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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TURKEY

LAW N°2860¹

LAW ON COLLECTION OF AID

¹ *Non-official translation*

LAW ON COLLECTION OF AID

Law No: 2860

~~Date of Enactment : June 23, 1983~~

~~Official Gazette : Date: June 25, 1983 Number: 18088~~

~~Code of Laws: Array: 5 Volume: 22 Page: 43~~

Methods of Collection of Aid

Article 5 – In accordance with this Law, persons and entities entitled to collect aid may do so by means of issuing receipts, collecting boxes, bank accounts, printing charity stamps, organizing raffles, cultural events, exhibitions, sports events, shows and trips or by means of using systems subjecting information to automatic or electronic operation².

One or more of the abovementioned methods may be used in aid collection activities.

The purpose of the aid collection shall be indicated in the receipts and tickets used in aid collection activities.

Receipts and tickets printed specifically for aid collection shall be used for the aid collection activities performed by real persons.

The principles to the form, printing, usage and distribution of receipts and tickets shall be set forth in a regulation to be issued for such purpose.

Requirement to obtain authorization

Article 6 – No person or entity may collect aid without obtaining the authorization of the competent authority. The President shall determine and announce which institutions and foundations may collect aid for the public benefit without obtaining such authorization.

Security forces shall immediately prohibit the aid collection activities engaged without the required authorization and the offenders shall be prosecuted.

In cases where it is detected that unauthorized aid collection activity is conducted through internet, the relevant governorship or Ministry of Interior shall notify the content and/or hosting service provider through an e-mail or other means of communication based on the information obtained from contact information specified on websites, domain name, IP address and similar sources to ensure that the content and/or hosting service provider removes the content on aid collection. In cases where the content is not removed by the content and/or hosting service provider within 24 hours, or any information on the content or hosting service provider cannot be obtained or the content or hosting service provider cannot be notified due to technical reasons, the relevant governorship or the Ministry of Interior shall apply to Criminal Judicature of Peace to obtain a decision to block access to relevant content on the internet. The judge shall make a decision about the request within 24 hours at the latest without holding any hearings and shall forward the decision directly to Information Technologies and Communications Authority so that the said Authority can take necessary action. The decision can be objected pursuant to provisions of Criminal Procedure Law No. 5271 of 04/12/2004. Access-blocking decision within the scope of this Paragraph shall be made by blocking access to content (URL, etc.)

² The expression of "or by way of using systems subjecting information to automatic or electronic operation" is inserted as per Article 38 of the Law numbered 5253 and dated November 4, 2004.

Evaluation of applications and authorization

Article 9 – Upon receipt of an application petition, the relevant competent authority shall evaluate the application in terms of the importance of the work to be performed, the capacities of those to engage in such aid collection activities, the suitability of the services for purposes indicated or for the public benefit, the likely success of the proposed aid collection activities, and any other relevant matters; and shall give its response to applicants within two months of receipt of the relevant application.

The principles and procedures for aids to be made domestically and to abroad shall be arranged through a Regulation.

Auditing of activities

Article 16 – The competent authority which has granted the authorization of the aid collection activity shall be liable for supervising and auditing the aid collection activities to determine whether net revenue generated from such aid collection activities are used in accordance with the purpose of such activities.

The competent authority shall assign a sufficient number of auditors, comprising civil servants or external advisers, and shall inform any interested parties.

Those assigned for audit and competent authorities shall be mandated to request information and documents, within the scope of audit duty, from persons involved in collection of aid, public organisations and institutions, natural and legal persons including banks. The requested parties cannot refrain from providing the relevant information and documents based on the provisions specified in special laws.

In the event that authorization is granted for aid collection activities for the purposes of restoration of historical buildings and monuments, the General Directorate of Foundations or the Ministry of Culture and Tourism may also conduct an audit at its discretion.

Penalties

Article 29

An administrative fine from five thousand Turkish Liras up to one hundred thousand Turkish Liras shall be imposed on persons or entities collecting aid in violation of the provisions of this Law. An administrative fine from ten thousand Turkish Liras up to two hundred thousand Turkish Liras shall be imposed in cases where the aid is collected through internet without authorization.

An administrative fine of five thousand Turkish Liras shall be imposed on persons or entities who provide facilities or venues for unauthorized aid collection in cases where they do not terminate such activity despite being warned.

An administrative fine from five thousand Turkish Liras up to one hundred thousand Turkish Liras shall be imposed on responsible board members in cases where foreign aid is provided in violation of the authorization granted pursuant to Article 9 of this Law.

An administrative fine from five thousand Turkish liras up to twenty thousand Turkish liras shall be imposed on those violating Paragraph (3) of Article 16 of this Law. However, in the event that this violation occurs within the body of a public institution, disciplinary action shall be taken under relevant legislation against those who work in the relevant public institution, regardless of their employment type, upon the notification to be made by the authority authorized pursuant to Paragraph 9, and the result shall be notified to the competent authority.

An administrative fine from five thousand Turkish liras up to twenty thousand Turkish liras shall be imposed on those who do not terminate collecting aid without authorization according to other aid collection methods specified in Article 5, apart from the authorized method, despite being warned.

An administrative fine from five thousand Turkish Liras up to twenty thousand Turkish liras shall be imposed on any persons or entities carrying out aid collection activities outside of a permitted venue in cases where they do not terminate such activity despite being warned.

An administrative fine of **one thousand** Turkish Liras shall be imposed on any persons or entities who violate other provisions of this Law, provided that their acts do not constitute a crime. Money and goods collected in violation of the above paragraphs shall be seized and confiscated. **The authority granting authorization for aid collection** shall decide on the administrative sanctions regulated in this Article. **The governor shall decide on administrative sanctions in case of unauthorized collection of aid. The Governor may delegate this power to deputy governors or district governors.**