions

Article 4 — Definitions mentioned in this regulation mean:

- a) Law: Law No. 5176 on Establishing the Civil Servants Ethical Board and Amendments to Certain Laws, dated May 25, 2004;
- b) Public Offices and Institutions: All state offices and institutions mentioned and subject to Article 2;
- c) Civil servants: All staff employed in the state offices and institutions mentioned and subject to Article 2;
- d) Board: Civil Servants Ethical Board;
- e) Ethical behavior principles: Ethical behavior principles that civil servants should obey while in office;
- f) Applicant: Real persons that apply to Board or authorized disciplinary boards by using their right to apply;
- g) Information: All kinds of data which are present in the records of state offices and institutions and which pertain to the review and investigation that will be carried out as a part of Law No. 5176;
- h) Documents: All written, printed or duplicated files, documents, books, journals, brochures, papers, letters, programs, instructions, diagrams, plans, photographs, tapes or video cassettes, maps, all kinds of information recorded in electronic format, information and data

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transmitters that belongs to the office and institution and that are subject to the review and investigation that will be carried out as a part of Law No. 5176.

CHAPTER TWO Ethical Behavior Principles

Public service awareness while serving

Article 5 — Civil servants based on continuous improvement, participation, transparency, neutrality, honesty, commonwealth, accountability, surveillance and trust to announcement on doing their duties.

Public service awareness

Article 6 — Civil servants aim at making people's daily life easier, fulfilling their needs in the most effective, prompt and efficient way, increasing the quality of service, increasing people's satisfaction, and focusing on the needs and expectations of those who benefit from this service while doing their duties.

Suitability to service standards

Article 7 — Administrators and other staff of public offices and institutions carry out their public service according to the standards and processes determined and brief those who benefit from the service about required information on procedures throughout the service period.

Loyalty to purpose and mission

Article 8 — Civil servants act in harmony with the purpose and mission of the state office or institution that they work for. They act according to the national benefits, public welfare and service ideals of the institutions.

Honesty and neutrality

Article 9 — Civil servants cannot make religious, language, belief, political view, race, gender or kinds of discrimination while acting in harmony with justice, equality and honesty principles in every move and procedure and cannot behave and take actions that are against or limit human rights and freedoms and that prevent equal opportunity.

Civil servants use their discretionary powers in line with public benefit and service requirements and in harmony with neutrality and equality principles.

Civil servants cannot be involved in actions that provide privilege or priority to a real or artificial person that are against the equality principle and that aim at harming or benefiting a political party, person or group. Civil servants cannot prevent policies, decisions and actions of public offices that are suitable to the legislation.

Respectability and confidence

Article 10 — Civil servants act in a way that improves confidence in public administration and reveal that they are suitable to the requirements of their mission role with respect and confidence. They avoid behaviors that damage the confidence of people, create suspicion and harm the justice principle.

Civil servants act in harmony with the awareness that public service is above all personal or private interests, do not mistreat those benefiting from these services, do not neglect their duties, do not apply double standards, and do not take sides.

Civil servants who are administrators or supervisors cannot be involved in arbitrary acts and actions that may cause pressure, insult or pose a threat, cannot prepare reports lacking open and clear evidence, cannot demand personal service, opportunity or similar benefits and cannot accept such offers.

Attention and respect

Article 11 — Civil servants act carefully and respectfully to their superiors, colleagues, other staff as well as those who benefit from services and show required attention to them; if

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the issue is beyond the scope of their authority, they direct the issue to the related unit or authority.

Notice to authorized offices

Article 12 — Civil servants inform authorized offices whenever they are asked to be involved in actions that are not in harmony with the ethical behavior principles determined in this Regulation or which are illegal, or whenever they are informed that such actions are taking place during giving service.

Office and institution superiors hold the applicant civil servants confidential and take necessary measures to keep them from harm.

Avoiding conflict of interest

Article 13 — Conflict of interest refers to circumstances that affect or seems to affect neutral and objective actions while civil servants conduct their duties for public and a situation that seems that civil servants are providing personal benefit or benefits to their relatives or friends.

