

REPUBLIC OF TURKEY
MINISTRY OF CUSTOMS AND TRADE
Ethics Committee

No: 84753556-929 (PDB-DIS2-123-ETIK)

Subject: Code of Ethics and Professional Conduct for the staff of the Ministry of Customs and Trade

21.08.2015

CIRCULAR
(2015/3)

This present Circular regarding the “**Code of Ethics and Professional Conduct**” has been prepared by the Ministry of Customs and Trade by virtue of:

- the Act no. 5176 Governing the Establishment of the Ethics Committee of Public Officials and Amending Certain Acts;
- Regulation on the Code of Ethics and Conduct of Public Officials and the Application Procedures and Principles;
- Arusha Declaration issued by the World Customs Organization in 1993 and subsequently revised in 2003;
- The Code of Conduct for Public Officials issued by Council of Europe in 2000;
- Istanbul Declaration of 2001;
- The Code of Conduct for Law Enforcement Officials dated October, 20th 2007;
- The Ethics Guide issued by the Council of Ethics for Public Officials (November 2009);
- Strategy on the Improvement of Transparency and Reinforcement of Anti-Corruption Efforts (2010-2014).

This Code aims at the clarification of the ethical rules and principles that the public staff are obliged to comply for the execution of the customs and trade-related roles and responsibilities at the central and local levels of the Ministry of Customs and Trade paying due regard to the principles of transparency, impartiality, integrity, accountability and public benefit.

CODE OF ETHICS AND PROFESSIONAL CONDUCT

1. General Principles and Rules

The incumbent ministerial staff at all levels in central, local and overseas organization shall be obliged to;

- a) abide by the Constitution of the Republic of Turkey, laws and international commitments while rendering the public services;
- b) be equipped with sufficient knowledge and skills to perform their tasks;
- c) accurately implement the laws, regulations, decrees and instructions related with their tasks;
- d) fulfill the procedures related with their tasks in a timely and fully manner;
- e) benefit maximally from automation and risk management opportunities for expediting the relevant procedures in the execution of tasks;
- f) fill the gaps of legislation, automation etc. related with their tasks; and request training if necessary;
- g) avoid any form of discrimination on grounds of language, race, color, denomination, sex, disability, political opinion, philosophical belief, ethnic or social origin, while performing their tasks;
- h) avoid to derive any improper personal benefit and not allow others to derive any improper personal benefit by means of the official or confidential information acquired in the course of rendering public service;
- i) avoid the use of public resources for personal purposes, and exercise due diligence for ensuring safeguards against the use of public resources for such purposes;
- j) behave kindly toward the colleagues, traders, customs agents or passengers under the principle of transparency and know their rights and obligations;
- k) comply with the code of ethics and professional conduct issued by the Ministry of Customs and Trade;
- l) act in accordance with the principles of fairness, impartiality, integrity, responsibility, transparency and professionalism bearing in mind the contract of ethics signed by the public officials;
- m) be cognizant of the fact that the image of persons, agencies and the entire nation will be tarnished due to in compliance with ethical principles;
- n) behave in a creditable and reliable manner befitting the staff of the Ministry of Customs and Trade;
- o) act in conformity with public decency and morality;
- p) avoid any involvement in conflict of interest regarding their tasks.

2. Disclosure of the Official Identity

A uniform "Identity Card of the Ministry of Customs and Trade" shall be issued for each staff with a view to facilitating their recognition. The ministerial staff shall disclose their identity to

the interlocutors that they contact with in the course of or in relation to performing their tasks; and shall appropriately reveal their public identities in written correspondence, telephone conversations or face to face interactions. This shall not apply to investigations or undercover assignments that may potentially risk the expected outcomes.

3. Dress Standards and Personal Appearance

The dress and personal appearance of the ministerial staff shall be clean and plain befitting the public service.

4. Compliance with Relevant Legislation and Ethical Principles

4.1. Everyone shall be obliged to abide by the law. The breach of law by ministerial staff may have grave consequences not only in respect of criminal liability, but also of tarnishing the reputation of the Ministry.

