

FIFTH SECTION

Supervision and Measures in Capital Markets

FIRST CHAPTER

Supervision, Search and Seizure

The supervision activity and supervision authorities

ARTICLE 88 – (1) Professional staff shall be authorised for the application of the provisions of this Law and other laws concerning the capital market and the supervision of all kinds of capital market activities and transactions. This authority shall be exercised by the professional staff assigned by the Chairman of the Board.

(2) The Board shall determine the principles of materiality and priority, the criteria to be considered in risk evaluation and codes of practice related to supervision activities. The supervision activity shall be conducted in accordance with the program to be prepared by the Chairman of the Board in the context of the principles of materiality and priority as well as risk evaluations. The Chairman of the Board may get non-scheduled supervision executed out of the prepared program when he/she deems it necessary.

The execution of the supervision activity

ARTICLE 89 – (1) The supervision shall comprise the activities and transactions of all institutions and organisations and other related real persons and legal entities within the scope of this Law concerning the provisions of this Law and other relevant legislation related to capital market. The staff assigned with supervision is authorised to request from the related real persons and legal entities information and documents they may deem as relevant to the provisions of this Law and other relevant legislation related to capital markets; to examine all the books and documents including the records kept for tax purposes, and all records including that kept electronically and miscellaneous means that contain information, and information systems; to request access to these systems and obtain the copies; to audit their accounts and transactions; to acquire written and verbal information from the relevant persons; to draw up the necessary minutes.

(2) The relevant persons are obliged to fulfill the requests of those assigned with supervision mentioned in the first paragraph, and to sign the minutes. In cases where they refrain from signing, the reasons of this shall be clearly mentioned in the minute.

(3) Upon the request of the Chairman of the Board and the decision of the judge of the criminal court of peace, a search may be carried out with the help of police forces in required locations. The books and documents found during the searches and required to be examined shall be identified with a detailed minute and in cases when on-site examination is not possible, they shall be protected and sent to the work place of the person making the examination.

Confidentiality and Secrecy

ARTICLE 90 – (1) Real persons and legal entities from whom information is requested within the framework of the first and second paragraphs of Article 89 shall not refrain from giving information by claiming the confidentiality and secrecy provisions existing in this Law and special Laws.

(2) Persons subject to examination as well as real persons and legal entities including public institutions that have been requested information and documents concerning the event and matter, are obliged to keep the presence and nature of the examination as a secret.