Civil servants have personal responsibility in the conflict of interest, and as they generally aware of the consequences of conflict of interest personally, they act cautiously in case of a potential or real conflict of interest and take the necessary steps to avoid conflict of interest; whenever they discover such a situation, they inform their superiors and avoid benefits that can be a part of any conflict of interest.

Using authority and mission for providing interest

Article 14 — Civil servants cannot gain interest for themselves, relatives or any other third party by using their mission, office or authority, and they cannot intervene or be involved in nepotism or any kind of discrimination.

Civil servants cannot sell or distribute their own or other's books, magazines, cassettes, CD or similar goods by using their mission, office and authority; they cannot provide aid, donation or similar benefits to an institution, fund, association or sports club.

Civil servants cannot use official or confidential information that they obtain during conducting their public duty or as a result of their duty for providing direct or indirect economic, political or social benefit for themselves, relatives or any other third party. They cannot transfer these documents to any other institution, establishment or persons other than authorized offices during and after their mission.

Civil servants cannot directly or indirectly use or allow others to use sources of the institution he/she employed during elections campaigns.

Ban on receiving gifts and providing benefit

Article 15 — All kinds of materials and benefits that affect or that may affect the neutrality, performance, decision or mission, that may or may not have an economic value, that are directly or indirectly presented are considered as gifts.

It is a fundamental principle that civil servants cannot receive gifts, cannot be offered to receive a gift and cannot gain profits due to their duty.

Civil servants cannot directly or indirectly receive gifts or provide interest for themselves, relatives or any other third party or institution from real or artificial persons that are related to their duty.

Civil servants cannot provide gifts by using public resources, cannot send flowers or wreaths to a real or artificial person except for official days, ceremonies and holidays, and cannot put up celebration, announcement or commemoration notices that are not in relation to their service and/or duty.

In accordance with courtesy and protocol rules of the international relations, gifts received from foreigners and foreign institutions whose value remained below the threshold limit mentioned in Article 3, Law No. 3628 are to be declared.

Items listed below are not included in the ban on receiving gifts:

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a) Gifts received on the condition of use for public service and to be included in the list of assets for the institution and subject to a public announcement in order to provide a contribution to the institution, that will not affect the service in legal terms (excluding official car and other gifts that are to be provided for the service of a certain other civil servant,) as well as donations to the office and institution.

b) Books, magazines, articles, cassettes, calendars, CD or similar;

c) Awards or gifts received in contests, campaigns or activities that are open to the general public;

d) Gifts that qualify as souvenirs that are presented during conferences, symposiums, forums, panels, receptions and similar activities that are open to the general public;

e) Advertising products having symbolic value and handicrafts that are distributed to everyone for promotional purposes;

f) To receive a loan from financial institutions subject to and according to the market conditions.

The items listed below are included in the ban:

a) Farewell or courtesy gifts, scholarships, travel, free accommodation and gift vouchers from those who are involved in work, service or benefit relation with the institution,

b) Unreasonable discounts according to the market price during buying, selling or renting of moveable or immovable properties;

c) All kinds of goods, clothing, and jewelry or food gifts received from those whose will benefit from public service;

d) Loans or credits from a company that is in a service or work relation with the institution.

A General Director, equivalent or higher level staff who are covered by this Regulation should inform the Board of the list of gifts mentioned in clause (a) of paragraphs 5 and 6 of this article no later than January of every year without prior notification.

Usage of public property and sources

Article 16 — Civil servants cannot use or allow others to use public property and sources for purposes other than public service and public benefit; civil servants shall protect these and take all necessary measures to keep them ready for service.

Avoiding extravagance

Article 17 — Civil servants shall avoid extravagance during the use of state buildings and vehicles as well as other public properties and sources; they shall make most of their office hours, public properties, resources, labor force and other opportunities.

Binding declaration and false statement

Article 18 — Civil servants cannot make declaration, pledges or promises that bind the institution by exceeding their powers, and they cannot make false statements.

