

## **THE LEGISLATION ON THE PROTECTION OF TURKEY'S COMMERCIAL RIGHTS**

The legislation on the protection of Turkey's commercial rights, which came into effect on December 31 1995, provides a mechanism for Turkish firms and industries to act against trade barriers affecting their access to the market of other country or countries, by requesting the Directorate General to act internationally to obtain enforcement of international rules.

### **Obstacles to Trade**

A wide range of trade barriers is covered by the legislation. It includes those trade practices adopted and maintained by other countries in respect of which international trade rules establish a right of action.

### **Adverse Trade Effects**

Adverse trade effects described as effects which an obstacle to trade causes or threatens to cause, in respect of a product or service, to Turkish enterprises on the market of another country, and which have a material impact on the Turkish economy or on economic activities of a sector therein.

### **Complaint and Examination**

Complaints or requests for preliminary examination are forwarded to the Directorate General for Imports in writing giving details of the obstacle to trade that have an effect on the Turkish market. Once the Directorate General has received the complaint, it will conduct a preliminary examination within 45 days and present its proposal to the Committee for the Evaluation of Turkey's Commercial Rights on whether not to initiate an examination.

If the Committee decides to initiate an examination, this decision is published in the Official Gazette and the representative of the country or countries responsible for the alleged trade barrier, are notified.

The examination covers the trade barrier itself and also the injury or adverse trade effects arising from the measure. The Directorate General seeks out the information it believes is necessary and attempt to verify it.

Interested parties may inspect the information available to the Directorate General and ask for further details of the main facts and considerations resulting from the examination.

The Directorate General normally report on the conclusions of its examination within five months from initiation of the procedure, but may extend this period for a further two months if necessary.

### **Outcome of the Examination**

The ultimate aim of the legislation is the elimination of trade barriers. When the other country or countries have adopted measures that appear to be satisfactory, the examination may be suspended and the implementation of the other country is supervised.

When it appears that the best way of resolving the dispute is a bilateral agreement, the procedure is suspended and the negotiations are carried out.

Where no solution has proved possible with the other country concerned the Undersecretariat takes action at an international level, bringing a case under appropriate international dispute settlement mechanisms.

When these ways are not sufficient for removal of the trade barriers, after the evaluation of the results of the examination, some trade measures may be adopted that are not in violation with the existing international obligations. Possible measures include:

- Suspension or withdrawal of trade concessions
- Imposition of quotas and
- Other measures to modify import or export conditions.