4.2. The ministerial staff shall accordingly notify their superiors of the cases where they are expected by others to contravene the ethical principles and applicable legislation.

4.3. Where the ministerial staff are suspicious whether the cases they encounter are conformant with the ethical principles, they shall act by elaborating the issue within the framework of the questions below:

- **From a community point of view:**

Is this behavior of mine ethical?

Does this behavior jeopardize anybody's life, health or security?

Will such behavior be considered a negative manner if it is declared to the public?

Does this behavior have an adverse impact on national economy?

- **From the ministerial point of view:**

Is this behavior of mine legal?

Should I consult with my superior before reacting on this particular issue?

Would my superiors or colleagues act in the same manner if they were faced with the same case?

How will this behavior affect the corporate and national image?

- **From a personal point of view:**

Is this behavior compliant with the ethics contract I have signed as well as the principle of integrity?

Do I feel comfortable while behaving in this manner?

Will my name be tarnished if others learn about this behavior of mine?

Would I approve it if they behaved me this way?

5. Public Relations

5.1. The ministerial staff should behave courteously and respectfully towards their colleagues and all interlocutors.

5.2. In expectation of being treated the same by others, the ministerial staff should display an empathy-driven behavior towards the interlocutors. In serving the community, the staff should never turn a deaf ear to any questions and requests; should avoid to assume an aggressive attitude in case of a dispute and should in no case say unkind words.

5.3. The ministerial staff should act in an objective manner in their relations with the interlocutors.

5.4. The overseas counsellors and other ministerial staff should strictly observe the diplomatic etiquette and act in a courteous manner.

6. Managerial Responsibilities

6.1. The managerial staff shall hold the main responsibility to identify and remove the weaknesses of the staff in relation to ethical principles. The entire measures including training should be taken with a view to remove such weaknesses.

- 6.2. The managerial staff must initiate legal proceedings regarding the staff that acted in breach of the legislation and ethical principles. The managerial staff acting reluctantly in taking necessary measures shall also be held responsible for such breach.
- 6.3. The managerial staff should act in a transparent manner towards the citizens receiving public service from the Ministry.
- 6.4. While imposing a penalty, a causal link should be established between the offence and the penalty; and the principle of reasonableness and proportionality should accordingly be considered.

7. The Responsibilities of Employees

- 7.1. The employees should not share their personal requests, complaints and problems with other agencies and institutions or other persons; and must seek a solution directly at the ministerial level.
- 7.2. The employees should not interpose an intermediary; write a false letter or petition or receive medical report against the staff policies of the Ministry based on appointment and relocation.
- 7.3. The employees shall pay strict attention to avoid to bring forward the fictitious yet inherently attractive issues at various environments as services, meetings and phone conversations. The staff violating this rule should be warned and such employees should also be neglected.
- 7.4. The employees may not, directly or through the mediation of others, ask for or borrow money from any employers or persons engaged in business relationship with the Ministry. The superiors may not ask for or borrow money from the subordinates.
- 7.5. The employees shall display utmost attention to effectively use the official documents, public equipment and similar tools and goods with economic value solely for official purposes and only for allowed activities. The use of these by employees for personal purposes shall be strictly prohibited.

The employees shall take necessary measures to ensure the safety of the official documents, cyphers, equipment and similar tools and goods with economic value, and shall return these when their task expires.

- 7.6. While rendering services to the former employees in relation to their task, the employees should consider the principles of fairness and equality and should avoid to behave unjustly toward the other persons utilizing from such services.
- 7.7. While fulfilling their task, the employees should not go beyond their authority and should therefore avoid to make explanations and assume commitments, promises or

initiatives that might be binding on the Ministry, and should not issue false or deceptive statements.

- 7.8. When they come into contact with third persons in the workplace or anywhere else, the employees should avoid to speak out against the Ministry or ministerial staff.
- 7.9. The employees should be aware of their obligation to submit a declaration of their assets in a timely, effective and accurate manner pursuant to the provisions of the Act on Submission of the Declaration of Assets and Anti-Smuggling and Bribery no. 3628 governing the real and personal property, debits and credits of themselves, their spouses and children under their custody.