Giving information, transparency and participation

Article 19 — Civil servants help people to use their right to access information. If requested by real or artificial persons, the required information or document should be presented according to the procedure apart from exceptions mentioned in Law No. 4982 on the Right to Access Information.

Superiors inform public about tender processes, activity and supervision reports of the institutions within the limits of the related law.

Civil servants are careful to provide direct or indirect involvement of persons that will be influenced to a stage, a few stages or the whole process of the preparing, reviewing and finalizing fundamental resolutions regarding public services.

Superiors' accountability

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Article 20 — Civil servants shall be ready for public investigation and evaluation for accountability at all times about their responsibilities and obligations while performing their public duty.

Superior civil servants take measures in time as a part of their responsibility and obligation in an effort to prevent any activity or procedure that is not in keeping with the goals and policies of the institution.

Superior civil servants (managers) take necessary measures to prevent corruption of staff reporting to them. These measures include: appropriate actions on training and providing information, being considerate about the financial and other hardships that staff faces with and demonstrating exemplary behavior for the staff.

Superior civil servants are obliged to provide appropriate training for the staff on ethical behavior principles, to monitor whether staff is in compliance with these principles, to monitor those who enjoy a higher living standard contradicting personal incomes and to become a guide for ethical behavior.

Relations with former civil servants

Article 21 — Civil servants cannot grant privileges and make concessions to former civil servants while providing service to the public.

Those who resign from public service cannot be directly or indirectly hired as subcontractor, commissioner, agent, representative, expert, broker or any other similar functions to the office or institution he/she had worked for in compliance with the laws and (revolving door) term limits.

Declaration of Assets

Article 22 — Civil servants declare asset information that belong to themselves as well as their spouses and their children, including any moveable and immoveable properties, any loans or credit accounts in accordance with Law No 3628 on Declaration of Assets, Combating Corruption and Bribery.

The Board has the power to inspect the declaration of assets if it believes it is necessary. Related persons or institutions (including banks and private financial companies) are obliged to provide the information requested by the Board within 30 days in order to verify the validity of declaration assets.

CHAPTER THREE

Implementation of Ethical Behavior Principles and Establishing an Ethics Culture

Compliance with ethical behavior principles

Article 23 — Civil servants shall abide by ethical behavior principles mentioned by this Regulation while conducting their job duties. These principles form a part of regulatory provisions of civil servant employee policies.

Civil servants covered by this Law are obliged to sign an “Ethical Agreement” document (Appendix 1) within one month. This document shall be placed in the employee’s personnel file.

Authorized personal record managers of the offices and institutions will evaluate the record and performance of the staff in compliance with the ethical behavior principles established by this Regulation.

Providing information to staff

Article 24 — Staff employed in every level of the state offices and institutions are informed about the principles of ethical behavior principles as a part of employment conditions and their responsibilities under these principles.

Establishment of Ethical Culture and training

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Article 25 — The Board carries out all kinds of activities in an effort to establish and improve the ethical culture, conducts research, makes publications, holds surveys and public opinion polls, organizes scientific meetings and similar activities, prepares, coordinates and runs training programs for civil servant or cooperates with other public offices and institutions as well as universities, local administrations and expert non-governmental organizations.

Administrators of offices and institutions are responsible for including ethical behavior principles in the basic, preparatory and in-service training.

Institutional Ethical Principles

Article 26 — Ethical behavior principles determined by this Regulation are implemented in all covered offices and institutions. In addition, based on the qualifications of their service and their duties, offices and institutions may apply for review and approval to the Board for determination their ethical behavior principles.

Authority to ask for information and documentation

Article 27 — Ministries and other state offices and institutions are obliged to present all information and documents requested by the Board regarding an application, within the requested time period.

The Board has the power to call the related representatives of the state offices covered by this Regulation and private enterprises and demand information.

Authority to research and investigate

Article 28 — The Board has the power to carry out needed research and investigation regarding actions against the ethical behavior principles upon ex-officio or direct application. The Board can collect information and documentation from the offices and institutions via authorized offices during carrying out research and investigation about actions violating the ethical behavior principles.