8. Expectations from the Interlocutors

Those persons (interlocutors) coming into contact with the ministerial staff should behave in conformity with general code of conduct and principle of integrity and should display utmost attention not to make requests or behave in a manner to urge the ministerial staff to violate the ethical rules.

9. Complaints regarding the Ministry of the Ministerial Staff

- 9.1. The complaints raised against the administrative procedures or the staff should be rapidly assessed and concluded in an effective and impartial manner.
- 9.2. Considering the fact that the complaints, applications and notices are sometimes written anonymously or with the name of unreal persons or using the name of others; that the information cited in such letters may have a nature of allegation and calumny; that certain letters are conveyed and distributed repetitively to various public agencies from top executive level to bottom; that these letters may sometimes be written to defame the persons making no concessions of ethics and integrity and sometimes due to conflict of interest and even sometimes for leaving the impression as though they were written by third persons; such complaints, application and notices should be meticulously reviewed and assessed.
- 9.3. Judicial and administrative investigation shall be launched regarding the complainants that have made false allegations and calumniated the public officials (determined as a result of the inquiry) with an ultimate view of preventing the complaints (against the ministerial staff) with a false allegation or calumny nature.

10. Gifts and Invitations

- 10.1. Any goods and interests that affect or have the potential to affect the impartiality, performance, decision or execution of the functions of the public officials; that have or not have any economic value and that have directly or indirectly been received, shall be subject to the prohibition of receiving gifts.

- 10.2. It is essential that the ministerial staff not receive gifts; not be given gifts and not gain advantages by professional misconduct. The ministerial staff should particularly avoid receiving gifts even the value of the gifts is low and even there is no intention of gaining advantage.
- 10.3. Furthermore, Article 15 of the Regulation on the Code of Ethics and Conduct of Public Officials and the Application Procedures and Principles governs the proceedings relating to the gifts that may or may not be received by the public officials. For instance, the donations, books, journals, CDs allocated to public service and given on condition of announcement to the public, the gifts and awards given during competitions, meetings and seminars etc. and the debts and loans received from finance institutions at prices lower than market conditions shall not be covered by this prohibition.
- 10.4. The welcoming, farewell and celebration gifts; scholarships; travel, accommodation and gift cards as well as any purchasing, selling and renting procedures at unreasonably low prices; and any commodities, garments, jewelries and food stuff and debts and loans that may potentially be received from the persons benefitting from public service in contact with the public officials shall be prohibited.
- 10.5. The ministerial staff may not accept any offerings of an immodest and continuous nature and quantity that violate the etiquette and constraint the public officials to go beyond the limits of their public duty to give a reciprocal gift.
- 10.6. The Directors General, their equivalents or superiors shall, without expecting any due notice, notify (by the end of every January) the Ethics Committee of the Ministry to convey to the Council of Ethics for Public Officials (Office of the Prime Minister) the list of the diplomatic, courtesy and protocol gifts they received as well as the gifts received on behalf of the Ministry pursuant to Article 15 of the Regulation on the Code of Ethics and Conduct of Public Officials and the Application Procedures and Principles.

11. Expected Behavior from a Public Official When Offered A Bribe

- 11.1. The employees must reject any bribery as a requirement of the criteria of individual and social corporate responsibilities.
- 11.2. The persons offering bribes must be identified and be included within the category of the risky persons tarnishing the corporate image and contributing to corruption.
- 11.3. Faced with demands of privileged treatment or favoritism in return for bribery, the staff should keep calm, think carefully and take the following steps to defend themselves:

Step 1: Determine the identity of the person offering the bribe and the reason for offering bribe

- Receive the identity card of the person offering the bribe or at least bear in mind sufficient information about that person. You may identify that person at a further ID inquiry.
- Try to learn the reason for offering bribery as it may be used as proof in future investigations.