The Board carries out its investigation and research within the framework of ethical behavior principle violations. The Board finalizes this research and investigation within three months.

The Board can also carry out review and research in an effort to establish and improve ethical behavior principles in the offices and institutions.

Ethics Commission

Article 29 — An Ethics Commission, made up of at least three members, is created at the office or institution by the highest superior of the office or institution in an effort to establish and improve ethical culture and to provide assistance to the staff in their guidance and advise regarding questions on ethical behavior principles and to evaluate the ethical actions.

Membership terms of the Ethics Commission and other related issues are determined by the superior of the office or institution. Ethics Commission members' resumes and contact information are to be sent to the Board within three months time. The Ethics Commission works in cooperation with the Board.

To deliver an opinion

Article 30 — The Board has the power to deliver an opinion on the problems that offices or institutions faced with regarding the ethical behavior principles issues.

CHAPTER FOUR

Application and Ex-officio Investigation Procedures and Principles

Right to apply

Article 31 — In accordance with Law No. 3071 on Rights to Petition, citizens of the Republic of Turkey holding the right to use civil rights as well as real foreign entities (persons) residing in Turkey can make an application. Foreigners, who are legally present in Turkey due to any reason and who witness a violation of any of the ethical principles, are

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accepted as a resident of Turkey for the sole reason of application eligibility. An effect on the applicant's rights is not a condition for an application.

However, applications aiming at an open smear campaign or in cases when the identity of the applicant remains uncertain shall not be considered.

Applications about conflicts which are still in judicial process or any settled cases in court cannot be brought to the Board or authorized disciplinary boards. If it was determined during investigation that an application is also brought to justice system, the review process shall be suspended. Applications which were previously investigated by the Board cannot be reconsidered or reinvestigated unless new evidence is provided.

Ways to apply

Article 32 — Applications can be made via;

- a) Written petition;
- b) E-mail;
- c) Words that are officially recorded.

Application Method

Article 33 — A real person can make an application with a petition that includes the first and last name, home or company address and a signature to Board if the application is regarding general directors or equivalent who are listed in Appendix 2, or to the authorized disciplinary boards if the application is regarding any other civil servants.

The petition should include clear and detailed information and document the ethical behavior violation allegation. All known documents should be enclosed with the petition. The act which allegedly violated the ethical behavior principle shall include the name of the person(s), time and place.

Application petitions are not required to be typed or printed. It is only required that they be easily readable and understood. The date when Board recorded the application is also the application acceptance date. The application petition can also be sent by mail. In this case, the date of the application recorded to the Board records is the process start date. If the application is verbal then the signature and the address of the applicant are also recorded.

Application by e-mail

Article 34 — When a real person makes an application via e-mail, he/she shall report his/her first name and last name, and home or business address. Foreigners residing in Turkey should also declare their passport numbers and nationality while making an application via e-mail. For e-mail applications, the date the application received in the inbox of the Board is also considered as the application date.

Accepting and processing applications

Article 35 — Application petitions are to be officially recorded and a receipt of delivery including the date and receipt number is to be presented to the applicant, if he/she is present. Any application petition that is delivered to any other unit of the office or institution in error is to be forwarded to the authorized disciplinary boards or to the Civil Servants' Ethical Board prior to processing.

a) A registered application is given to a reporter by the Chairman of the Board or a member he directed as soon as possible. .

b) The reporter prepares a preliminary report after reviewing the application in terms of its duty, subject and acceptability and presents it to the Board.

c) The reporter's report shall include the petitioner's first and last name, the alleged violator's (civil servant's) first and last name, the job position and reason for petition and the reporter's recommendation, first and last name, as well as the date and his/her signature.

d) The report shall be placed on the Board meeting agenda for discussion after it is furnished with all the required additional information and documentation if required by the Chairman of the board or by an interested member.

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e) The Board may decide to request information and documentation from related offices in order to investigate the matter in detail. If the application is accepted, then the civil servant will be offered to provide his/her defense. The civil servant has 10 days to provide his/her defense following the day notified in writing by the Board. If the last date of the 10-day period falls on a holiday, the next working day is to be accepted as the final due date for the defense.

f) Official and private offices and institutions are obliged to provide the information requested of them to the Board within the set period of time.

g) The Board shall complete its investigation within three months and shall make a decision by an absolute majority. This period begins on the day of the application registration.

h) When further investigation is required, the Board can assign tasks to its members, dividing up the workload.

i) Application petitions missing a name and signatures, as well as any e-mail applications missing the elements listed under Articles 33 and 34, are not to be considered and their status is to be communicated to the applicant, if at all possible.

If an application is determined to include false statements at a later date, these applications are to be removed from processing.

For applications made via e-mail; the validity of the real person and his/her Turkish Republic ID number shall be verified by checking it with the Interior Ministry, General Directorate of Census and Citizenship Affairs website. Applications containing false first and last names are not to be processed.

Security of information and documentation provided in writing or in e-mail format with the application shall be in accordance with the general provisions for that office or institution. During the investigation and all the documentation and information sent to the Board shall be kept and protected in accordance with the confidentiality principles. Chairman and the members of the Board as well as the secretarial staff must strictly follow the confidentiality provisions. This obligation continues at the end of the terms of the Chairman and members of the Board as well as the secretarial staff. Once the investigation is complete all documentation shall be send back.

Ex-officio investigation

Article 36 — The Board can use its ex-officio investigation rights if it is informed by various different ways that a civil servant has violated the ethics principles.

a) Required information is gathered under the guidance of a member who is appointed by the Board or a reporter and the report based on this information is sent to the Board.

b) The issue is discussed on an agenda set by the Chairman and required information and documentation is to be requested in an effort to deepen the investigation, if necessary. Investigation shall be completed in accordance with the procedures listed in Article 35e, and the board shall make its decision.

Specifications regarding a Quorum

Articles 37 — The Board is to be chaired by the Chairman, or in his absence by an appointed deputy, and is to be assembled with an absolute majority and makes decisions by the same majority votes.

The first and last name of the applicant; first and last name, job position of the civil servant(s) who is the subject of the alleged complaint; date and number of decision as well as documentation and information regarding the decision; defendant's defense; names and signatures of the Chairman and the members who arrived to the mentioned decision as a result of research and investigation; reporter's first and last name and if exists, a minority vote count are to be listed in the decision.

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If the issue under the investigation by the Board was determined during investigation that an application is also brought to justice system, the review process shall be suspended and evaluated based on the outcome of judicial system.

Investigation and decision in disciplinary boards

Article 38 — Applications about civil servants who are covered under Law No. 5176 as well as this Regulation, but excluded from the jurisdiction of the Board, are to be investigated by authorized disciplinary boards in accordance with the ethical behavior principles and within the framework of procedures and basis prepared by this Regulation.

Decision made by these boards about the existence of ethical principle violation shall be forwarded to the superior of the related office or institution, civil servant subject to the allegation and the applicant. The decision(s) of the disciplinary boards are not announced to the public.

Proceedings based on the decision

Article 39 — Decisions are finalized by signature of the Chairman and the members. The final decision shall be sent to Prime Minister's Office. This decision is open to the appeal process by both parties via administrative courts.

If the Board determines an action is against the ethical behavior principles, the Office of Prime Minister shall announce the violation as the decision of the Board via Official Gazette to the public. But in the event a court overturns the decision of the Board, it shall abide by the court's decision and publish it in the Official Gazette.

A negative decision of ethical principle violation (no violations exist) is also sent to the Prime Minister's Office and to related parties in writing. These decisions are not to be announced to public. Decisions on the ineligibility of the applications shall be communicated to the applicant only.

Article 40 — Applications about actions violating the ethical principles shall not be investigated if two years have passed since the occurrence of the violation.

Temporary Article 1 — Actions violating ethical behaviors that occurred before the publication of this Regulation in the Official Gazette cannot become the subject of a complaint or notification.

Temporary Article 2 — Civil servants covered by this Regulation shall sign an "Ethical Agreement" as specified by Article 23 within three months following the effective date, and this document shall be placed in the staff's personal files.