Step 2: Reject the Bribe Offers

- Reject the bribe offers since the acceptance of bribes as a proof for using against the person offering the bribe at judicial proceedings (before notifying the matter to your superior and Chief Prosecutor) may further render all parties responsible.
- Avoid having long conversations on the bribe offers; keep calm and speak reasonably and succinctly.
- In case you are forced to receive bribes (e.g. if the person leaves the bribe and runs away) you may have to keep the item left for bribery purposes. In such a case, try, as much as it is possible, not to touch the money or gift or the package of this item. Therefore, write minutes regarding the item left; and follow the next steps.

Step 3: Find witnesses, if possible.

- In the presence of the person who offered bribery, tell your colleagues that you were offered bribe; and make sure that they witness the attempted bribery.

Step 4: Identify and document the attempted bribery

- Identify any attempted bribery and keep the relevant documentation of such attempts.
- Protect yourself against any potential future claims that you were actually the one who intended for or demanded bribe.

Step 5: Refer the issue to the Prosecutor's Office directly or through your superior

- Notify the Prosecutor's Office of the bribe offers directly or through your superior. This notification should be abruptly made with a view to preventing any potential adverse claims against you.
- Carry on fulfilling your public duty (especially the part of your duty related with the offer of bribe) pursuant to the laws and legislation.

12. Confidential Information

- 12.1. In executing their public duties, the ministerial staff may not disclose the confidential information without the consent of the relevant persons or competent

authorities. The prohibition on the disclosure of confidential information shall survive the termination of the employment of staff for any reason. Legal provisions relating to data protection or submission of confidential information to relevant authorities due to court rulings shall not be included within this provision.

12.2. In executing their public duties, the ministerial staff may not disclose the secrets and other issues that must be kept confidential of the declarants and personalities, proceedings and accounts, businesses, assets, professions of the persons related with the declarants; and may not use such secrets or confidential information for the benefit of third persons. The prohibition on the disclosure of confidential information shall survive the termination of the employment of the ministerial staff for any reason.

12.3. The ministerial staff may not share through social media, any information and documentation that may jeopardize confidentiality and safety, and may not make any statements through the social media that may potentially damage the reputation and dignity of the Ministry.

13. Political and Similar Activities

With a view to abiding by the principle of impartiality, the ministerial staff may never make or be involved in political or ideological statements or actions. The staff may therefore not make any unauthorized statements or comments to the press and the public regarding the general policies and practices of the Ministry.

14. Working Environment

14.1. The ministerial staff, their superiors and subordinates and other staff and the persons receiving public service should courteously and respectfully behave toward one another.

14.2. Any conducts and behaviors that may be considered as psychological harassment or mobbing should be avoided.

14.3. In rendering their public services, the ministerial staff should avoid any discrimination against their colleagues and the persons receiving public service, on ground of race, color, faith, ethnic origin, sex, age, disability, sexual orientation, marital status or any other discriminatory factor.

14.4. The ministerial staff should display utmost attention to ensure the protection of privacy and should avoid making comments on the personal lives of their colleagues. Furthermore, only the files relating to the functions of the staff, prepared pursuant to the laws, should be kept and stored.

15. Implementing Provisions

15.1 The Ministry of Customs and Trade shall be authorized to interpret and remove any hesitations and reluctance in the implementation of this present Circular.

15.2. In accordance with the provisions of the relevant legislation, disciplinary and/or penal proceedings and legal action shall be initiated against the ministerial staff contravening the ethical principles.

15.3. Since compliance with the code of professional conduct is of utmost importance, the Ministry should scrupulously monitor the compliance with the code and should accordingly take measures to motivate and encourage the employees to behave in a compliant manner.

15.4. The Circular on the Code of Ethics and Professional Conduct for Customs Staff” of the Ethics Commission of the defunct Undersecretary of Customs no. 2010/2 (announced to the entire organization under the letters dated June 3rd, 2010 and no. 7066, 7069 and 7081) shall be hereby repealed.

Please be kindly acknowledged.

Nurettin Canikli

Minister