Effectiveness

Article 41 — This Regulation shall become effective on the date of its publication.

Execution

Article 42 — The provisions of this Regulation shall be executed by the Prime Minister.

APPENDIX-1

Civil Servant Ethical Agreement

With the awareness and belief that public service is above all kinds of personal benefit and a civil servant is at the service of people, I pledge:

* to make the public's daily life easier, to work in an effort to fulfill the needs of people in the most effective, prompt and efficient way, to increase the quality of service and the satisfaction of the society;

* to fulfill my duty in line with respect to human rights, transparency, participation, accountability, public welfare and supremacy of law;

* to act in harmony with neutral service requirements without making religious, language, belief, political view, race, age, handicap or gender discrimination and without allowing behaviors and actions that prevents equal opportunity,

* to serve without receiving gifts from any real or artificial persons, without providing spiritual or material benefit or any other similar benefit ,and without being involving in any kind of private interest expectation,

* not to use or allow others to use public property and sources for purposes other than public services and not to waste any of these materials,

* to be respectful of people's rights to petition, to get information, to complain and to sue; to be interested, kind, careful and respectful to those who are benefiting from public services, colleagues and other parties,

* to do my duty and serve according to the ethical behavior principles and values which are determined by the regulations prepared by the Public Servants Ethical Board.

APPENDIX-2

GENERAL DIRECTOR, EQUIVALENT AND HIGHER RANKING CIVIL SERVANTS THAT ARE COVERED BY THE CIVIL SERVANTS ETHICAL BOARD

- A) in the Turkish National Assembly and Presidential Secretariat General
- General Secretary
 - Deputy General Secretary
 - Members of the State Auditing Commission
- B) 1 — in the Prime Ministry and other Ministries.
- Undersecretary
 - Deputy Undersecretary
 - General Director
 - Chief of the Supervisory Commission
 - Chief of Boards (whose appendix service coefficients are 6400 or above)
 - Governors;
 - District Governors;
 - Ambassadors, Permanent Representatives;
 - Chief Advisor to the Prime Minister;
- 2 — in the affiliated and related offices and institutions:
- Undersecretary;
 - Head of the Supreme Board of High Education (YÖK), Members of the Execution and General Secretary and Head of the Higher Education Council Student Selection and University Placement Center (ÖSYM);
 - Deputy Undersecretary;
 - General Director;
 - Chief of the Supervisory Commission and Chiefs of the other Supervisory Boards;
 - General Secretary and Deputy General Secretaries (whose appendix service coefficients are 6400 or above);
 - Chief (whose appendix service coefficients are 6400 or above);
 - Chairman and Deputy Chairman of Regularity and Supervisory Boards and Commissions;
 - Members of the Board;
 - Deputy Chairman of State Offices and Institutions (whose appendix service coefficients are 6400 or above);
 - General Director of the State Economic Enterprises and its Partnerships;
 - Members of the State Economic Enterprises Executive and Supervisory Board.
- C) in the local administration:
- Metropolitan Mayor;
 - City and District Mayors;
 - General Secretary and Deputy General Secretaries of Metropolitan Municipalities;
 - General Director of Metropolitan Municipality and institutions affiliated to it;
 - Head of Metropolitan Supervisory Commission;
 - Managers of City Municipality and Special Provincial Administrations Unions and Supreme Union Heads;
 - General Directors of Metropolitan Companies, Members of the Executive and Supervisory Boards;
 - Mayors within Metropolitan borders.

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D) in the professional organizations with the qualification of state institution:

- Chief of Executive Board;

- Head of Supreme Unions, Members of the Executive Board and General Secretary.

E) Those who are determined to be in the status of undersecretary, deputy undersecretary and general director in terms of employee personal rights and retirement in the related legislation as part of Law No. 5176, members of the other executive and supervisory boards of the offices and institutions that are within the scope of the Law, as well as other civil servants who are accepted as at least general director or equivalent by taking into account of the qualification of the service that they carry out and the structure of the organization.